

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD OCTOBER 11, 2022

PLEDGE OF ALLEGIANCE

The Regular Council Meeting of October 11, 2022 was called to order by President of Council Phil Kiriazis at 6:28 p.m., with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Mayor Biasiotta, Assistant Director of Law DiChiro, Director of Finance Petrunyak, Director of Public Service and Properties Johnson, Engineer Schmitzer, Councilman-at-Large Elliott, Councilwoman-at-Large Kelly, Councilman-at-Large Kulju, Ward 1 Councilman Kiriazis, Ward 2 Councilman Martin, and Ward 4 Councilman Dell'Aquila.

ABSENT

Building Commissioner Grassi and Ward 3 Councilman Snitzky.

MOTION

by Mr. Kiriazis, seconded by Mr. Elliott to excuse the absence of Building Commissioner Grassi and Ward 3 Councilman Snitzky from tonight's meeting.

Roll Call: all yea.

MOTION CARRIED

Building Commissioner Grassi and Councilman Snitzky were excused from tonight's meeting.

READING AND DISPOSAL OF JOURNAL – May 10, 2022 - Council Meeting Minutes.

MOTION

by Mr. Kulju, seconded by Mr. Kiriazis to approve the May 10, 2022 Council Meeting minutes as submitted.

Roll Call: all yea.

MOTION CARRIED

CONSENT AGENDA – October 11, 2022

MOTION

by Mr. Kulju, seconded by Mr. Kiriazis to accept the consent agenda for October 11, 2022.

Roll Call: all yea.

MOTION CARRIED

RESOLUTIONS OF COMMENDATION

There were none.

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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 on July 12, 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, September 13, 2022.

Community Services

Community Services Committee Chairperson Kelly said that the Committee last met on July 12, 2022, and the minutes from that meeting are on file with the Clerk of Council. Ms. Kelly said that the Committee will hold its next regular meeting on Tuesday, September 13, 2022.

Police and Safety

Police and Fire Committee Chairman Elliott stated that the Committee last met on July 12, 2022, and the minutes from that meeting are pending. Mr. Elliott said that the Committee will hold its next regular meeting on Tuesday, September 13, 2022.

Parks and Recreation

Parks and Recreation Committee Chairman Martin stated that the Committee last met on Tuesday, July 26, 2022, and the minutes from that meeting have been submitted to the Clerk of Council. Mr. Martin said that the Committee will hold its next regular meeting on Tuesday, September 27, 2022.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Mr. Elliott stated that in the absence of Chairman Dell 'Aquila, 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. Elliott 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 Chairman Kiriazis stated that the Committee last met this evening, July 26, 2022, and the minutes from that meeting are pending. Mr. Kiriazis said

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that the Committee will hold its next regular meeting on Tuesday, September 27, 2022.

APPOINTMENTS AND CONFIRMATIONS

Mayor Biasiotta stated that he would like to appoint Mr. Dale Armbruster to the Board of Zoning Appeals.

MOTION

by Mr. Kiriazis, seconded by Mr. Elliott to approve the Mayor's appointment of Mr. Dale Armbruster to the Board of Zoning Appeals.

Roll Call: all yea.

MOTION CARRIED

COMMUNICATIONS, PETITIONS AND CLAIMS

There were none.

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were none.

ORDINANCES AND RESOLUTIONS

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. Third Reading.

MOTION

by Mr. Martin and seconded by Mr. Elliott to suspend the rules of Council and Read Ordinance No. 69-2022 by title only for its third and final reading.

Roll Call: all yea.

MOTION CARRIED

MOTION

by Mr. Martin and seconded by Mr. Elliott to pass Ordinance No.69-2022 as an emergency

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Environmental Protection Agency requirements.

Roll Call: all yea.

MOTION CARRIED

MOTION

by Mr. Kulju and seconded by Mr. Kiriazis to pass Ordinance No. 77-2022 as an Emergency measure.

Roll Call: all yea.

MOTION CARRIED

ORDINANCE NO. 77-2022 IS DECLARED PASSED.

Ordinance No. 78-2022

AN ORDINANCE TO AMEND THE SEVEN HILLS CODIFIED ORDINANCE SECTIONS 127.03, 127.04, AND 127.041 RELATIVE TO THE DUTIES AND COMPENSATION OF THE DIRECTOR OF LAW, ASSISTANT DIRECTOR OF LAW FOR PROSECUTIONS, AND THE SECOND ASSISTANT DIRECTOR OF LAW; AND DECLARING AN EMERGENCY.

