

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD February 28, 2023

This Regular Council Meeting was called to order by Council President Phil Kiriazis at 6:52PM with the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present and accounted for were Mayor Biasiotta, Director of Law Moore, Director of Finance Petrunyak, Councilman-at-Large Elliott, Councilwoman-at-Large Kelly, Councilman-at-Large Kulju, Ward 1 Councilman Kiriazis, Ward 2 Councilman Martin, Ward 3 Councilman Snitzky, Ward 4 Councilman Morrow, Director of Public Service and Properties Johnson, Building Commissioner Grassi, Engineer Schmitzer.

MOTION by Mr. Kiriazis, seconded by Mr. Kulju, to amend the February 28, 2023 Council Agenda by adding the minutes of the Regular Council meeting of October 25, 2022 under item 2 and listed as “b”.

Roll Call: all yea

MOTION CARRIED

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Kulju, seconded by Mr. Kiriazis, to accept the Minutes of the Regular Council Meeting held February 14, 2023 and the Regular Council meeting of October 25, 2022 as submitted.

Roll Call: all yea

MOTION CARRIED

CONSENT AGENDA

There were no submissions of the Consent Agenda for this evening.

RESOLUTIONS OF COMMENDATION

There were no Resolutions of Commendation to be considered.

REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

Planning, Zoning, and Economic Development Committee Chairman Snitzky met this evening. The minutes will be submitted as soon as I can. Our next meeting should be March 28, 2023.

Public Works

Public Works Committee Chairman Kulju stated that the Committee stated that the Committees last meeting was February 14, 2023. Our next meeting will be March 14, 2023. The minutes are on file with the Clerk of Council.

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Community Service

Community Services Committee Chairman Kelly stated that the Committee stated that the Committee's last meeting was February 14, 2023 and the minutes are on file with the Clerk of Council. The next Commission meeting will be March 14, 2023.

Police and Safety

Police and Fire Committee Chairman Elliott our last meeting was held February 14, 2023. The minutes are on file with the Clerk of Council. The next meeting will be held on March 14, 2023.

Parks and Recreation

Parks and Recreation Committee Chairperson Morrow our meeting was held today, February 28, 2023. The minutes will be on file with the Clerk of Council. Our next meeting is March 28, 2023.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Martin stated the Committee's last meeting was this evening (February 28, 2023) and the minutes for this meeting have been submitted. The next meeting will be March 28, 2023.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Kiriazis stated that the last meeting was this evening. The minutes are pending. The next Committee meeting will be March 14, 2023.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

Mr. Kiriazis: Any communications this evening?

Council Clerk: Yes. I received an email from Mr. Thomas Jaros on February 15 at 12:02PM. He has requested that this communication be read at tonight's council meeting.

“Ward 1 Councilman Kiriazis specifically and all of Council generally. Please see the attached pic. It has been witnessed that a bulldozer owned by Hummel (successful bidder on various Park projects) caused the spreading of dump trucks of earthen fill on the public property at North Park. This action occurred on 12/31/2022.

A public doc request for the change of grade on the property netted a general permit for activity on the property. That permit does not specifically grant permission to change the grade as seen in the attached pic. It also appears that the area where the grade was changed lies outside of the project area encompassed by the provided permit. That same permit was issued on January 25, 2023. Obviously, the change of grade was effected BEFORE any permit for any action in the area

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was issued. As such, the person(s) authorizing the filling action has caused a violation of Seven Hills law and/or various laws set forth by a variety of governmental bodies with jurisdiction over environmental issues such as this. This issue will be put in front of the aforementioned governmental bodies.

I suggest that the illicitly applied fill be removed from the property. I further suggest that the person or persons responsible for directing Hummel in it's actions be removed from further participation in ANY Parks projects and be replaced with persons qualified and experienced in the implementation of such projects.

*Thank you,
Tom Jaros
Seven Hills resident"*

(Referenced picture and email will be attached to typed minutes and listed as Exhibit "A")

Mr. Kiriazis: Thank you.

Council Clerk: There is another communication.

"Greetings Mr. Jaros

Thank you for your email. I will do my best to answer all of your questions. Yes, while the Land Conservancy worked to acquire and protect this property in partnership with the City of Seven Hills, we have no long term legal interest in the property. However, there are legal restrictions as part of the Clean Ohio Fund. This includes keeping this property as green space in perpetuity. You can find more information on that here on a website on that here: <https://pwc.ohio.gov/Project-Administration/Clean-Ohio>. After speaking with the City of Seven Hills, we learned the following:

They continue to move forward with the North park improvements as the Mayor mentioned at the opening of Beverly Park. They are getting ready to break ground on the year-round pavilion (north of the cell tower) and a small parking lot addition for ADA compliance and logistics. In order to clear space for the parking area, they needed to access the main entrance of the path, which was a planned improvement. The City notified residents to utilize the connection from Belmont in Brooklyn Heights until the main trail entrance is finished.

The City is working with an architect, and they are familiar with the Clean Ohio restrictions. There also may not be a jurisdictional wetland on the property, which would negate any required preventive action on behalf of the City.

I hope this helps answer your questions, and that you and your neighbors continue to enjoy the new park.

*Best
Isaac"*

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(email will be attached to typed minutes and listed as Exhibit "B")

Mayor: That was from Isaac Robb from the Western Reserve Land Conservancy in response to an inquiry made to them on what was going on at North Park and the Nature Preserve. We have another submission for the record from Director Burger.

Council Clerk: a communication from Director Burger.

"The Parks Department is constantly working to restore greenspace to certain areas of North Park along the Nature Trail. Last year we planted 57 trees and aim to continue to plant native plants in this space as well as expand our green space. There are several areas off to the sides of the Nature Trail with old concrete that we are looking to add fill dirt to for safety as well as aesthetic reasons. Hummel Construction had trucks of fill dirt that was removed from John Glen park and that dirt was directed to be used at North park.

We work within guidelines as provided by Western Reserve Land Conservancy, as arranged in our agreement.

The city constantly reuses natural resources such as fill dirt – this is not a new process. Last year, we took the fill dirt from the Cricket park Playground installation and used it to fill in curbs around City Hall and Rec property. The grass is now growing in beautifully.

