

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD January 11, 2016

This Regular Council Meeting was called to order by Council President Matthew A. Trafis at 7:32 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Mayor Dell'Aquila, Director of Law Pignatiello, Director of Finance Johnson, Councilman-at-Large Barth, Councilman-at-Large Kraynak, Councilman-at-Large Trafis, Ward 1 Councilman Biasiotta, Ward 2 Councilman Fraundorf, Ward 3 Councilman Kukral, Ward 4 Councilman Petro, Director of Public Service and Properties Lovece, and Building Commissioner Moro.

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Fraundorf, seconded by Mr. Barth, to accept the Minutes of the Regular Council Meeting held November 23, 2015, as printed.
Roll Call: all yea **MOTION CARRIED**

MOTION by Mr. Fraundorf, seconded by Mr. Barth, to accept the Minutes of the Special Council Meeting held November 30, 2015, as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mr. Petro, seconded by Mr. Kraynak, to amend **Consent Agenda No. 1** of January 11, 2016, by **increasing** the authorized expenditure contained in **Motion No. 4**, payable to Emily Braman & Company of Beachwood, Ohio, in reference to Professional Appraisal Services related to the Hemlock Creek Watershed Utility Improvement Project, from \$5,000.00 to **\$20,000.00**.
Roll Call: all yea **MOTION CARRIED**

MOTION by Mr. Petro, seconded by Mr. Kraynak, to accept **Amended Consent Agenda No. 1** of January 11, 2016, as revised, if there is no division of the question.
Roll Call: all yea **MOTION CARRIED**

MOTION by Mr. Petro, seconded by Mr. Kraynak, to accept **Consent Agenda No. 2** of January 11, 2016, as printed.
Council President Trafis stated:
"I am going to recuse myself from Consent Agenda No. 2 because it is paying the Prosecutor who is prosecuting me."

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Roll Call: Barth, yea; Biasiotta, yea; Fraundorf, yea; Kraynak, yea;
Kukral, yea; Petro, yea; Trafis (recused)
6 yea, 0 nay (Trafis recused) **MOTION CARRIED**

RESOLUTIONS OF COMMENDATION

There were no Resolutions of Commendation.

REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

Planning, Zoning, and Economic Development Committee Chairman Trafis stated that the Committee last met on Monday evening, December 21, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Trafis stated that the Committee will hold its next regular meeting on Tuesday evening, January 19, 2016.

Public Works

Public Works Committee Chairman Petro stated that the Public Works Committee last met on Monday evening, January 4, 2016, and the minutes from that meeting are on file with the Clerk of Council.

Community Services

Community Services Committee Chairman Barth stated that the Committee also last met on Monday evening, January 4, 2016, and the minutes from that meeting are on file with the Clerk of Council. Mr. Barth stated that the Committee will hold its next regular meeting on Monday evening, February 1, 2016.

Police and Fire

Police and Fire Committee Chairman Kraynak stated that the Committee last met on Monday evening, December 21, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Kraynak stated that the Committee will hold its next regular meeting on Tuesday evening, January 19, 2016.

Parks and Recreation

Parks and Recreation Committee Chairman Kukral stated that the Committee last met on Monday evening, December 21, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Kukral stated that the Committee will hold its next regular meeting on Tuesday evening, January 19, 2016.

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Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairman Biasiotta stated that the Committee last met on Monday evening, January 4, 2016, and the minutes from that meeting have not yet been filed. Mr. Biasiotta stated that the Committee will hold its next regular meeting on Monday evening, February 1, 2016.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Fraundorf stated that the Committee last met on Monday evening, January 4, 2016, and the minutes from that meeting are on file with the Clerk of Council. Mr. Fraundorf stated that the Committee will hold its next regular meeting on Monday evening, January 19, 2016.

