

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD September 13, 2022

This Regular Council Meeting was called to order by President of Council Phillip Kiriazis at 7:19 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Assistant Director of Law DiChiro, Councilman-at-Large Elliott, Councilman-at-Large Kulju, Ward 1 Councilman Kiriazis, Ward 3 Councilman Snitzky, Ward 4 Councilman Dell'Aquila, and Engineer Schmitzer.

ABSENT: Mayor Biasiotta, Director of Finance Petrunyak, Councilwoman-at-Large Kelly, Ward 2 Councilman Martin, Director of Public Service and Properties Johnson, and Building Commissioner Grassi.

MOTION by Mr. Kiriazis, seconded by Mr. Elliott, to excuse the absence of Mayor Biasiotta, Director of Finance Petrunyak, Councilwoman-at-Large Kelly, Ward 2 Councilman Martin, Director of Public Service and Properties Johnson, and Building Commissioner Grassi from tonight's meeting, if there is no division of the question.
Roll Call: all yea **MOTION CARRIED**

Mayor Biasiotta, Director of Finance Petrunyak, Councilwoman-at-Large Kelly, Ward 2 Councilman Martin, Director of Public Service and Properties Johnson, and Building Commissioner Grassi were excused from the September 13, 2022 Council Meeting.

READING AND DISPOSAL OF JOURNAL

Minutes of the Regular Council Meetings held March 15, 2022 and April 12, 2022.

MOTION by Mr. Kulju, seconded by Mr. Snitzky, to accept the minutes of the Regular Council Meeting held March 15, 2022, and the minutes of the Regular Council Meeting held April 12, 2022, as printed, if there is no division of the question.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mr. Elliott, seconded by Mr. Kiriazis, to accept the Consent Agenda of September 13, 2022, as printed, if there is no division of the question.
Roll Call: all yea **MOTION CARRIED**

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RESOLUTIONS OF COMMENDATION

Resolution No. 17-2022 -- A Resolution of Commendation to **Alaina Kostyack**, City of Seven Hills Hall of Fame Resident of the Month, July 2022.

MOTION by Mr. Dell'Aquila, seconded by Mr. Elliott, to table Resolution No. 17-2022.
Mr. Dell'Aquila stated that Mrs. Kostyack was present earlier to accept her Commendation after adoption this evening, but had to leave during Council's Executive Session before this meeting started.

Roll Call: all yea

MOTION CARRIED

Resolution No. 17-2022 was tabled.

REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

Planning, Zoning, and Economic Development Committee Chairman Snitzky stated that the Committee last met on Tuesday, July 26, 2022, and the minutes from that meeting are on file with the Clerk of Council. Mr. Snitzky said that the Committee will hold its next regular meeting on Tuesday, September 27, 2022.

Public Works

Public Works Committee Chairman Kulju stated that the Committee last met this evening, September 13, 2022, and the minutes from that meeting are on file with the Clerk of Council. Mr. Kulju said that the Committee will hold its next regular meeting on Tuesday, October 11, 2022.

Community Services

Community Services Committee Chairperson Kelly was not present. Mr. Kulju stated that the Committee last met this evening, September 13, 2022, and the minutes from that meeting are pending. Mr. Kulju said that the Committee will hold its next regular meeting on Tuesday, October 11, 2022.

Police and Fire

Police and Fire Committee Chairman Elliott stated that the Committee last met this evening, September 13, 2022, and the minutes from that meeting are pending. Mr. Elliott said that the Committee will hold its next regular meeting on Tuesday, October 11, 2022.

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Parks and Recreation

Parks and Recreation Committee Chairman Martin was not present. Mr. Kiriazis stated that the Committee last met on Tuesday, July 26, 2022, and the minutes from that meeting are on file with the Clerk of Council. Mr. Kiriazis said that the Committee will hold its next regular meeting on Tuesday, September 27, 2022.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairman Dell'Aquila stated that the Committee last met on Tuesday, July 26, 2022, and the minutes from that meeting are on file with the Clerk of Council. Mr. Dell'Aquila said that the Committee will hold its next regular meeting on Tuesday, September 27, 2022.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairperson Kiriazis stated that the Committee last met this evening, September 13, 2022, and the minutes from that meeting are pending. Mr. Kiriazis said that the Committee will hold its next regular meeting on Tuesday, September 27, 2022.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

There were no communications, petitions, or claims.