There was some confusion from the public on our permissions with this space, so please see the following as explained in Section 1 of the Use and Development Restrictions as provided by WRLC: "Declarant agrees to limit the future use of the property to passive park uses and all future development will be limited to those improvements typically associated with passive parks, such as, but not limited to, pavilions, paved trails, parking areas, roads for access to parking areas and for management and maintenance of the Property."

I have spoken to Jennifer Kline, Program Representative of Ohio Public Works Commission as well as Robin Christensen & Isaac Robb of Western Reserve Land Conservancy and they are aware of the work being done and supportive of the upcoming improvements to this space.

*Jen Burger
Director of Recreation
City of Seven Hills"*

(email will be attached to typed minutes and listed as Exhibit "C")

Mr. Kiriazis: Any other communications? Let's move on.

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

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ORDINANCES AND RESOLUTIONS

Ordinance No. 07-2023 - - AN ORDINANCE TO AMEND THE APPROPRIATIONS OF THE CITY OF SEVEN HILLS, OHIO, FOR THE YEAR ENDING DECEMBER 31, 2023.

Second Reading.

Ordinance No. 07-2023 was Read by full Title Only for its Second Reading

Ordinance No. 11-2023 - - AN ORDINANCE TO AMEND CHAPTER 305, TRAFFIC CONTROL MAP AND FILE, SECTIONS 305.01 AND 305.02, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO BY ADDING THERETO A “NO OUTLET” SIGN AT THE NORTHWEST CORNER OF RUTH AND CINDY LANE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Ms. Kelly, to suspend the rules of the Charter and read Ordinance No. 11-2023 by title only for its first and final reading.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, abstain; Morrow, yes; Snitzky, yes.

(Council Clerk read Ordinance No. 11-2023 by title only for its first and final reading)

MOTION by Mr. Snitzky, seconded by Mr. Morrow, to approve the emergency clause in Section 3 of the Ordinance.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, abstain; Morrow, yes; Snitzky, yes.

MOTION by Mr. Snitzky, seconded by Mr. Morrow, to pass Ordinance No. 11-2023 as an emergency measure.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, abstain; Morrow, yes; Snitzky, yes.

ORDINANCE NO. 11-2023 IS DECLARED PASSED

Ordinance No. 12-2023 - - AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH AMERICAN FIREWORKS FOR THE PURPOSE OF SELLING, FURNISHING, DELIVERING AND PRESENTING A FIREWORKS DISPLAY FOR THE CITY OF SEVEN HILLS HOMEDAYS 2023 AND APPROPRIATING A SUM NOT TO EXCEED \$14,000.00 FOR SAID SERVICE.

(First Reading)

Ordinance No. 12-2023 was Read by full Title Only for its First Reading

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Ordinance No. 13-2023 -- AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH GARY PEARLMAN, DR. AWESOME INC., FOR THE PURPOSE OF ENTERTAINMENT FOR THE CITY OF SEVEN HILLS' HOMEDAYS 2023 AND APPROPRIATING A SUM NOT TO EXCEED \$500.00 FOR SAID SERVICE.

(First Reading)

Ordinance No. 13-2023 was Read by full Title Only for its First Reading

Ordinance No. 14-2023 -- AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT, FOR THE PURPOSE OF IMPLEMENTATION OF A CONSERVATION PROGRAM THAT PROMOTES BEST PRACTICES FOR POLLUTION PREVENTION AND CORRESPONDS WITH THE CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT AND THAT THE CITY OF SEVEN HILLS AGREES TO GRANT AN ANNUAL CONSERVATION APPROPRIATION TO THE SWCD NOT TO EXCEED \$13,600.00 FOR A 12-MONTH PERIOD FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Elliott, seconded by Ms. Kelly, to suspend the rules of the Charter and read Ordinance No. 14-2023 by title only for its first and final reading.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, yes; Morrow, yes; Snitzky, yes.

(Council Clerk read Ordinance No. 14-2023 by title only for its first and final reading)

MOTION by Mr. Elliott, seconded by Ms. Kelly, to approve the emergency clause in the last Section of Ordinance 14-2023.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, yes; Morrow, yes; Snitzky, yes.

MOTION by Mr. Elliott, seconded by Ms. Kelly, to pass Ordinance No. 14-2023 as an emergency measure.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, yes; Morrow, yes; Snitzky, yes.

ORDINANCE NO. 14-2023 IS DECLARED PASSED

Ordinance No. 15-2023 -- AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$8,000.00 FOR A CHANGE ORDER TO ORDINANCE NO. 70-2022 PASSED BY COUNCIL OCTOBER 11, 2022 WHICH AUTHORIZED AN INITIAL AMOUNT OF \$70,860.00 FOR THE PURCHASE OF ROAD SALT THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION CONSORTIUM CONTRACT FOR THE REMAINDER OF THE

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2022-2023 WINTER SEASON; AND DECLARING AN EMERGENCY.

MOTION by Mr. Martin, seconded by Mr. Kulju, to suspend the rules of the Charter and read Ordinance No. 15-2023 by title only for its first and final reading.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, yes; Morrow, yes; Snitzky, yes.

(Council Clerk read Ordinance No. 15-2023 by title only for its first and final reading)

MOTION by Mr. Martin, seconded by Mr. Kulju, to approve the emergency clause in Section 4 of Ordinance 15-2023.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, yes; Morrow, yes; Snitzky, yes.

MOTION by Mr. Martin, seconded by Mr. Kulju, to pass Ordinance No. 15-2023 as an emergency measure.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, yes; Morrow, yes; Snitzky, yes.

ORDINANCE NO. 15-2023 IS DECLARED PASSED

COUNCIL OPEN TO THE AUDIENCE

Ms. West: Delanie West, 5875 Red Rock Court. I have been a homeowner since 2017. I understand the importance of By-law government. Since I have been an owner at Stoneridge, there has not been regular distribution of financials. We have not had an HOA meeting since before the pandemic and the ones that we did have were only because I urged that we need them. I guess they begrudgingly scheduled them. There is no regular communication from the HOA to the community and there are some interesting circumstances surrounding the last election in which the former President is now the current President. But, most importantly and troubling, there has not been any update on the status of the creek erosion issue from which I understand there was a settlement. So, we just don't know, as owners, what is happening. Aside from me spending my own money to secure legal counsel, it is just kind of a frustrating situation to be in. I'm not really sure what to do and I just thought that I would bring it to council maybe for some help and direction.