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 no questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

MOTION by Mr. Fraundorf, seconded by Mr. Biasiotta, to amend Ordinance No. 146-2015 by adding the words “**and declaring an emergency**” to the title, and by adding the emergency clause to Section 4.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 146-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH CHARLES M. RITLEY ASSOCIATES LLC, FOR PROFESSIONAL SERVICES TO PROVIDE AN INFORMED ESTIMATE OF VALUE STUDY REGARDING AN APPROXIMATE 1.59-ACRE PARCEL OF VACANT LAND ON ROCKSIDE ROAD OWNED BY THE CITY OF SEVEN HILLS; AUTHORIZING AN AMOUNT NOT TO EXCEED \$7,500.00 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

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MOTION by Mr. Fraundorf, seconded by Mr. Biasiotta, to read Amended Ordinance No. 146-2015 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 146-2015 was read by full title only for its second and final reading.

MOTION by Mr. Fraundorf, seconded by Mr. Biasiotta, to pass Amended Ordinance No. 146-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 146-2015 IS DECLARED PASSED.

Ordinance No. 147-2015 – AN ORDINANCE TO AMEND CHAPTER 1501, OF PART FIFTEEN, TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS FOR THE PURPOSE OF MODIFYING THE MUNICIPAL INCOME TAX CREDIT FROM 100% TO 50% LEGISLATIVELY AND LEAVING THE CREDIT LIMIT AT 1.10% AND THE TAX RATE AT 2%, EFFECTIVE JANUARY 1, 2016.

Ordinance No. 147-2015 was read by full title only for its second reading.

Ordinance No. 1-2016 – 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 WORKING WITH THE CITY OF SEVEN HILLS FOR EFFECTIVE COLLABORATION IN CARRYING OUT MANDATED RESPONSIBILITIES, ESPECIALLY RELATED TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM RULES, AND APPROPRIATING THE SUM NOT TO EXCEED FOUR THOUSAND DOLLARS (\$4,000.00) FOR SAID SERVICE.

Ordinance No. 1-2016 was read by full title only for its first reading.

Ordinance No. 2-2016 – AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUPERIOR-SPEEDIE PORTABLE SERVICES, INC., OF AKRON, OHIO, TO PROVIDE PORTABLE TOILET SERVICE FOR SUMMITVIEW COMMONS, CALVIN PARK, NORTH PARK, AND THE CITY'S FARMER'S MARKET; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$2,180.00 FOR SAID SERVICE.

Ordinance No. 2-2016 was read by full title only for its first reading.

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Ordinance No. 3-2016 – AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUPERIOR-SPEEDIE PORTABLE SERVICES, INC., OF AKRON, OHIO, TO PROVIDE PORTABLE TOILET SERVICE DURING THE 2016 CITY OF SEVEN HILLS HOMEDAYS, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$630.00 FOR SAID SERVICE.

Ordinance No. 3-2016 was read by full title only for its first reading.

Ordinance No. 4-2016 – AN ORDINANCE TO AMEND SUBSECTION 137.04(c), COMPENSATION, FIRE PREVENTION OFFICER, AS CONTAINED IN CHAPTER 137, DEPARTMENT OF FIRE, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING THE SALARY AND DUTIES OF THE FIRE PREVENTION OFFICER.

Ordinance No. 4-2016 was read by full title only for its first reading.

Ordinance No. 5-2016 – AN ORDINANCE TO AMEND SECTION 159.04, MAYOR'S COURT MAGISTRATE, AS CONTAINED IN CHAPTER 159, MAYOR'S COURT, OF TITLE SEVEN, JUDICIAL, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING THE COMPENSATION OF THE MAYOR'S COURT MAGISTRATE.

Ordinance No. 5-2016 was read by full title only for its first reading.

Ordinance No. 6-2016 – AN ORDINANCE TO AMEND SECTION 1121.03, COMPENSATION OF THE BUILDING COMMISSIONER, AS CONTAINED IN CHAPTER 1121, ADMINISTRATION, OF TITLE THREE, LOCAL BUILDING PROVISIONS, OF PART ELEVEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, FOR THE PURPOSE OF AMENDING THE BUILDING COMMISSIONER'S POSITION FROM FULL-TIME TO PART-TIME AND ADJUSTING THE BENEFITS ACCORDINGLY.

