

Record of Proceedings

Regular Council Meeting

June 14, 2018

Presiding Officer, Mayor Joseph Migliorini called the June 14 regular meeting to order at 7:30 p.m.

Present: Mayor Joseph Migliorini and Council members' Kevin Bilkie, Jessica Brandt, Nick Molnar, Jan Tulley and Vini J. Ventura; Law Director Mark Guidetti and Council Clerk Josephine Arceci.

Absent:

PLEDGE OF ALLEGIANCE & INVOCATION by City Chaplin Commander Tom O'Brien, Nordonia Hills American Legion 801.

MINUTES Mr. Molnar moved, Mr. Ventura seconded and motion carried unanimously on a voice vote to approve the minutes of regular meeting of May 24 2018.

FINANCIAL REPORT Ms. Tulley moved, Mr. Ventura seconded and motion carried unanimously on a voice vote acknowledging receipt of Financial Report dated May 31, 2018.

PROCLAMATIONS

- Embracing Diversity Day, India Festival July 14, 2018

Proclamation supporting first India Festival in Macedonia on July 14, 2018 from 1pm to 8pm on the grounds of St. Gregarious Orthodox Church 1252 E. Aurora Road. Several members of the St. Gregorius were present to accept Mayor Migliorini's proclamation.

- Prostate Cancer Awareness

Proclamation encouraging male residents of Macedonia to be screened for prostate cancer given prostate cancer is the most commonly diagnosed cancer in American and the third leading cause of cancer death following lung and colon cancer.

PUBLIC COMMENTS

~**Mark Porter, attorney, 1180 Bell Road, Suite 5, South Russell, Ohio** representing Macedonia resident Kurt Laubinger, 282 Ledge Road stated that the Laubinger property at one time was used for the family business, wholesale flowers. There were greenhouses and a warehouse. The greenhouse no longer exists however a warehouse built in 1976 still remains. Attorney Porter said this warehouse is the reason for tonight's visit before Council. Attorney Porter explained that the warehouse has been modified numerous times over the years always with proper documentation and the approval of Macedonia's building department. The warehouse is currently divided into three distinct operating spaces and each space has been leased to different tenants over the years. The newest tenant; a printing company recently signed a five year, \$1,800 per month contract with Mr. Laubinger regarding the middle space of the building. Mr. Porter stated when the new tenant submitted an occupancy request to the building

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department Mr. Laubinger was surprised to learn that the zoning inspector denied tenant's request because the property is now considered residential zoning. Mr. Laubinger's concern Mr. Porter stated and rightly so the warehouse is rendered useless if classified R-1 district. Mr. Porter stated Macedonia C.O. §1173.03 is clear in that it allows, it grandfathers continuation of existing uses/conditional uses. Mr. Porter doesn't understand therefore why the building department would state otherwise. Mr. Porter added that he serves a member of Council for the village of So. Russell so he understands how sometimes information can get misconstrued.

Mayor Migliorini asked Mr. Porter if there was a time the warehouse was not occupied to which Mr. Porter answered no the warehouse has been used unabated for commercial purposes since 1976. Mr. Porter said the printing tenant did not move into the space right away because the tenant needed time to make modifications for the equipment.

Law Director Guidetti interjected that he will be discussing and resolving the matter with Mr. Porter.

~**Cathy Loya, 9186 North Bedford Road** stated, "I would like to talk about the forgotten problem of Macedonia –stormwater. Please recall that in October 2017, representatives from NEORSD made a presentation to the City regarding the Regional Stormwater Management Program. It was indicated in this presentation that Stormwater Master Plan (SWMP) recommendations for Phase I for Indian Creek through NEORSD's study would be made first quarter of 2018. Well, that has come and gone. Here is the update that I received on June 11, 2018, when talking with Ms. Webb at NEORSD: Please note, that there is no further update on the study from when I spoke with Ms. Webb on April 27, 2018 (still past the first quarter deadline initially given). I was told in my phone call with Ms. Webb that it is the goal of NEORSD to have the SWMP closed in November 2018. Further, the goal is for projects from this SWMP to be nominated for the 2019 Stormwater Construction Plan. Please note that this is just a nomination process, there is no guarantee that projects will be worked on. To reiterate, there is no update on the progress of this SWMP from NEORSD. Maybe in November of 2018 there will be information. Please note that this study began in the summer of 2016. Please also note that the City of Macedonia paid \$50,000 for a study that GPD completed and turned over to the City in January 2016, which of course was only one of many studies done throughout the years. Please also note that either I or my husband has been coming to the City with our stormwater issues since the summer of 2006. And yet no action can be taken because I am told to wait for study results. I had asked on January 11, 2018, the following (and I quote): 'I implore this Council and this administration to stay on top of NEORSD regarding this stormwater master plan. The layers and layers of bureaucracy involved with NEORSD are exhausting. Molasses on a cold January day can flow faster. Please stay on this organization since this City no longer wishes to accept responsibility for stormwater in the North Bedford and Ledge area. I think that this is the least that this City can do for my husband and I as the City refuses to do anything else' Yet, again, the City of Macedonia cannot deliver by staying on this organization when it comes to the completion of this latest and greatest study- or even getting an inkling of information about what is being recommended thus far. I do the follow up with NEORSD myself because I know that I cannot count on my City to follow through. Stormwater is always forgotten about in Macedonia until a rain event occurs. Through social media when photos and videos are posted, only then does the City react. I refuse to use social media in this manner because I believe it is not the proper platform to work with local government on an issue. I