Mr. Kiriazis: I want to thank you for coming tonight. I want to refer you to the Law Department. You can give them a call and talk to the Law Director. See if he can help you out or guide you in the right direction.

Ms. West: Thank you.

Mr. Kiriazis: Mr. Orwig.

Mr. Orwig: Patrick Orwig, 5733 Skyline Drive. I would like to respectfully request that you do some consideration on the document that I submitted in to the Committee earlier this

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evening. Anything that I can do in terms of answering any questions or identifying any specifics that might be helpful in swaying your mindset decision on the issue I really appreciate the consideration. Thank you for that.

Mr. Kiriazis: Thank you Mr. Orwig.

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Biasiotta: Thank you Council President and I will be brief. Our January financials are in. I always pay close attention to that. Our General Fund revenue is flat year over year. This time last year we had \$930,000. for the month and it remains \$930,000. this month. Our non-general funds, there is a lot of timing in there but they are up 33%. That's about a 10% increase in revenue. We have, in General Fund Expenses, we are up 5% and we are way down in non-general fund expenses but it is a timing issue related to the payment for the 2021 Road Program. That's said, we net that out we are pretty much flat. The increase in revenue is partially offset by a moderate 5% increase in expenses. Our General Fund remains, last year this time unencumbered \$7.1 million and at the end of last month we maintained that \$7.1 million unencumbered general fund balance. That's great because as you know we have had approximately \$1 million in surplus last year that we are going to apply to the 2023 Road Program that our Engineered mentioned earlier tonight and should be on the next Council Meeting Agenda. Using an approximate number, this is something I am really, and we all should be, proud of. Since 2015, and if we do this year with all the alternates which I would recommend because you don't want to go in and do a partial job, you want to do the best that you can on every street. Almost \$15,000 million dollars have been invested in our streets. That is really awesome. Got that direction directly from the residents of Seven Hills 7 years ago when I first ran for Ward 1 office. I got clear direction from the residents as I walked the Ward four times in my subsequent years representing the whole city that the infrastructure, streets being number 1, was the number one problem. The number 2 thing they asked me to address was sewers. We are also in the multi-millions. I will talk about that in the weeks ahead. Within the first months of becoming Mayor we had a water task force and improvements to our storms sewers and floods have happened throughout our city. Once again on the directive of the residents, many that I spoke to. The third thing, the residents asked was that the condition of our parks were horrible. We prioritized that the streets and sewers had to come first. Once we had a plan in place for that, which I just illustrated, we turned our attention to the parks and came up with a creative solution there. We introduced into committee Phase 3 of the Master Plan. I know that we haven't seen lot of the fun stuff but it's like building a pyramid. You got to do the basic stuff like bathrooms and parking lots so that the infrastructure of the parks is there for when the really cool things come like the splash pad and the lodge that is wildly popular. I could go on but you will see with your own eyes this summer and it will be on the council (?) next week. That will be all this evening. Thank you.

Mr. Kiriazis: Thank you Mayor.

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REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Petrunyak

Thank you Mr. President. I just want to take this time to remind residents, or taxpayers, that the filing deadline to file your 2022 taxes is April 18, 2023. There are four ways to file with the Regional Income Tax Agency. One by on-line; by mail; you may call them at 1-800-860-7482; or the fourth way is a drop box at all their locations. The closest one being the one in Brecksville. You may visit RITAOhio.com for more information to get any of your tax filing questions answered. That includes my report this evening. Thank you.

Director of Law Moore

No report this evening.

Director of Public Service and Properties Johnson

No report Mr. Chairman.

Engineer Schmitzer

No report this evening.

Building Commissioner Grassi.

Thank you Mr. President. I have nothing new to report from the Building Department tonight.

MISCELLANEOUS

Mr. Kiriazis We have a couple Floor Motions for tonight's meeting.

MOTION by Mr. Snitzky, seconded by Mr. Kiriazis, in the matter of "Certified Public Records Training", I would like to delegate Finance Director Richard Petrunyak and/or Mayor's Secretary Kathy Holland to represent Mayor Biasiotta, Council Members Kiriazis, Elliott, Kulju, Snitzky, and Morrow at a Public Records Training Session approved by the Attorney General for their current term of office as required by Ohio Revised Code Section 149.43(E)(1).

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, yes; Morrow, yes; Snitzky, yes.

MOTION CARRIED

Mr. Kiriazis: The 2nd floor motion please.

MOTION by Mr. Snitzky, seconded by Mr. Kiriazis, in the matter of a variance requested at the February 15, 2023 Zoning Board of Appeals hearing by Ryan Sauernheimer, 6243 Crossview Road, a 549 square foot variance to Ordinance No. 963.02(B)(6) Accessory Buildings or Uses, Sheds, to allow the construction of a proposed

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accessory building that will be 23'x35' (805 square feet) and a variance to Ordinance No. 963.02(A)(5) Accessory Buildings, to allow the construction of the proposed 805 square foot accessory building on a parcel that shows two existing accessory buildings on the property as depicted on the submitted drawings (parcel 35,000sq ft) contingent upon removal of the two existing accessory buildings upon completion of the proposed 23'x35' accessory building.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, no; Morrow, yes; Snitzky, yes. **MOTION CARRIED**

ZONING VARIANCE REQUEST HAS PASSED

Mr. Kiriazis: Comments from Council members?

Mr. Kulju: I have nothing this evening. Thank you.

Mr. Elliott: I would like to bring this up. Mr. Orwig is here every meeting. Does anyone want to entertain this? Anyone on Council that is interested in possibly moving the volleyball court? Anybody up here?

Ms. Kelly: Yes. I am. I am in favor of that. I mentioned that a couple months ago when I met with Mr. Orwig and his neighbor. Yes, I do think that it is a beautiful court. A lot of time was spent on it. However, I think that it is too close to the residents that are there.

Mr. Elliott: Anyone else on Council?

Mr. Morrow: I think that it does warrant further discussion. A discussion amongst all of us. I cannot say yes or no right now. I do think that it is worth a conversation.

Mr. Elliott: When are we going to talk about this?

Mayor: Councilman Elliott, if we have a proposal to move it, where is the proposal to? What is the motion?

Mr. Elliott: That is what I am getting at. I am not making a motion, I am just....