First Reading.

MOTION

by Mr. Dell'Aquila and seconded by Mr. Martin to suspend the rules of Council and Read Ordinance No. 78-2022 by title only for its first and final reading.

Roll Call: all yea.

MOTION CARRIED

MOTION

by Mr. Dell'Aquila and seconded by Mr. Martin to approve the emergency clause in Section 4 of Ordinance No. 78-2022.

Roll Call: all yea.

MOTION CARRIED

MOTION

by Mr. Dell'Aquila and seconded by Mr. Martin to pass Ordinance No. 78-2022 as an Emergency measure.

Roll Call: all yea.

MOTION CARRIED

ORDINANCE NO. 78-2022 IS DECLARED PASSED.

Ordinance No. 79-2022

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT AND ANY RELATED DOCUMENTS BETWEEN THE CITY AND GREG LUVISON AND DAVE LUVISON CONCERNING THE ACQUISITION OF A CERTAIN PROPERTY ON ROCKSIDE ROAD; AND DECLARING AN EMERGENCY.

First Reading.

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MOTION

by Mr. Elliott and seconded by Mr. Kiriazis to suspend the rules of Council and Read Ordinance No. 79-2022 by title only for its first and final reading.

Roll Call: all yea.

MOTION CARRIED

MOTION

by Mr. Elliott and seconded by Mr. Kiriazis to approve the emergency clause in Section 4 of Ordinance No. 79-2022.

Roll Call: all yea.

MOTION CARRIED

MOTION

by Mr. Elliott and seconded by Mr. Kiriazis to pass Ordinance No. 79-2022 as an Emergency measure.

Roll Call: all yea.

MOTION CARRIED

ORDINANCE NO. 79-2022 IS DECLARED PASSED.

Mr. Elliott said the two recent properties that we purchased are located on Rockside Road and Crossview Roads. Mr. Luvison called Mr. Elliott and they negotiated a fair price for the home. This is for the Rockside Road project and it puts the City in a better light and he is happy with how it turned out.

Mayor Biasiotta commended Mr. Elliott and thanked him for his quick handling of this purchase. The Mayor stated that Mr. Elliott negotiated the purchase price. This parcel is a piece of commercial property, with good size frontage. It is adjacent to the last three-acre parcel that we already purchased. We now control over 3 ½ acres on Rockside Road and this is a prime area and this gives us a variety of uses for this property. We will control it and we can develop it or not develop. Eventually, a portion will become a right turn lane.

Mayor Biasiotta thanked all those who were involved in the purchase. He thanked Councilman Elliott and Assistant Law Director DiChiro for all of their assistance.

Mr. Dell'Aquila said the purchase of this property puts the City in a much better position.

COUNCIL OPEN TO THE AUDIENCE

Mr. Patrick Orwig

5722 Skyline Drive

Discussed his public records request that has not been fulfilled since July 30, 2022 concerning the contract with Brandstetter. Mr. Orwig felt that four weeks ago, he made a reasonable request

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regarding the design firm's recommendations on the volleyball courts. Mr. Orwig has not received a response.

Mr. Orwig questioned why the layout of the park is not being done by the firm doing the design layout.

Mr. Dave Strnisa

508 Simich Drive

Mr. Strnisa question was in reference to Councilman's Martin's article in the recent City Newsletter. He stated that the article referenced how certain City positions were appointed and/or elected. In particular, the Law Director's position.

Mr. Strnisa inquired if there is a current Law Director in place or will it be on the ballot in November?

Mayor Biaisiotta said that he will respond to this question in miscellaneous comments.

Also, Mr. Strnisa had a flooded basement on August 7, 2022 at his home. The City was notified and the Service Department came and took care of the problem. He notified his Councilperson, and he did respond. The Councilman said he has no authority regarding a resolution to his problem. Mr. Strnisa said they talked to a legal representative regarding the financial losses due to the basement flooding.

The Service Department stated that the blockage was in the main sewer line at the street and not on his property. Mr. Strnisa stated that this is a financial loss out of his pocket and the City should be responsible. He asked who he should talk to about his case and come to a resolution?

Ms. Kelly asked if he had engaged the services of an attorney. Mr. Strnisa said the attorney is a family friend and he is not on a retainer. A letter was sent by his friend/attorney and to Councilman Martin.