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believe that discussing issues with local government officials in person is the proper platform and channel for things to be addressed. North Bedford and Ledge Road have been forgotten about for decades. 9186 North Bedford is the ultimate forgotten property in the City of Macedonia because it has been well-documented over the decades the damage sustained to this property. I will remind the City that this property, my property, was upgraded by FEMA to an AE Flood Zone in 2009 when the maps were redrawn. For going on 8 years now, we just pay and pay and pay for insurance for the property. Now, of course, we are being told by FEMA to expect a 15% to 18% per year rate increases on the insurance. So at least FEMA is paying attention to 9186 North Bedford Road. I am also interested in the City's plans for our money being held by NEORS D through their Community Cost Share Program. Please do not forget about this money as this City tends to forget about stormwater so easily. We are all mandated to pay a stormwater fee to NEORS D; an organization in which we have zero representation. No Summit County members, only Cuyahoga County members sit on decision-making boards which is why I am so pessimistic about NEORS D doing anything for my property. Through the Community Cost Share Program with NEORS D, please remember that this is our money. While this City ignores my problem and no longer accepts responsibility for the mess created over decades of neglect, please make plans for the use of this money finally to address other long-term stormwater issues within Macedonia.”

Mayor Migliorini told Ms. Loya her problem has not been forgotten. Macedonia is overwhelmed by stormwater issues. Stormwater is probably the foremost challenge Macedonia faces Mayor Migliorini added.

Councilor Tulley suggested NEORS D should be pressured into meeting with Council again regardless of the updated timetable for which Ms. Loya informed Council. Ms. Tulley said the City needs to be vigilant and remain vocal until action is taken. Continually studying the problem has to stop and action has to be taken she added.

Councilor Brandt apologized to Ms. Loya for how long she has been waiting for resolution and for what Ms. Brandt described as her own lack of responsiveness or follow through with regard to Ms. Loya. Ms. Brandt fears however forcing another meeting will not produce desired results. Ms. Brandt fears NEORS D officials would just send Ms. Webb to represent NEORS D in subsequent discussions and while Ms. Webb has been instrumental as a contact/liaison between the City and NEORS D she is not the individual(s) who is truly responsible for affecting remedy. Regarding cost share program NEORS D has with Macedonia Ms. Brandt asked for some clarification to which Law Director Guidetti explained the portion of the fees collected by NEORS D is held for use by Macedonia’s for stormwater related issues. The stormwater project Macedonia choose to pursue must be approved by NEORS D Mr. Guidetti added

Council President Molnar suggested legal pressure be applied because the process has taken far too long.

Ms. Loya thanked Council for at least discussing the matter this evening.

~**Sylvia Hanneken, 1033 Hampton Court**, stated in her opinion residents will not support another quarter percent tax increase given residents just approved a tax increase in 2017. Ms. Hanneken said the perception amongst the community is the 2017 tax increase was earmarked for road improvement but that is not true. The use of the revenue as defined by Ordinance No. 11-2017 is in much broader scope Ms. Hanneken added. Ms. Hanneken feels since the City is realizing a dramatic increase in revenue and

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therefore additional revenue, the result of increasing the tax rate again, is unwarranted. Ms. Hanneken continued by expounding on a variety of statistical information she extrapolated from a variety of sources which she said pertained to Macedonia as well as other communities around the state. Ms. Hanneken opined Council and the administration should direct their focus on long term results within the current revenue level without continually asking residents for additional money. Ms. Hanneken feels Council should respect those residents who do not want another income tax increase.

Councilors Tulley and Brandt told Ms. Hanneken she didn't address the tax credit offered residents which thereby kept the effective rate of the tax at 2%.