Mayor: We had a statement and we have a support to move it so I would like to hear "I make a motion to move the court" or we remove it altogether. We have had three meetings, we have been talking about this for a year. The plans, the Master Plan was unanimously approved by Council. They were unanimously approved by Planning Commission. There was a video almost two years ago. These plans were approved over two years ago. The court has been there one year. We have had three readings where we looked into this, September 27, 2022. We

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looked at around the city, parking lots, ballfields, measurements how that was. Another meeting why volleyball and why North Park. We had a bubble chart. The amount of homework and due diligence on this was significant. A bubble chart showed that we wanted a distribution of assets throughout the City and we wanted a certain amount of walkability for people to get to these assets. So where did we end up? We have a volleyball court in North Park, a volleyball court at City Hall, a volleyball court at Meijer Park. That same kind of cadence throughout. Another thing I heard from people. The north end of the City felt left out for many years. There wasn't any investment in the north end. They don't even have a polling place. There isn't one public thing. So, taking into consideration distribution assets, the lodge ended up in North Park among other reasons. It is also going to sit in the middle of almost 30 acres between the two parks. Months and months went into a lot of that planning. But we will keep it to the volleyball. Last, but not least, Director Johnson gave a power point on why it ended up there with sewer, water, sun and distance from the parking lot. I have empathy. For Mr. Orwig. He has come here many times and says that he supports everything we are doing except for this. The easiest thing would be to move it. We are in a position where we have to make decisions for 12,000 people. I had more than one person worried about the new Meijer. People came to a council meeting, three or four, and say that they didn't want Meijer because they didn't want the traffic. Before we switched the lights I had a handful of complaints of what is now Meijer Park because we have a baseball field there and the lights shine into the homes. Parking lot lights at Meijer Park in the backyards everywhere on Orchardview. I could go down every Park. The parking lot at John Glenn. We have easements that go between houses. We had people that didn't want Erie Bank because it emitted light from Erie. Other people didn't want Meijer because the noise from the generators that run the freezers. I live on Rockside. In the morning I can't get out of my driveway. Knowing everything I know today maybe I would have bought in the middle of the City closer to City Hall. There are so many things that come in to being a member of the community. If there is a better spot, I will entertain it. But we have not had that from a council representative. I think that my team did, I did not pick this location. My team did. My team did their homework. They conveyed it to me. I think they did a good job. There are people that use, part of one of the issue we are hearing was when the old volleyball court was beat up, full of weeds, not built right. The drain wasn't there and anytime it rained it couldn't be used for a month. So, what good was it. Now, it is fixed up and people are using it. We made the amenities better for ALL of the people. North Park is packed. Councilwoman Kelly you were there on a fall Saturday. Councilman Martin got there a little later, I'm not sure what you saw. Every part of the park was used that day. Tell me I am wrong that every ounce of the park was being used that day. We also had a video where we laid out where the flag football was going to be; refurbishing the baseball court this year; and really, we don't want people to be unhappy. I got in to this to HELP people. Anybody that works with me for an hour knows that. Now, we have all of this and a lot of false statements made. It's fine, it comes with the territory. I rise above it. My motto has always been results, not insults. People will see that. They have. To say you want it moved is not enough. Where do you want to move it or do you want it gone all together? Volleyball shouldn't be an amenity? That's where the conversation needs to go. Further, I haven't heard from the resident in my conversations what we could put there in it's place. Can we, and this is not an open question....

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Mr. Elliott: Mr. Mayor, can I finish? Because that is exactly where

Mayor: Can we put the Big Toy there?

Mr. Elliott: That is exactly where I was going with this. I wanted to ask the question. So, I want Mr. Orwig to come up here please. My question to you is this, and to the members of council that are willing to move it. I am up in the air about this myself if it is not that big of a deal. But, here is the problem that I have. If we were to move this and they put the football field there or something else there, what is to say that you aren't going to complain about that? Then what do we do? Then what do we do? We move this and something else goes there and you don't like that. My question to the members of Council and to you is "what guarantee do we have if we move this and spend all this money to move this court because you don't like it, put something else there that you are not going to come to every meeting and complain about it"?

Mr. Orwig: Well, I listen to the Mayor and respectfully hear a lot of things that he comments on and I agree with him on a lot of him that he says. So, I want to put that out there ok? To answer the question is, first of all, this court was not on the Master Plan.

Mr. Elliott: Mr. Orwig, I am not getting back in to this...Point of Order.

Mr. Orwig: to answer....

Mr. Elliott: Point of order. I asked you this simple question.

Mr. Orwig: Sure.

Mr. Elliott: You and the members of Council that want this moved, what is the guarantee that if we move this and spend taxpayer money to move this that you aren't going to complain about something else going there. I play football, I swear when I play football. I swear when I walk in the grass and trip. You are going to have people....

Mr. Orwig: The guarantee would be that in my strong opinion, this council should maybe consider an ordinance moving forward that would maybe do something like if you are going to put an active sport court within 50' of residential fences that you contact the local residents and get feedback from the community so that there is actual vying on these park designs. The guarantee would be that instead of just people being forced to accept whatever is decided upon that they have an opportunity to have a voice with respect to their homes and their residences that they spend money for and make the decision to live next to parks. So, there wouldn't be a guarantee that I wouldn't oppose something, but it would be very courteous to know that my purchase of a home is actually respected by the City included what is put literally 20' from its' property line. So, it wouldn't be a guarantee but I think that I would remain involved and engaged in this community

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and making place a better park. I do not want to see the volleyball court completely removed from the park. I think that I presented a very viable location that would make this issue go away for me, my neighbors and all of us in this room. I hope you answered that well.

Mr. Kiriazis: Mr. Orwig, the baseball field is going to be redone and opened up supposedly this year.

Mr. Orwig: Yep.

Mr. Kiriazis: So, in the 70's-80's-90's when that baseball field was used, it is closer to the peoples houses than the volleyball court is. Those people living in there now, weren't living there when there was a baseball field and they start complaining about the baseball field, what are we going to do? Move the baseball field now because they are not happy?

Mr. Orwig: No

Mr. Kiriazis: Because we moved the volleyball court for you?

Mr. Orwig: I completely disagree that that logic applies in this situation. Those people bought those homes with full knowledge of that baseball court, or baseball field, being where it was located.

Mr. Kiriazis: The baseball field hasn't been used in how many years Director Burger?