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

Ordinance No. 65-2022 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE OHIO DEPARTMENT OF DEVELOPMENT BUILDING DEMOLITION AND SITE REVITALIZATION PROGRAM SUBRECIPIENT AGREEMENT, TAKING ALL ACTIONS NECESSARY TO ACCEPT THE SUBGRANT UP TO AN AMOUNT NOT TO EXCEED \$293,100.00, TO BE USED TOWARD THE DEMOLITION AND SITE FINISH OF PARCEL NO. 551-33-001 (2243 Mapleview Drive); AND DECLARING AN EMERGENCY.

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MOTION by Mr. Kulju, seconded by Mr. Kiriazis, to suspend the Rules of Council and read Ordinance No. 65-2022 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 65-2022 was read by full title only for its first and final reading.

MOTION by Mr. Kulju, seconded by Mr. Kiriazis, to approve the emergency clause in Section 4 of Ordinance No. 65-2022.
Roll Call: all yea **MOTION CARRIED**

MOTION by Mr. Kulju, seconded by Mr. Kiriazis, to pass Ordinance No. 65-2022 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 65-2022 IS DECLARED PASSED.

Ordinance No. 66-2022 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE OHIO DEPARTMENT OF DEVELOPMENT BUILDING DEMOLITION AND SITE REVITALIZATION PROGRAM SUBRECIPIENT AGREEMENT, TAKING ALL ACTIONS NECESSARY TO ACCEPT THE SUBGRANT UP TO AN AMOUNT NOT TO EXCEED \$19,500.00, TO BE USED TOWARD THE DEMOLITION AND SITE FINISH OF PARCEL NO. 552-23-092 (370 Orchardview Rd/Meijer Park); AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mr. Kiriazis, to suspend the Rules of Council and read Ordinance No. 66-2022 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 66-2022 was read by full title only for its first and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Kiriazis, to approve the emergency clause in Section 4 of Ordinance No. 66-2022.
Roll Call: all yea **MOTION CARRIED**

MOTION by Mr. Snitzky, seconded by Mr. Kiriazis, to pass Ordinance No. 66-2022 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 66-2022 IS DECLARED PASSED.

Ordinance No. 67-2022 – AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$2,456.25 FOR A CHANGE ORDER TO ORDINANCE NO. 59-2022, PASSED JULY 12, 2022, WHICH AUTHORIZED AN AMOUNT OF \$97,421.60 FOR THE TERM OF THE FIVE-YEAR TAX EXEMPT MUNICIPAL LEASE AGREEMENT WITH LEASE SERVICING CENTER, INC., dba NCL GOVERNMENT CAPITAL, FOR THE PURPOSE OF ACQUIRING HEALTH AND FITNESS EQUIPMENT (CARDIO EQUIPMENT), WITH

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APPURTENANCES, FOR USE IN THE CITY OF SEVEN HILLS RECREATION COMPLEX, THROUGH SOURCEWELL ID #70833, PRECOR VENDOR CONTRACT #8081120-PCR (New Total Appropriated = \$99,877.85 -- \$19,875.57 PER YEAR FOR FIVE YEARS PLUS \$500.00 DOCUMENTATION FEE AT CLOSING); AND DECLARING AN EMERGENCY.

MOTION by Mr. Kulju, seconded by Mr. Kiriazis, to suspend the Rules of Council and read Ordinance No. 67-2022 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 67-2022 was read by full title only for its first and final reading.

MOTION by Mr. Kulju, seconded by Mr. Kiriazis, to approve the emergency clause in Section 3 of Ordinance No. 67-2022.

Roll Call: all yea **MOTION CARRIED**

MOTION by Mr. Kulju, seconded by Mr. Kiriazis, to pass Ordinance No. 67-2022 as an emergency measure.

Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 67-2022 IS DECLARED PASSED.