Councilor Brandt told Ms. Hanneken she introduced facts and figures that were not germane to Macedonia's situation. Ms. Hanneken just twisted and manipulated stats to create confusion. Ms. Brandt added tax revenue did in fact increase because the tax rate increased. But the new revenue is not discretionary. The new revenue is earmarked for the road improvements which Ms. Hanneken clearly understands.

Council President Molnar interjected in his opinion Ms. Hanneken's commentary was intended to be illogical. The real issue Mr. Molnar stated, for which Ms. Hanneken provides no suggestion, just confusion he said, is finding a solution to Macedonia's safety concerns regarding the departments of fire, police and service.

Finance Director Hall reiterated that the tax increase to 2.25% in 2017 is not a true increase for many residents because residents can apply for a tax credit of a quarter percent keeping the effective tax rate they pay at 2%.

INTRODUCTION, READINGS & ADOPTION OF LEGISLATION

Ms. Brandt moved, Mr. Molnar seconded and motion carried unanimously on a voice vote **to take off the table ORD.NO. 2-2018: AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF MACEDONIA A PROPOSED AMENDMENT TO SECTION 3.03 OF THE CHARTER RELATIVE TO THE MAYOR'S LEGISLATIVE POWERS** [*First reading 01-11-18; Tabled 1-25-18*];

Ms. Brandt **offered ORD.NO. 2-2018 for its second reading by title only.** Second not required.

Ms. Brandt moved, Mr. Molnar seconded and motion carried unanimously on a voice vote **to take off the table ORD. NO. 3 – 2018: AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF MACEDONIA A PROPOSED AMENDMENT TO SECTIONS 4.01 AND 4.02 OF THE CHARTER RELATIVE TO LEGISLATIVE AUTHORITY AND COMPOSITION OF COUNCIL** [*First reading 01-11-18; Tabled 1-25-18*];

Ms. Brandt **offered ORD.NO. 3- 2018 for its second reading by title only.** Second not required

Ms. Brandt moved, Mr. Molnar seconded and motion carried unanimously on a voice vote **to take off the table ORD. NO. 4 – 2018: AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS**

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OF THE CITY OF MACEDONIA A PROPOSED AMENDMENT TO SECTION 4.13 OF THE CHARTER RELATIVE TO THE CONDUCT OF COUNCIL MEMBERS [*First reading 01-11-18; Tabled 1-25-18*]

Ms. Brandt **offered ORD.NO. 4- 2018 for its second reading by title only**. Second not required

Ms. Brandt moved, Mr. Molnar seconded and motion carried unanimously on a voice vote **to take off the table ORD. NO. 5 – 2018** AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF MACEDONIA A PROPOSED AMENDMENT TO SECTION 10.01 OF THE CHARTER REGARDING THE COMPOSITION OF THE PLANNING AND ZONING COMMISSION [*First reading 01-11-18; Tabled 1-25-18*]

Ms. Brandt **offered ORD.NO. 5- 2018 for its second reading by title only**. Second not required

ORD. NO. 66 -2018

AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF HRE CITY OF MACEDONIA A PROPOSED AMENDMENT TO VARIOUS SECTIONS OF THE CHARTER RELATIVE TO COUNCIL CONSIDERATION TO EXECUTIVE ACTION was **offered** by Ms. Brandt for its **second reading by title only**. Second not required.

ORD.NO. 67-2018

AN ORDINANCE CONFIRMING THE APPOINTMENT OF THE MAYOR OF NINO MONACO TO THE POSITION OF FULL-TIME BUILDING COMMISSIONER was **offered** by Mr. Molnar and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Ventura carried unanimously on a voice vote.

Mr. Molnar moved, Mr. Ventura seconded, motion carried unanimously on a voice vote **to adopt ORD. NO. 67-2018** and post according to law. **ORD. NO. 67-2018 declared adopted.**

Relative to ORD. NO. 67-2018, Mr. Monaco thanked the administration and Council for his appointment. Mr. Monaco holds numerous certifications in the building and electrical.

Mayor Migliorini interjected that today it is difficult to find one individual who holds as many certifications as Mr. Monaco. Mr. Monaco is also plans examiner Mayor Migliorni, which means the Macedonia will no longer have to contract this service.

ORD.NO. 68-2018

AN ORDINANCE AUTHORIZIG AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH CRYSTAL CLEAR BUILDING SERVICES, INC., FOR PROFESSIONAL CLEANING SERVICES FOR THE CITY OF MACEDONIA FAMILY RECREATION CENTER was **offered** by Ms. Brandt and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Ventura carried unanimously on a voice vote.