Ordinance No. 6-2016 was read by full title only for its first reading.

Ordinance No. 7-2016 – AN ORDINANCE TO AMEND SECTION 151.091, COMPENSATION OF EMPLOYEES GENERALLY, AS CONTAINED IN CHAPTER 151, EMPLOYEES GENERALLY, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADJUSTING THE COMPENSATION RATES FOR THE BUILDING COMMISSIONER EFFECTIVE JANUARY 1, 2016.

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Ordinance No. 7-2016 was read by full title only for its first reading.

COUNCIL OPEN TO THE AUDIENCE

Ed Foley, 3110 Hillside Road, made the following comments:

“Hi. I appreciate the opportunity to speak with you tonight. I also serve as the City’s Chair of the Planning Commission. I have with me tonight other members of the Commission, and I’m going to ask them to give you their name and address, okay?”

*The following members of the **City of Seven Hills Planning Commission** individually approached the podium and introduced themselves to Council and the Administration:*

Ed Foley, 3110 Hillside Road – Commission Chairman

Jeff Monteforte, 826 East Dartmoor – Commission Chairman Pro Tem

Tom Littlepage, 430 Justo Lane – Commission Member

Jeff Bryda, 2341 Parmalee – Commission Member

Mr. Foley continued:

“Thank you. **Joe Andres, Commission Member**, would be here tonight, but he is out of town, so that would make up the entire Commission. As a body we have something to share with our City leaders, and we’re going to ask you for help. I have served on this Commission for approximately 19 years under three Mayors, a variety of Council Presidents and Representatives. Transitions are nothing new, but something in our culture has made a significant shift and it is affecting our ability to fulfill our roles, which we take very seriously.”

Mr. Foley continued:

“Last Thursday we held our first meeting of the New Year. We held a work session, as is our practice, followed by the official meeting. The President of Council was in attendance and the Pro Tem was with us as our new Council Liaison and they were there to witness what I’m going to share. The Planning Commission operates as an important recommending body to Council and we consider ourselves an integral part of the City. We value and have always enjoyed strong working relationships with Mayors, Council, and Administration, and I’m proud of the members on the Commission. We conduct our work with professionalism and in a culture of respect. We have assisted in creating and advancing the Master Plan, and more recently in the study of the most strategically important commercial property remaining in the City on Rockside Road. This planning has turned into potential opportunity and discussions are progressing, with plans being discussed that could turn into real opportunity for the residents of our City. Property has been purchased, homework is being done by two developers and the long-awaited opportunity to seriously explore this development, consistent with our plans and priorities, is at our doorstep.”

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Mr. Foley continued with his remarks:

“We must be diligent in our interactions and analysis right now as we seek to advance these large scale strategic opportunities. The stakes are very high and we have been planning a long time for these very opportunities. What transpired at last Thursday night’s Planning Commission meeting was most distressing and troubling to the members of this Commission. I am bringing my comments to you directly tonight out of a sense of urgency, given what I have already mentioned. Again, the Council President and Pro Tem are witnesses and they can comment in your deliberations as they were there first hand. Members felt intimidated and threatened by comments made by Mr. Jaros at the meeting, and I will now quote from portions of the transcript which are going to be made available to you here in just a minute, along with my comments. I quote:

‘You guys might have heard, there is a new sheriff in town. New Council wants changes and we really do need changes.....you guys have personal liability in what you do here. You can’t just sell the residents down the river and go ‘oh no we were working for the City’. You guys will find out what it is like to hire an attorney yourself. You better start making responsible decisions. Period. Mr. Bryda, you ought to just resign.’ “

Mr. Foley continued:

“That’s a portion of the comments that you’ll be able to read when we give them to the Clerk of Council. Mr. Jaros spoke as if he was a representative of the new Council and part of the transition plan. I took his remarks to be intimidating and threatening. I did not respond to his comments. I am glad that nothing related to Rockside Road was on the agenda. I felt his comments created a climate that would hinder us from professionally discharging our duties. The need for us to be ready and prepared is now; the stakes for our residents are high. Our long term financial health will be impacted heavily by what is happening now. But, we are an extension of the City and we need help in moving quickly to address the remarks made by Mr. Jaros.”