Mr. Orwig: Regardless of making, when I walk up as a homebuyer, I can literally see that there is a baseball field right behind the property that is there. I literally saw a very small relatively unattended to volleyball court twice as far away, not even from my property but another one, and so I made a purchasing decision. Based on something I thought the City would be reasonable with. Not putting something, this court is 75% of my property line. It is very difficult to get people engaged coming up here trying to engage you folks and show community support for this issue when this literally impacts probably 3-4 people. Some of whom some of you know. Two of which, one of which came here to council and spoke and another one that wrote to city council. I bought the property seeing what I saw.

Mr. Elliott: Mr. Orwig, my question is what do you want to see put there? I mean if the volleyball court is moved, what do you want to see go there? Nothing?

Mr. Orwig: I don't have an answer as to what I want to see put there. You have almost \$400,000 being spend on a design firm to layout what these parks should look like including North Park. I would expect that we would get some bang for that buck and maybe have them tell us what goes right abutting residential homes. We enjoy watching flag football from the first year that we moved in all the way up to July 2021 when this court was installed. We did not complain about

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that once. We bought next to a park knowing there is going to be activity and that kind of thing. I mean if you want to put the pavilion there I would have a problem with that too. So, I don't know how to answer what I want there. It's not about what I want there it's about what doesn't make sense to be there right now. In my opinion.

Mr. Elliott: Councilwoman Kelly. What would you like, how would you like to end this. I mean this is every meeting we have this discussion. Let's finish it. If you are going to make a motion then make a motion. But let's get a plan on where it is going to go here. Tom? Norm?

Mr. Kiriazis: I didn't plan on this turning into a debate here tonight during miscellaneous comments.

Ms. Kelly: You asked me a question. Being completely objective, I would be shocked if anyone on this council would agree with that they would want this in their backyard. It is large. It is large. And it is not the fact that it is right there but it is what it brings with it. There has been problems with the noise and the swearing and the ball in the yard and stuff like that. So, I get it. I met with the Mayor there last fall, we talked about other options. I would like to see the volleyball court moved. More northeast or have it removed and put it somewhere at John Glenn Park. I understand, I guess the point of putting it at North Park was for residents to approach it from the freeway, but John Glenn Park is just right around the corner on Crossview. So, I don't see that as being a huge inconvenience. But, I agree with Mr. Orwig, we are paying this firm hundreds of thousands of dollars and you mean that someone can't design it to put a volleyball court somewhere? I am just trying to see it from every perspective and I am a resident in this city first before I am a councilperson. As a resident I wouldn't want to look at that. This is a council issue.

Mr. Snitzky: I would like answers to two questions before we talk about this. I would like to know what we spent on it up to this point and what we would spend on it to move it 53.05 feet farther to the right. That's all I want to know. Those two things. But I will tell you something Mr. Orwig, didn't the swearing when they played flag football bother you? I used to swear a lot when I played flag football because I was a lineman and got kicked around pretty good. So, I don't get it how the noise from flag football didn't bother you but the noise from volleyball bothers you. I just don't see that. Flag football is pretty noisy.

Mr. Orwig: Director Burger can probably attest that our experience with flag football, at least at that time, was largely small children. So, an organized sport like with coaches and kids, the kids aren't walking around cursing vs. two dozen 17yr old boys.

Mr. Snitzky: With all due respect you answered by question, I would like to see the cost of what we spent on it up to this point and the cost of what it would take to move it 50' to the right. If there is a cost involved is that going to impinge any of our other development. The other thing sir, there were plenty of public meetings about what was going on at this park. We had the Mayor

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and we had boo coo number of meetings about the design and the placement of things at these parks. So, I am not going to buy into the fact that you weren't informed. People have to go out of their own way to be informed and as active as you are, I am sure you must of known something was going on. That's all I have to say. Thank you.

Mr. Orwig: Do you want to speak to that?

Mr. Kiriazis: Do I want to speak to that?

Mr. Orwig: Yes.

Mr. Kiriazis: What am I going to say?

Mr. Orwig: June of 2021 you and I met for the first time. I was cleaning out the backyard of a new home and removed all the debris, the fallen down barbed wire that was a danger, OK, and I met with you because I said, we wanted to redo our landscaping bed.

Mr. Elliott: Point of order, I still have the floor. Councilman Martin

Mr. Orwig: don't tell me I didn't know. There were no public meetings on this, the position of this volleyball court. Just to be clear. There were none.

Mr. Martin: First of all, I believe that the gentleman is correct that it wasn't on the Master Plan. Neither here nor there it was an internal decision by staff, professionals, to place a volleyball court in North Park that needed amenities. Whether it was a pickle ball court, which probably would go well, maybe put it right next to it now. Or volleyball court. Doesn't matter. What I think that the debate is here, we expended money but I am from the old adage that I am from Missouri. Right? I am from Missouri. You need to show me that there truly is a problem here. We have talked about this for a long time but I have yet to hear somebody swear. I have yet to see a complaint to the police department unless I am wrong. Not sure if the Chief is still here or not. But, from my understanding, we are going to have security at that park. Likely signage. You play under a particular set of rules and certain set of courtesies, right, and if you don't we will have you removed from the park. But, until that occurs I have no interest in moving the volleyball court. Until you can show me that it is truly a nuisance to the neighborhood, not because of its proximity, because of balls getting hit into a sandpit which is bigger than it was before which will prevent a lot of balls from rolling. But, if you are telling me that we have such uncontrolled activity that creates a public nuisance from the amount of swearing that is going on, the amount of tom-foolery that is going on related to the court, then I will listen to it. But that's going to be some time next summer. But until then, you got to give an opportunity for the players to fail. If they fail and we have a real problem, then it's addressable. Right now I don't have a problem today.

Mr. Elliott: Thank you Councilman.

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Mr. Orwig: I did submit....

Mr. Elliott: Councilman Kulju do you have anything?

Mr. Kulju: Did you every think that there would be anything behind your property when you purchased your home?

Mr. Orwig: I did submit audio to all of council indicating the audio I hear from my patio. If you didn't receive that let me know. I will happily send that again. I spoke to the Police Chief about what enforcement he can provide in the event of the swearing I described here. He told me what he could and could not do. It is essentially he could do nothing. I don't understand why I have to live to see failure that I have already proven and there is no recourse for the police. What are they going to tell them to do? Not yell? It's 80' from one....

Mr. Elliott: Mr. Orwig can you answer Councilman Kulju's question?