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Ms. Brandt moved, Mr. Ventura seconded, motion carried unanimously on a voice vote **to adopt ORD. NO. 68-2018** and post according to law. **ORD. NO. 68-2018 declared adopted.**

ORD.NO. 69-2018

AN EMERGENCY ORDINANCE AMENDING SECTIONS 182.01(B), 182.03, AND 182.04(A) OF THE CODIFIED ORDINANCES OF THE CITY OF MACEDONIA, OHIO, IN ORDER TO INCREASE THE CITY'S INCOME TAX RATE BY ONE-QUARTER PERCENT (1/4%) STARTING ON JANUARY 1, 2019 AND CONTINUING THEREAFTER; AND SUBMITTING THE SAME TO THE ELECTORS ON NOVEMBER 6, 2018 was **offered** by Ms. Tulley for its **first reading by title only**.

Second not required

RES.NO. 70-2018

AN ORDINANCE AUTHORIZING THE DISPOSITION OF CERTAIN MUNICIPAL PROPERTY BY THE CITY OF MACEDONIA POLICE DEPARTMENT IN ACCORDANCE WITH OHIO REVISED CODED SECTION 721.15. was **offered** by Mr. Ventura and moved Council waive the requirement that it be read by title on three different days, instructing the Clerk to read it by **title only for all three readings**. Second by Mr. Molnar carried unanimously on a voice vote.

Mr. Ventura moved, Mr. Molnar seconded, motion carried unanimously on a voice vote **to adopt RES. NO. 70-2018** and post according to law. **RES. NO. 70-2018 declared adopted.**

MOTIONS AND/OR OTHER LEGISLATIVE ACTION

~ Ms. Tulley moved Mr. Molnar seconded and motion carried unanimously on a voice vote authorizing the Longwood Manor Historical Society to accept on behalf of the city of Macedonia a donation of \$200.00 in coupons from Home Depot, Macedonia for purchases at Home Depot to be used for the Manor House and a \$50.00 from Century Homes.

CORRESPONDENCE None

MAYOR'S REPORT

~Mayor Migliorini reported he was part of conference call today regarding Macedonia's Moody rating. Macedonia's rating is currently AA3, the fourth highest rating. The lower the rating the better for a municipality because a lower rating helps lower the rate of interest a community pays for bonds and other financial instruments. If for example the Mayor explained had Macedonia's rating been better Macedonia would have saved \$52,000 in interest over the life the \$9.3 million bond taken for the road projects. Based on what the Mayor gleaned from the conference he said Moody's is unlikely to lower Macedonia's rating due to what Moody perceives as negativity within the community.

COMMITTEE REPORTS:

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Parks & Recreation Commission Councilor Brandt reported the commission discussed using the grindings from this year's road project for the oval field on the north side of Longwood Park east of the Manor House. The original plan for Longwood Park did indicate a hard covered surface in this spot for parking area Ms. Brandt added. . In as much as the oval and this area of the park is the most unattractive view to west bound traffic it was suggested that the area that mounding be created. As funds become available, trees would be added to the mound Ms. Brandt added.

Northfield-Macedonia Cemetery Board Councilor Tulley reported a tentative board meeting has been scheduled for Monday July 23rd at 6p.m. Board meeting are held at the cemetery's chapel.

Longwood Manor Historical Society Council Brandt reported on behalf of John Cassmer, president of the Longwood Manor Historical Society that the LMHS's monthly open house of the Manor House is Sunday, June 24th from 1 to 4pm.

DEPARTMENT REPORTS:

Service Department Director Hnottavange was not present.

Building Commissioner

Engineer Mr. Gigliotti was not present.

Recreation Department Ms. Manley reported the weather during this year's Spirit of Macedonia Fun Fest was less than cooperative. However the Fest finished strong because good ride sales and generous sponsorships. Ms. Manly extended particular thanks to City Tire Pros for their sponsorship of \$5,000. Ms. Manley also expressed kudos to Councilor Tulley and newly appointed Chief Building Commissioner Monaco for participating in this year's 5K Run. Ms. Manley reported Macedonia's Annual Fishing Day at Longwood Lake is Saturday, June 16th. Registration for the two slot time event, funded by a grant is required. Ms. Manley also reported Macedonia's Annual City-Wide Garage sale is June 23-24. Residents wishing to participate while remaining at the residences need only inform the Rec Center and their address will be appear on a master list along with other sellers.

Mayor Migliorini interjected upgrades to the Recreation Center are on schedule and within budget.

Council President Molnar thanked Ms. Manley for her time and leadership during this year's Spirit of Macedonia Fun Fest.