Mr. Foley continued:

“The Planning Commission is asking for your response to the quotes made at our last meeting before the next scheduled Planning Commission meeting. We want to work together with you in an organizationally healthy way and need your response to his remarks. Beyond the response, what legislation can you pass – what action can you take -- to protect the Commission Members from threats and intimidation? We come to you tonight in this way because it is urgent. This is unusual, but the most significant development remaining in our City is moving forward. Preliminary discussions with developers are underway and we must be able to conduct our official meetings without threats and intimidation. We need help and are urgently asking for our City’s response and help.”

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Mr. Foley concluded:

“I’m going to provide you a written copy of my comments, and the transcript from the Planning Commission meeting.”

Planning Commission Chairman Foley approached the dais and provided the Clerk of Council with written hard copies of (1) Minutes of the Planning Commission Meeting held Thursday, January 7, 2016, and (2) Comments made by Mr. Foley at this January 11, 2016 Council Meeting.

Council President Trafis asked, “Are there copies for everybody in there or just one for the minutes?”

Mr. Foley replied, “Copies for everybody – my comments and minutes from the meeting. They’re not official yet, but they are on tape, and we haven’t acted to adopt them yet obviously – but there are copies.”

Council President Trafis said, “Thank you. Would anybody on Council like to respond to that?”

Mr. Barth stated:

“I’m pretty disappointed and troubled to hear what Doctor Foley had to say here tonight about how the City Planning Commission was treated at the meeting. I think everybody up here knows that these men are true professionals in every sense of the word and they should be treated as such. Having said that, Seven Hills is on the cusp of what may be the biggest investment in development in our community and it’s been going on here for a couple of years. It is no secret that an out-of-town investor, who may be the largest land owner in our City, has purchased over 50 acres on the South side of Rockside Road just East of Crossview and another 17 acres in the same area is also slated for development by a different investor. It’s important for the Administration, for Council, and the residents to come together to make these developments a win-win for everybody, because our residents will win if this happens. The people that are making investments are professionals who are willing to make a huge investment in our City and we must put politics and personal animosities aside and do what’s best for the City. Insults, threatened lawsuits, and hateful rhetoric will prove to be counterproductive to the process. Let’s welcome these people to our City. Thank you, Mr. Chairman.”

Council President Trafis said, “Thank you, Councilman Barth. Anybody further on Council?”

Mr. Kukral stated:

“I don’t understand – a resident made these complaints, right? And somehow it’s tied into.....I don’t understand how Council is responsible. You guys are giving the impression that Council is responsible for these remarks. That’s the way I took that. It seemed weird to me.”

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Mr. Foley, from his seat in the audience, replied “You can read my comments.”

Mr. Kukral said, “I’ll have to read it, yes.”

Mr. Foley continued to address Mr. Kukral, but his remarks were inaudible away from the microphone. Council President Trafis requested that Mr. Foley return to the podium to continue with his comments.

Mr. Foley continued at the podium:

“You have to listen to the tape, perhaps. Sometimes things you can’t capture in words. And this is someone that speaks frequently, and he speaks some times in a very aggressive tone, and his comments came across as threatening and intimidating. But he also came across as speaking if he was powerful and in-the-know. When you listen to the tape – *new sheriff in town, we need change* – he was ‘we’-ing it, as if part of the ‘we’. I don’t take him as representative of your views – no! Please don’t.....I’m asking you for help. Some of you don’t know me. We try and work real hard to position ourselves to do what we need to do when we need to do it. And we need to be at our very best right now. The last meeting we left, we left saying *what in the world is going on in our City?* Where we have to be subjected to people threatening to sue us and everything. And no one came to the defense. It was allowed to happen. And it can’t happen. We can’t do this with major developers and all that – it is just inappropriate. And I’m speaking my heart with you now. My comments are in writing. Listen to the tape – read the.....I just gave you a little portion.....please read it and help us. We need some help. We have to be a professional body able to do what we need to do. And we were severely hindered in our ability to work, being threatened with personal liability.....you guys are going to know.....lawyers coming your way – we don’t need that here.”