Mr. Orwig: I don't see how it is pertinent to answer what I thought was going to be...

Mr. Elliott: Please answer the question. You come here every week and I am giving you the opportunity. I am actually trying to help you here. So, I am going down the line asking every council person their thoughts on this. So, when they ask you a question, just be respectful and answer the question. We are trying to get to the bottom of this. Sounds like you have some, a couple up here, that are willing to help you with it.

Mr. Orwig: I definitely would have thought that there would have been an opportunity for the park to include a variety of things. So never in my expectations would I have thought that there would be nothing. I bought next to a park and we made that consideration and made that decision to do so. I think considering the available property and space, the placement of this particular feature and its proximity to my home represents a big surprise to me that it is so big, that it is so close, and that it generates the amount of noise in that proximity that makes living and enjoying are patio impossible to count on depending on who visits. So, the answer is I definitely expected anything could happen but, I did not expect reasonable people would make this decision.

Mr. Elliott: Councilman Morrow.

Mr. Morrow: Mr. Orwig, I have had multiple conversations. I sympathize like Councilwoman Kelly said. I am a resident, my wife works third shift, she wants to sleep during the day in the summer. I know that she would come down on me for that so, I do sympathize with this. I think, like Councilman Snitzky said, there needs to be an evaluation of the cost, what it was to do it initially; what it will be to move it as proposed; what it would be to move it 25' farther away. I mean, that is why we all did this. We all want the best for the residents. That's why I think it warrants further conversation from council to figure out the best plan and if the best plan

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is to wait, see what happens this summer, then that is the best plan. If not, if we can move forward somewhere else as long as it makes sense for everyone involved I think that is what we would do.

Mr. Kiriazis: Councilman Morrow, since you are head of the Parks and Rec Committee maybe you can look into this? Get us some answers and bring it back to the next Parks and Rec Committee meeting.

Mr. Morrow: I would love to.

Mr. Kiriazis: What Councilman Snitzky was asking for.

Mr. Morrow: Yes.

Mayor: Mr. President. Council rules by Motion. I need a clear Motion, a second and a vote to give my staff further direction. Here is the deal. Don't you think that what everybody is talking about hasn't happened already if there was a perfect other solution? I have been to the court, I have been to your house, Councilwoman Kelly asked me to go on a weekend and I went. I am all ears. What I haven't heard is what we can put there? You bought a home next to a park and there are reasonable uses in the park that can happen. If you don't own the property behind you, you cannot dictate what is going on there. I understand it altered your view. We have talked about things like that but I am not going down there. We had a suggestion that we move it John Glenn which already been approached to me and the Master Plan for John Glenn, the last remaining area is for the space equipment – the moon, the rocket ship. So there isn't space there. What we have to understand is that every action results in another action. If we move volleyball to John Glenn, it's going to be very close to the new homes, but there will not be a spot for the rocket ship, the moon and the other space themed stuff which was the idea for the park in the Master Plan. The Master Plan from the beginning did have this as an active zone at North Park. There are just too many things here. We looked at alternatives. There would be nothing easier for me to say, "hey, the kids that use it properly, you are going to be punished because some teenagers used it one day and swore". That's not the position that we are in. I will take the abuse, whatever, but when you are elected to lead we are leading 12,000 people and we have to do what is best for everyone and if I got a couple groups of kids using it appropriately they should not be punished like Councilman Martin said. If we have one incident of swearing does not mean to tear the whole thing down. And if we want to move it, take in to consideration what the consequences are. If we want to move it someplace else in North Park, regardless, regardless of the expense, there will be another impact. Because we have shown on one of those three meetings, on all the cameras, that everything has a purpose whether it's touch football, flag football, baseball, the new lodge, etc. etc. There is an opportunity I saw but based upon everything I heard for over a year I don't think it would be accepted by you. Soon, the playground equipment that we purchased for North Park, we are getting new playground equipment which is long overdue. Sat in that parking lot many Saturdays and Sundays as a councilperson and people were yelling and berating on how terrible the park was and they wanted an investment. We figured out a way to make it happen.

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Now it is happening. It is sullied by one thing. Where I am getting is, when the new equipment comes, hypothetically, it could be installed where the volleyball court is and the volleyball court can go where the playground equipment is. But, everything I heard, I don't think that you would be happy with the Big Toy in your backyard. Even though it is a city park. The toy is used move often. Albeit it is used by toddlers, but it is used almost everyday where volleyball not used as much and that has been down for three months. So, you couldn't possible have a game all winter. The wait and see what the surveillance cameras that haven't been purchased yet; the building hasn't been purchased yet or installed so that we can have the truth of the matter. Hasn't happened yet.

Mr. Elliott: Mr. President, may I finish?

Mr. Kiriazis: Yes.

Mr. Elliott: The reason I did this during miscellaneous is to get everyone's input on it and now we know that we have a couple people that will look into this. If they bring it to council with the motion like the Mayor said then we will vote on it. Then that's it. That's how this works. Councilman Martin?

Mr. Martin: I have a motion and the motion is that the Parks and Recreation Committee take upon themselves to develop a set of criteria for next summer, working with the Recreation Department, indicating what the criteria would be that would endanger the volleyball court from remaining. In other words, 20 violations, 2 violations, whatever it might be, some set of criteria where we can objectively determined whether or not there is truly an issue or not an issue. I think that the only choice is, a volleyball court or no volleyball court. We have everything else filled up. I believe that we have a couple bad actors and will need to work with the police folks we need to make sure our rules within the Park and Rec assure that the police can take action whether it is a certain decibel level or a certain amount of profanity or whatever that might be. You are not going to send someone out because they swore once. It is the over the top stuff that we want to have some type of criteria. That is my motion.

MOTION by Mr. Martin, seconded by Mr. Kiriazis, that the Parks and Recreation Committee determined some criteria that would allow an appropriate evaluation by the conclusion for the summer of 2023 as to the condition of the volleyball court situation and merit its continued use or not.

Ms. Kelly: I have a question, the Mayor mentioned about possibly moving the playground equipment where the volleyball court is. So, how can you do that a year from now? If that is a viable option. How can we do that a year from now and take the wait and see approach?

Mr. Martin: I have a response for that. My response is that I don't believe it is a either or. I think that we have enough understanding here that just about anything won't satisfy

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the resident.