Mr. Vince Crawford

Waste Management

Mr. Crawford is employed by Waste Management, and he thanked the Mayor and Council for retaining the services of Waste Management. They look forward to serving the City. Thank you.

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REPORTS AND COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR

In response to an earlier question, Mayor Biasiotta stated that the City's Law Director retired during his term in office. When the Law Director's position is vacant and according to our Charter, the Assistant Law Director assumes the responsibilities of the Law Director. Attorney DiChiro, our Assistant Law Director, has assumed the Law Director's duties. We have also retained the services of Attorney Joseph Diemert to make recommendations and assist in anything that we might need from a legal standpoint. The Charter states that the Mayor will recommend a replacement and Council can confirm or not confirm his selection.

The Mayor addressed Mr. Strnisa and said he would have our Law Director make an appointment to meet with him. The Mayor discussed what filing a moral claim consists of doing. Mr. DiChiro will contact Mr. Strnisa.

The Mayor discussed the Public Records requests and he has instructed his staff to reach out and fill the recent public records request by Mr. Orwig. The Mayor discussed Mr. Orwig's concerns and had the report from Brandstetters and discussed the concept.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Petrunyak:

Mr. Petrunyak had no report.

Assistant Director of Law DiChiro

Mr. DiChiro stated that the Law Department will reach out to review Mr. Strnisa's matter. He also stated the Union negotiations are continuing and Mr. Elliott will attend the meetings.

With regards to the Mayor's efforts to reopen Mr. Strnisa's public records request, I believe a meeting was held with several people to answer the first request. The second request was made, and his staff contacted our Building and Finance Departments. They provided what information they had. Mr. Schmitzer got all the documents that were sent to him for his review. The third request was vague and they were asking for more documents, and they will be forthcoming.

Director of Public Service & Properties Johnson

He had no report.

City Engineer Schmitzer

He had no report.

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Building Commissioner Grassi

Mr. Grassi was absent.

MISCELLANEOUS

John Kulju

Mr. Kulju stated that he felt a lot of time and due diligence had been spent on Mr. Orwig's matter.

Mr. Elliott

Addressed Mr. Orwig and told him that he went over and looked at the volleyball courts. He looked at the area and he felt the location was better than being located by the baseball side of the park. He does not think Mr. Orwig will win this matter and with all our parks, he is the only one that is complaining.

Mr. Elliott thanked Mr. DiChiro for his assistance with the purchase of the home on Rockside Road.

Mr. Orwig

Comments inaudible

Mr. Dell'Aquila

Stated that he did not think that the North Park issue is a matter for Council. This is a public park, and it is for our residents. If you move adjacent to a park, it will be used for recreation and there will be noise and recreational activities.

Mr. Martin thanked Mr. Chiro for his timeliness and ideas on some proactive issues for our senior citizens. On the recreational activities, he stated that the Council is here for checks-and-balances and for approving and funding projects. This is an administration issue and is not to be decided by Council.

Ms. Kelly stated that she had not been to Mr. Orwig's home and she would have to see the layout. Also, this matter is an administrative issue.

Mayor Biasiotta stated that the Administration put the volleyball courts where the staff thought was the right place. He disagreed that this matter is not a matter for Council.

We had a resident come to a year's worth of meetings and I stated our remedy. At any time, Council could have made a motion to hire a design firm to determine the proper placement of the

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volleyball courts.

I disagree with several Council members to say that it is not a Council matter. The Council has the purse strings to hire someone to do an independent survey. If anyone feels it should be moved, make a motion and make it happen. He felt that due diligence was done on this matter and they did their job.

Mr. Elliott said that Council has spoken and that they agree the volleyball courts are located where they should be located. We are not going to spend taxpayers' dollars to hire someone for their opinion. Mr. Elliott said that the matter is a dead issue with him.

Mr. Kiriazis agreed with Mr. Elliott on the placement of the volleyball courts. He believes this issue is done.

Mr. Kiriazis thanked the Police and Fire Committee for putting through the ambulance soft billing. It is a great amenity and our residents do not have to worry about calling 911 in an emergency.

ADJOURNMENT

Mr. Kiriazis asked if there was any other business to be transacted this evening. There being none, he asked for a motion to adjourn.

MOTION

by Mr. Kiriazis, seconded by Mr. Elliott to adjourn the Council meeting at 7:37 p.m.

Roll Call: all yea.

MOTION CARRIED

Phil Kiriazis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____