Council President Trafis commented, “Mr. Foley, I’d like to mention that if you guys get sued, you’re under the City’s umbrella. It wouldn’t be a personal lawsuit. The City would have to cover you. Am I correct, Mr. Law Director?”

Law Director Pignatiello replied, “Yes.”

Mr. Foley answered, “His remarks don’t indicate that. That’s part of what we’re asking you to clarify, okay.”

Council President Trafis added, “With the utmost respect, it’s a resident that’s not a lawyer. If you have questions, call the Law Director and he’ll explain how you guys are under the City’s umbrella. And as far as residents speaking at meetings and threatening lawsuits, I’ve been sued, I’ve been arrested, I’m probably going to get sued again. It’s part of it.”

Mr. Foley replied, “I don’t want to join your world, okay? That’s a place I don’t want to go.”

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Council President Trafis answered, "I hope you don't – I hope you don't."

Mr. Foley continued, "But these were threatening and intimidating comments – from someone that you know – and it's not just the camera in the face.....it's the tone, the comments, the way he presented it.....everybody here felt threatened in the room. And I'm just bringing that to you now. If that doesn't concern you because you're numb to it, you're used to it."

Council President Trafis asked, "What do you want us to do? What do you suggest? What are you asking us to do?"

Mr. Foley replied, "I'm asking you to deliberate and think about it."

Mr. Kukral stated, "I know, but what could we possibly do? We can't stifle a resident."

Mr. Foley said, "In the totality of what you could do – to help set a culture of respect and security for those meetings – perhaps there are some things you could do. We might have some ideas. I don't think this is the exchange right now to do that. I want you to look at the homework you have, and look it over – let's talk. We've got to find a way to bring order and decorum back into our proceedings. That's my view."

Mr. Fraundorf stated:

"My comment is straight forward. Tom Jaros does not speak for me or for this Council that I'm aware. If he implied that there's a new sheriff in town, and that I have his back in some regard, or Mr. Trafis has his back, or the balance of Council has his back, I don't know where that's coming from. All I can tell you is, we don't. Now he can say anything he wants. And people do. And I'll go along with Matt. I've been sued. I've been taken down to the Ohio Elections Commission. I've had to spend thousands of dollars on defense because I didn't have the luxury of being on Council at the time. And as far as the culture, there is a change in culture coming. It's here. And as far as I can see this Council has been working pretty well together for the past month."

Council President Trafis commented:

"But I will tell you, we're not going to.....I'm going to push that we don't implement anything that stifles our residents' thoughts and comments at meetings. So if you have other suggestions on how you guys would like to feel more safe, bring them to the Mayor and Safety Director. If you'd like an Officer at the meeting, ask the Mayor. He can tell the Police to be here."

Mr. Foley, from his seat in the audience, asked "Are you saying you won't look at what we gave you and....."

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Council President Trafis continued, “Oh, we’ll absolutely – we will absolutely.....and, Mr. Foley, I would appreciate if you don’t put words in my mouth. I did not say that.”

Mr. Foley, continuing from his seat in the audience, said “I don’t want just the Mayor.....I want you guys to look at.....”

Council President Trafis responded, “What I said – I’ll repeat it – is, if you’d like an Officer at your meetings, the Mayor is the only person in the City, at least on this dais, that has the authority to have an Officer here. If you would like that have a discussion with the Mayor, who is also the Safety Director, and I’m sure he would entertain that idea – I hope.”

Mr. Kraynak stated:

“I appreciate you bringing that forward. I look forward to reviewing the materials you’ve given us. Naturally I can’t make any comment without having seen anything. So, it would be silly of me to do that. But, at the same time, you’ve got me kind of excited talking about this development. At this point is anyone able to say what type of development it is? It sounds exciting. I, for one, have wanted to see things happen down in that area for a long time. Is it something at this point that cannot be talked about?”