Mr. Orwig: That's not true.

Mr. Elliott: Point of order. That is the question that I asked you and you did not give me a guarantee on that. I literally asked you the question. What would you be happy with going there.

Mr. Orwig: I don't understand how the suggestion that I put on paper and put before you this evening is not a viable solution to this problem. I have not heard why that solution that I proposed is not viable.

Mr. Elliott: To move the volleyball

Mr. Orwig: we are talking about locations I am saying.

Mr. Elliott: The Mayor responded to you.

Mr. Orwig: He did not.

Mr. Elliott: If we move the court over here, something else is going where this is at.

Mr. Orwig: I don't know what that is do you?

Mr. Elliott: that is what we are, we just literally just told you that it could be the playground equipment and if it is the playground....

Mr. Orwig: There is no community involvement in basically how these parks are being laid out. That's clear.

Mr. Martin: Let me finish my thought. That is, again, I don't believe it is an either or situation. I don't think it's volleyball court or playground equipment. Playground equipment is going to go where the proposal is to put it. The Mayor and the Staff have determined that is the location for playground equipment. It is whether or not the volleyball court remains or doesn't remain because placing playground equipment there or a pickle ball court, placing anything there, is going to generate noise and nuisance. To a certain level. Just like anything in a park situation does. It is meant for recreation. It is meant for enjoyment of the public for all the citizens in the 12,000 that we have here in Seven Hills. So, it is not an either or, it's whether or not the volleyball court continues to be viable and can be operated in such a manner that it doesn't raise to a level of a nuisance.

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Mr. Kiriazis There is a motion on the floor.

Roll Call: Elliott, yes; Kelly, yes; Kiriazis, yes; Kulju, yes; Martin, yes; Morrow, yes; Snitzky, yes. **MOTION CARRIED**

Mr. Morrow: No comments.

Mr. Martin: Thank you. For those that look at their Yahoo News on a routine basis, it is hard to say that it has been almost a year that we had a roomful of representatives from the Ukrainian Community. I appreciate the Mayor when they did assemble here to raise awareness and they need continued support and continued acknowledgment of what is occurring in our world and its impact on our daily lives as well as those who are there at the fight. Anyway I wish them continued success on raising that awareness and that is the only purpose of my comments this evening.

Mr. Snitzky: Nothing this evening.

Ms. Kelly: Nothing further thank you.

Mr. Kiriazis: I have nothing further this evening. May I have a motion to adjourn?

MOTION by Mr. Kiriazis, seconded by Mr. Elliott, to adjourn the tonight's meeting at 7:56PM.

Roll Call: all yea

MOTION CARRIED

The February 28, 2023 Council Meeting was adjourned at 7:56PM

Phil Kiriazis, President of Council

Attest: _____
Judith Goslin, Clerk of Council

Date: _____

transcribed
T. Matson
Law Secretary
3/6/2023

From: Thomas Jaros <tjaros@att.net>
Sent: Wednesday, February 15, 2023 12:02 PM
To: Judy Goslin
Cc: Phillip Kiriazis; City Council
Subject: Illicit activity at North Park on 12/31/2022?
Attachments: FILL at NP.jpg

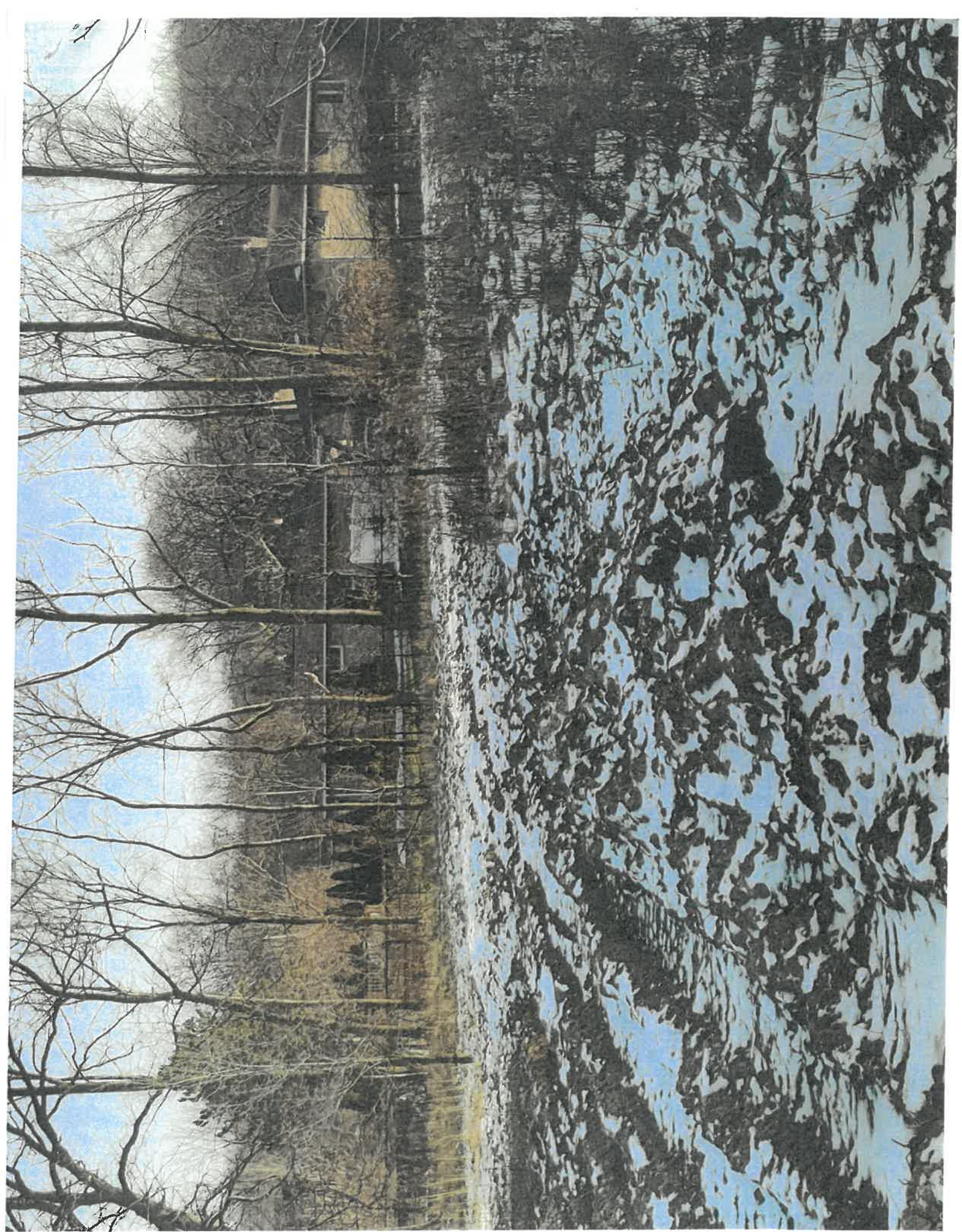
Ms. Goslin,
I request that this communication be read in full at the next Council meeting,