Ordinance No. 68-2022 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN THE LEGISLATION CONSENT AGREEMENT THAT WILL ALLOW THE CITY OF SEVEN HILLS TO RENEW FOR ONE YEAR (2023) THE EXISTING THREE-YEAR AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, FOR BRIDGE INSPECTION PROGRAM SERVICES; AND DECLARING AN EMERGENCY.

MOTION by Mr. Elliott, seconded by Mr. Dell’Aquila, to suspend the Rules of Council and read Ordinance No. 68-2022 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 68-2022 was read by full title only for its first and final reading.

MOTION by Mr. Elliott, seconded by Mr. Dell’Aquila, to approve the emergency clause in Section 7 of Ordinance No. 68-2022.

Roll Call: all yea **MOTION CARRIED**

MOTION by Mr. Elliott, seconded by Mr. Kiriazis, to pass Ordinance No. 68-2022 as an emergency measure.

Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 68-2022 IS DECLARED PASSED.

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Ordinance No. 69-2022 – AN ORDINANCE TO APPROPRIATE THE SUM OF \$5,449,023.51 FOR THE FURNISHING OF ALL LABOR AND PERFORMING ALL WORK FOR THE FIVE-YEAR (1/1/2023 – 12/31/2027) RESIDENTIAL REFUSE COLLECTION AND DISPOSAL, RECYCLING SERVICES AND DISPOSAL OF SOLID WASTES (TWO-DAY COLLECTION) IN THE CITY OF SEVEN HILLS, OHIO; DETERMINING AND ACCEPTING THE BID OF WASTE MANAGEMENT OF GLENWILLOW, OHIO, TO BE THE LOWEST AND BEST BID, THEREFORE; AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A FIVE-YEAR AGREEMENT FOR SAID SERVICES, WITH THE OPTION TO RENEW AND EXTEND THIS AGREEMENT FOR TWO (2) CONSECUTIVE ONE-YEAR TERMS.

Ordinance No. 69-2022 was read by full title only for its first reading.

Ordinance No. 70-2022 – AN ORDINANCE AUTHORIZING AN AGREEMENT WITH CARGILL, INC., FOR THE PURCHASE OF 1,500 TONS OF ROAD SALT THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) CONSORTIUM CONTRACT; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$70,860.00 FOR SAID PURCHASE DURING THE 2022-2023 WINTER SEASON.

Ordinance No. 70-2022 was read by full title only for its first reading.

COUNCIL OPEN TO THE AUDIENCE

Patrick Orwig, 5733 Skyline Drive:

Mr. Orwig asked Council President Kiriazis if he received the email that he sent to him regarding the Volleyball Courts at North Park. Council President Kiriazis replied that he received it. He also said that he sent an email to the members of Council concerning the placement of the volleyball courts at North Park.

Mr. Orwig said that the volleyball courts are 23 feet away from his property line. He outlined the basics and his research that the placement violates common park installation of the courts.

He added that the bottom line is that he is not getting anywhere with any City Officials and the City spent hundreds of thousands of dollars to have the parks evaluated. From what I understand, the volleyball courts were one of the things for a professional park designer to do.

I am asking that someone from Council make a motion to ask the Mayor to contract with the company we are working with and ask them to evaluate where a volleyball court should be placed at North Park. That is what I am asking.

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Mr. Orwig stated that he has done a lot of research. I am going to wait here and if anyone is interested, I am looking for an ally. At this time, I do not feel like I have an ally on this issue. Thank you and I appreciate your time.

Mr. Elliott asked if he said the location of the park or the location of the volleyball court? Mr. Elliott stated that it is the volleyball courts. Mr. Elliott asked if his biggest concern is the location of the courts? Mr. Orwig stated it is and the volleyball courts will be placed 20 feet from his fence.

The basketball and other courts are 150 feet away from residents' homes. I do not have a problem with that at all. But 20 feet is 10 times closer than any active sport at North Park. The people are using it and I know what it is like to sit on my patio to listen to people playing, and cussing right there. Come over and see what it looks like when you are sitting on his patio.

Mr. Elliott asked Ms. Burger if this is a legit issue he has? Ms. Burger stated that she has not measured it out. I know the Service Department worked hard on preparing the drainage on it and moving it.