Mr. Foley, from his seat in the audience, said “It’s in stages of being talked about. It’s not official. It’s not coming forward officially, but there are things that are being discussed.”

Mr. Kraynak added, “So to discuss it would jeopardize it – and I don’t want to do that.”

Mr. Foley, again from his seat in the audience, replied “You don’t want to discuss it right now, would you?”

Mr. Kraynak replied, “No, I was just curious what type. I know there’s a development. I don’t know, maybe I should be addressing the Mayor. I can talk to the Mayor on that. Thank you.”

Mr. Foley, from his seat in the audience, added “Yes, talk to the Mayor. But I appreciate your comments.”

Mr. Petro asked, “Ed, are you going to email that tape to us?”

Mr. Foley answered, “The tape from the meeting? Teri has it.”

Mr. Petro said, “I don’t have it. Can they email it to us?”

The **Clerk of Council** stated, “It’s pretty much transcribed here in the documents provided by Mr. Foley.”

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Mr. Petro asked, "But, can you email the verbal?"

Council President Trafis clarified, "The audio."

Mr. Foley replied, "I don't know if Teri can or not."

Council President Trafis commented, "We'll figure out how to make that happen."

Mr. Petro added, "Okay, yes. I'd like to see the tape."

Carol Zupancic, 2725 Chestnut Road, made the following comments:

"I would just like to invite all residents and all of our City Officials to the first meeting of the Friends of the Seven Hills Parks. This will be Saturday at the Parma Snow Library, from 10:00 a.m. to 2:00 p.m. in Conference Room B. I'm excited about this group. I'm excited because we have three councilmen – Councilman Kukral, Councilman Fraundorf, and Councilman Biasiotta – who are taking an interest in the parks and we hope that this volunteer group can work together with them. Thank you."

Council President Trafis thanked Carol Zupancic for her invitation.

Jack Thrane, 6264 Crossview Road, made the following comments:

"My question is about the development of Rockside Road. When will any of the residents know what kind of plans are being made for that development? And that's my question. Can anybody answer that?"

Council President Trafis replied, "I can't. I'm going to ask the Administration to make a comment. Mayor Dell'Aquila?"

Mayor Dell'Aquila answered, "I intend to comment very briefly during my portion of the agenda. If you'll give us a couple of minutes, when we get to my portion I'll have some comments about it."

Mr. Thrane said, "Thank you."

Council President Trafis thanked Mr. Thrane for his question.

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REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila gave the following report.

Thank you, Mr. President. As I just indicated I do have a number of different comments. I'll save the one about the development for the end of what I have to say since I probably need to say a little more than what I had originally intended.

We have some very good news at the Recreation Center. For the first time in its history since it was constructed in 2002, we have actually made a profit. Just under \$25,000.00 profit in 2015. When the Recreation Center was originally planned and built without an operating levy it was anticipated that it would be acceptable to lose approximately \$0.25 million a year out of the General Fund. And as we're all aware, before I took office that figure was actually approaching \$400,000.00 per year. So in aggregate for the four years I have been in office as we've been steadily chipping away at that subsidy from the General Fund, the total aggregate subsidy for the entire four years is now about \$119,000.00 in total. I'm very proud of that. I'm so appreciative of everything that Director Burger and her staff have done there to accomplish that. Not an easy task – a lot of heavy lifting, a lot of tough decisions had to be made. But, without those tough decisions, we certainly would have never been able to deliver a first-time ever profit in 2015 just under \$25,000.00. So, congratulations to all involved in that wonderful development.

As some of you may be aware, we received a grant – a couple of years ago.....I'm losing track of time – from University Hospitals, about \$50,000.00. The purpose as we described it to University Hospitals at that time for that money was to be in a program of senior busing and to use some portion of the grant money for an ADA compliant playground associated with the Recreation Center. Due to some problems with the City of Parma, who we hoped to collaborate with on the busing, we've been unable to institute that program until now. And we are in very serious negotiations at this point to apply most of that grant money to operating a senior bus service for a one-year period in conjunction with the City of Parma.