Ward 1 Councilman Kiriazis specifically and all of Council generally,
Please see the attached pic. It has been witnessed that a bulldozer owned by Hummel (successful bidder on various Park projects) caused the spreading of dump trucks of earthen fill on the public property at North Park. This action occurred on 12/31/2022.

A public doc request for the change of grade on the property netted a general permit for activity on the property. That permit does not specifically grant permission to change the grade as seen in the attached pic. It also appears that the area where the grade was changed lies outside of the project area encompassed by the provided permit. That same permit was issued on 1/25/2023. Obviously, the change of grade was effected BEFORE any permit for any action in the area was issued. As such, the person(s) authorizing the filling action has caused a violation of Seven Hills law and/or various laws set forth by a variety of governmental bodies with jurisdiction over environmental issues such as this. This issue will be put in front of the aforementioned governmental bodies.

I suggest that the illicitly applied fill be removed from the property. I further suggest that the person or persons responsible for directing Hummel in it's actions be removed from further participation in ANY Parks projects and be replaced with persons qualified and experienced in the implementation of such projects.

Thank you,
Tom Jaros
Seven Hills Resident



From: Isaac Robb <irobb@wrlandconservancy.org>
Sent: Tuesday, February 21, 2023 10:47 AM
To: tjaros@att.net
Subject: RE: The Western Reserve Land Conservancy and Seven Hills.

Exhibit "B"

Greetings Mr. Jaros,

Thank you for your email.

I'll do my best to answer all of your questions.

Yes, while the Land Conservancy worked to acquire and protect this property in partnership with the City of Seven Hills we have no long-term legal interests in the property. However, there are legal restrictions as part of the Clean Ohio Fund. This includes keeping this property as green space in perpetuity. You can find more information on that here: <https://pwc.ohio.gov/Project-Administration/Clean-Ohio>

After speaking with the City of Seven Hills, we learned the following:

They continue to move forward with the North Park improvements as the Mayor mentioned at the opening of Beverly Park. They are getting ready to break ground on the year-round pavilion (north of the cell tower) and a small parking lot addition for ADA compliance and logistics. In order to clear space for the parking area, they needed to access the main entrance of the path, which was a planned improvement. The City notified residents to utilize the connection from Belmont in Brooklyn Heights until the main trail entrance is finished.

The City is working with an architect, and they are familiar with the Clean Ohio restrictions. There also may not be a jurisdictional wetland on the property, which would negate any required preventive action on behalf of the City.

I hope this helps answer your questions, and that you and your neighbors continue to enjoy the new park.

Best,
Isaac

-----Original Message-----

From: Thomas Jaros <tjaros@att.net>
Sent: Tuesday, February 14, 2023 1:23 PM
To: Isaac Robb <irobb@wrlandconservancy.org>
Subject: The Western Reserve Land Conservancy and Seven Hills

[You don't often get email from tjaros@att.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Caution: This email originated outside of the organization. Think before you click!

Hello Mr. Robb,

Your statement on the WRLC website:

"The Land Conservancy is ecstatic to work in partnership with the City of Seven Hills and the seller with this green space acquisition project," said Isaac Robb, Vice President of Planning and Urban Projects at Western Reserve Land Conservancy. "Enhancing access to outdoor amenities is critical to the health and well-being of our communities."

Has the "partnership" you mentioned ended with the sale of the property to the City of Seven Hills?

The WRLC logo is prominently displayed on the property. Does this indicate an ongoing relationship with the City and this property?

On December 31, 2022, it appears that a wetland on the property may have been eradicated by the addition of numerous dump trucks of earthen fill. The fill was spread on the property by a bulldozer. Please see the attached picture.

Was the sale of the property to the City of Seven Hills conditioned as to the preservation of the "greenspace" you mention in your statement? Preservation of wetlands on the property?

I'll look forward to your response to my questions.

Respectfully,

Tom Jaros 440-570-6262
Seven Hills Resident

The Parks Department is constantly working to restore greenspace to certain areas of North Park along the Nature Trail. Last year we planted 57 trees and aim to continue to plant native plants in this space as well as expand our green space. There are several areas off to the sides of the Nature Trail with old concrete that we are looking to add fill dirt to for safety as well as aesthetic reasons. Hummel Construction had trucks of fill dirt that was removed from John Glen Park and that dirt was directed to be used at North Park.

We work within guidelines as provided by Western Reserve Land Conservancy, as arranged in our agreement.

The city constantly reuses natural resources such as fill dirt – this is not a new process. Last year, we took the fill dirt from the Cricket Park Playground installation and used it to fill in curbs around City Hall and Rec property. The grass is now growing in beautifully.

There was some confusion from the public on our permissions with this space, so please see the following as explained in Section 1 of the Use and Development Restrictions as provided by WRLC: “Declarant agrees to limit the future use of the property to passive park uses and all future development will be limited to those improvements typically associated with passive parks, such as, but not limited to, pavilions, paved trails, parking areas, roads for access to parking areas and for management and maintenance of the Property.”

I have spoken to Jennifer Kline, Program Representative of Ohio Public Works Commission as well as Robin Christensen & Isaac Robb of Western Reserve Land Conservancy and they are aware of the work being done and supportive of the upcoming improvements to this space.

Jen Burger, CPRP, CPO

Director of Recreation

Seven Hills Community Recreation Center

216-524-6262 ext. 401

jburger@sevenhillsohio.org

“If you want to be a true professional, you will do something outside yourself. Something to repair tears in your community. Something to make life a little better for people less fortunate than you. That’s what I think a meaningful life is — living not for oneself, but for one’s community.” ~ Ruth Bader Ginsburg