Finance Department Director Hall reported the Ohio Department of Taxation (ODT) informed her that their report relative ODT's collection of Macedonia's net profit tax takes 60-90 days to generate. The City received the first of two annual distributions it will receive from ODT in the amount \$5200. That in mind R.I.T.A estimates Macedonia will lose about \$123,000 from net profit returns. Ms. Hall confirmed what Mayor Migliorini stated earlier about Moody's that the underwriters feel it is highly unlikely Macedonia's rating will be lowered. Regarding Macedonia's refund program, Ms. Hall reported 494 tax payers applied for refunds for a total of about \$51,000. Ms. Hall added that insofar as July 15 falls on a Sunday, July 16th is deadline for taxpayers to file for a refund. Regarding Ord. No. 69-2018, increasing the income tax

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rate by a quarter percent, Ms. Hall hopes residents remain mindful that Council chose not to renew the 1-mill fire levy. The 1-mill levy will fall off the property tax duplicate. This will have a big financial impact because it generates about \$400,000 which covers the cost of three firefighters plus additional fire pensions. Ms. Hall added the truth both revenues sources are needed. Ms. Hall reminded senior citizens that they do not pay municipal income tax.

Fire Department Captain Ripley in Chief Black absence announced summer hydrant flushing throughout Macedonia, Northfield Center and Sagamore has started. About 70-90 hydrants are flushed daily. Captain Ripley reminded residents in so far as July 4th is just around the corner that home fire crackers are not safe. And while it is legal to buy firecrackers in the state of Ohio it is illegal to light them with a license.

Councilor Brandt asked residents to be mindful and sensitive to the fact that many combat veterans live among us and hearing firecrackers produces distress and anxiety for them.

Police Department Director Hall in Chief Golden's absence reported the cost and maintenance of the 911 system is roughly \$135,000 over a five year period. The system starts at \$50,000 and maintenance increases annually. After year five Macedonia would not be required to purchase a new system if the system was operative. However thereafter Macedonia would be required to pay a \$20,000 annual maintenance fee.

A brief discussion was had regarding Macedonia current system that was described as a "relic" and the increased cost to "piggy-back" on a neighboring communities system. Leasing in Chief Golden's opinion was not a viable option.

Law Department Law Director Guidetti had no report.

Unfinished business Councilor Tulley reminded residents to be mindful of the signage relative to the numerous road projects. One-way signs are being ignored thus causing hazardous driving suggestions. In addition, motorists are not following the speed limit again causing hazards conditions not only for themselves but for construction workers as well.

Councilor Ventura suggested that the signs should more decisive, more explanatory instead of just reading "Detour".

Council President Molnar interjected the contractor is not totally adhering to manual entitled "Uniform Traffic Control Devices", which Mayor Migliorini said he'd look into.

New business Council President Molnar stated while nothing was said when the Ordinance No. 69-2018, increasing the tax rate by a quarter percent was introduced and offered for its first reading this evening the state of Macedonia finances is serious and cause for concern. In fact Macedonia may have to dip into its Emergency Fund to pay the cost of the 911 system Mr. Molnar stated. Various cut backs by the state, loss tax revenue by the Ohio Department of Taxation are just some reasons Macedonia's bottom line is not as healthy as it should be. The truth is it is difficult to continue to provide good services when there is just not enough revenue to support the departments of service, fire and police. Regardless of the

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negative rhetoric on social media or how some folks continue to deliberately skew financial information the real financial numbers do not lie. City costs have gone up but revenue really hasn't. The most recent increase is for the road program. Macedonia has truly not increased property taxes since the 1960's and there was a short period of time, 3-years, when the income tax rate was increased temporarily to weather a seriously bad financial climate.

Councilor Brandt interjected there are facts and then there meaningless facts. Ms. Hanneken mentioned earlier this evening the average income tax rate is 1.7%. That may be a true fact but it totally meaningless to discussions about Macedonia. A more meaningful fact would be the median tax, not the average tax because of community with a 1% tax rate skews the data Ms. Brandt stated. In addition, stats relative to other communities in the state of Ohio have no bearing on Macedonia. More relevant information is the rate of taxes in the surrounding, neighboring communities and in the communities where residents work Ms. Brandt stated what is also relevant is a community's tax base.. Twinsburg for example has a tax rate of 2% however Twinsburg has a much stronger tax base than Macedonia. Therefore it is illogical to compare Macedonia with communities which have strong, viable tax bases because naturally they can generate more revenue. Ms. Brandt reiterated Macedonia tax rate does need to increase to 2.5% for taxpayers actually pay 2.25% on their earnings after refund. This is fact and not a frivolous stat Ms. Brandt added.

There being no further business before Council the regular meeting was adjourned at 8:55pm