I should also mention that our Director of Senior and Community Services, Tony Terry, has been reaching out to the business community seeking sponsorships for additional monies that once we jump-start the program that we're able to continue providing it in outlying years since, obviously, there's going to be an expense involved to the City. There's no way that we could have done it on our own. Particularly, this grant money would be insufficient to even acquire a van, let alone service and maintain it, and pay the personnel costs associated with operating it, the fuel, and all the other things it takes to do. So we have to do it in conjunction with another community. We have a very friendly relationship with Mayor DeGeeter in the City of Parma and we're so happy to be able to at least jump-start this program for the coming year and see what Director Terry can do to get us some additional sponsorships.

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Mayor Dell'Aquila (continued):

I have a copy that I submitted in Caucus of the net revenues generated in the Mayor's Court over the last several years, and I'd like to submit a copy now to the Council Clerk simply to include for discussion purposes with the Council minutes. But generally what they indicate is that the Mayor's Court generates a minimum of about \$97,000.00 in one year to a higher figure in 2014 of \$126,000.00. The Mayor's Court generates a significant amount of revenue for the City. Our current Magistrate has been very innovative in creating a Senior Driver's Diversion Program as well as a Juvenile Diversion Program, all without any additional charge to the City. Through his efforts we have been able to get community service workers to do a number of things around the City – Homedays and other events – and so we're very much appreciative of the work he's done. I just want to have that in the minutes, because I know there's a move on now to reduce his salary for some reason by about \$1,100.00. But he has done a lot for the City, and I don't think that reduction is justified.

A copy of a document entitled 'City of Seven Hills – Mayor's Court', a revenue and expenditure report covering the years 2011 through 2015, submitted by Mayor Richard Dell'Aquila, has been appended to the original copy of these minutes as an exhibit.

I want to thank Council this evening for passing Ordinance No. 146-2015. This is the authorization to proceed with engaging an appraiser for two parcels of land that the City currently is in title on right opposite the intersection of Lombardo Centre at Rockside. The purpose for having those parcels appraised, as a couple of people here have already mentioned, is there are some very significant potential developments going on now, some very serious discussions going on now, the long-awaited, long-discussed development of approximately 60 to 70 acres in the Northeast corner of the City, right up against Rockside Road in the City of Independence, is hopefully becoming far more serious and closer to fruition than it had ever been before. I think someone mentioned that the largest land owner in our City now is the individual who acquired 52 to 55 acres of land, and that group – it's no secret the gentleman's name is Louis Beck.....he is from Cincinnati – he is involved with the construction of the new hotel behind Bonefish Grill, if you're familiar with that, the renovation of the Holiday Inn. This is a serious person with serious plans. He very recently was able to close on a couple of parcels of land that were necessary to attach to the other parcels that he was acquiring. This was the purpose for the lot split and consolidation that Council passed the end of 2015. So he now owns an assemblage of land contiguous with each other that is available for the kind of development that he is proposing. It's a mixed-use development, Mr. Thrane. It's in the formative stages yet. We've seen a couple of just conceptual drawings at this point – mixed retail, commercial – but the drawings, at least that I have seen to this point, had to factor in the fact that he had not yet acquired all of the land. We've been trying to set up some meetings with the Council President, and his staff, our staff, so that we can try to move it along and formulate a definitive proposal. But it's a mixed-use at this point – residential, commercial, retail.

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Mayor Dell'Aquila (continued):

Now the other proposal is also coming forward. I understand there's a more developed plan that is about to be submitted to Council. I don't know that I can reveal exactly what is in that plan, but from what I recall it's three commercial buildings on about 16 or 17 acres right up against the City of Independence, but in the City of Seven Hills. There are going to be some meetings of the Planning Commission, I'm guessing, in the next few weeks where that will be discussed in open meeting.