Ms. Burger said this is the first and most thorough that I have heard about Mr. Orwig's concerns. She stated that she will measure it out and get back to Council.

Mr. Elliott told Mr. Orwig that he will stop tomorrow. He would like to look at it and the City might be liable to put a fence up to keep the balls from going into people's yards. It seems that it could be a big issue. Ms. Burger said that she is working on it.

Mr. Orwig said that the fencing is there and the balls are coming into the yards, not every time. Mr. Elliott said you have people running in other peoples' yards and dogs around?

Mr. Orwick had recordings from his phone of the conversation that he can hear. Mr. Elliott said that you bought a house next to a park and there were not too many kids up there. I don't know if you were living there at the time, but we had a football league and you moved next to a park and you had to understand that people will have fun, laughing, etc.

Mr. Orwig stated that he accepts full responsibility for buying a home near a park. My wife and I are fans of the parks. I assumed that I had a reasonable complaint to the City of Seven Hills.

Considering the size of this area I could never imagine that my neighbor would have elected to put up a volleyball court that is 20 feet from his property. This was stated by me in June and July, 2021 before Phase One of the construction was even finished.

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The Mayor was kind enough to come to my residence and expressed surprise at the location and how close it was to my home. Now, nothing has changed, except that I have been living with this. I understand that I bought by a park. Mr. Orwig said to Mr. Elliott that as an employee of Metro Parks, I imagine they have acoustic procedures and evaluate where to put things and not to put things if it abuts a residential area? I bet this wouldn't be in compliance with the Metro Parks. (Inaudible)

Council President Kiriazis said that he has given him more than the allotted three minutes.

Mr. Orwig asked for one final point. The meeting in the Council Chambers took place because he literally walked in the volleyball pit and stood in front of the bulldozer. The workers called the Mayor's Office and that is how that happened.

Mr. DiChiro asked Mr. Orwig if he received copies of your request and the big book? Mr. DiChiro will have someone contact you tomorrow and see if they are available.

Council President Kiriazis thanked Mr. Orwig and asked Ms. Burger to look into this matter.

Ms. Burger replied that she would.

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Biasiotta was not present.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Petrunyak was not present.

Assistant Director of Law DiChiro:

Mr. DiChiro extended his condolences to Mayor Biasiotta on the loss of his father.

Mr. DiChiro sent well wishes to Stacey Kelly's mother in her recovery from her operation.

There will be a Zoning Board of Appeals Meeting tomorrow and there are three items on the agenda. The members of the ZBA and Planning Commission thank Mr. Snitzky for his active participation and his hard work for the Zoning Board of Appeals.

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Director of Public Services and Properties Johnson was not present.

Engineer Schmitzer had no formal report.

Building Commissioner Grassi was not present.

MISCELLANEOUS

Mr. Kulju:

Mr. Kulju sent his thoughts and prayers to the Mayor and his family on the passing of his Father.

Mr. Elliott had no miscellaneous comments.

Mr. Dell'Aquila:

Mr. Dell'Aquila expressed his condolences to the Mayor and his family on the loss of his Father. He was a great gentleman, and I know how difficult this time is for the Mayor.

Mr. Dell'Aquila also expressed to Ms. Kelly that he hopes her Mother feels better.

Mr. Snitzky:

Mr. Snitzky wished to follow up with Mr. Dell'Aquila on condolences and prayers for Mayor Biasiotta. It is tough – the Mayor's Mother passed not too long ago, and now his Father. Very Tough.

Thank you.

Mr. Kiriazis:

Council President Kiriazis extended his condolences on the loss of the Mayor's Father. May his memory be eternal.

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Council President Kiriazis said if there is no other business to come before Council, I would like to make a motion to adjourn.

MOTION by Mr. Kiriazis, seconded by Mr. Dell'Aquila, to adjourn the meeting.
Roll Call: all yea **MOTION CARRIED**

The September 13, 2022 Regular Council Meeting was adjourned at 7:49 p.m.

Phillip Kiriazis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

Transcribed 11/23/2022
Judy Goslin, Assistant Clerk of Council
(Edited Carol Sekerak)