Now the reason we're getting our two parcels appraised is because – and I have to congratulate former Mayor Trafis for coming up with this concept early on – and we're talking about Council President Trafis's father – who originally came up with the idea of acquiring one parcel right opposite Lombardo Centre where it was always anticipated that if that back land were to be developed, and you extended the road South of Rockside, they'd have to transit that land. Under the Bentkowski administration, the City acquired a second parcel. So now we have two parcels of land right opposite the throat of Lombardo Centre on Rockside. Both developers have approached the City and have expressed an interest in using that entranceway to accommodate what they intend to build. And it was with a lot of foresight, and again thank you former Mayor Trafis – and, Matt, thank your Dad for us – it was a lot of foresight in planning ahead anticipating that at some point we would find ourselves in this position. And now we are very gratefully in this position.

But obviously we need to understand what the fair market value of this property is. We have a number of different options open to us. We can sell it. We can lease it. We can grant an easement. We can give a license and retain ownership. There's a lot of different approaches here, but it all begins with understanding what we have. What's the value of what we have. And that's what Ordinance No. 146-2015 is designed to accomplish – so that we understand what our bottom line is before we start negotiating with these heavy hitters. They're bringing in some very big opportunities to the City, which means they're also bringing in some very powerful people who are very well accomplished and adept at negotiating these kinds of deals. This is why it's so critical that we have people like our Planning Commission involved. I think everybody's impressed here with the quality of people that we have on our Planning Commission. It would be a shame to lose them. We are about to hopefully embark on the dream that this City has been dreaming for at least the last ten years. And we now have some very serious players involved with very serious money and serious plans. We can't afford to lose this opportunity.

I guess that covers it. I thank you, Mr. President.

Council President Trafis thanked Mayor Dell'Aquila for his report.

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MOTION by Mr. Trafis, seconded by Mr. Biasiotta, to amend the agenda to allow for additional public comment.

Roll Call: all yea

MOTION CARRIED

Jack Thrane, 6264 Crossview Road, made the following additional remarks:

“I know the last meeting that I attended with the Planning Commission was last year some time and there was discussion of what that property could possibly be used for. The mention of an apartment complex came up. Is there any plans for any apartment living in that area?”

Mayor Dell’Aquila responded, “I think everybody up here, and please raise your hand if you disagree with me, I think everybody here has made it very clear that we expect owner-occupied housing. Whatever residences go in there, we are all – and I see the Planning Commission nodding their heads, and if anybody disagrees with me raise your hand – we have been very clear to anybody who has approached us that we expect owner-occupied housing.”

Mr. Thrane said, “Thank you.”

Mayor Dell’Aquila added, “You’re welcome. I’ll tell you, though -- we have gotten push-back on this, so it’s going to be a fight.”

Council President Trafis asked, “Before we move on with the agenda, does anybody else in the audience have any questions for the Mayor about the Rockside project?”

Jim Krajewski, 890 East Parkleigh, made the following remarks:

“When are we going to find out what’s going on? Especially Ward 1.”

Mayor Dell’Aquila responded, “When the Planning Commission does. This is all very tenuous at this point. There has not been a formal.....”

Mr. Krajewski interrupted Mayor Dell’Aquila asking, “Are you going to keep us informed?”

Mayor Dell’Aquila continued, “Well if I could answer your first question, then I’ll get to your next question. There has not been a formal presentation made yet. There have been conceptual ideas. I understand that there is one coming on the 16 acres to the Planning Commission, and it begins at that stage. The Commission will do its due diligence. As Mr. Foley mentioned previously, they are a recommending body only. They can’t make final decisions. They make recommendations to Council and to the Administration, and then it’s up to the Council and the Administration whether we want to accept, reject, amend whatever those recommendations are. But all they do is recommend. They can’t make a final decision. Second question?”

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Mr. Krajewski asked, “This is going to be brought to the people though, right?”

Mayor Dell’Aquila answered, “Well, these are public meetings.”

Mr. Krajewski continued, “Especially Ward 1 --- the people that are going to be involved in this.”

Mayor Dell’Aquila responded, “There’s no difference between Ward 1 and Ward 4. We all pay taxes in the same City. It’s going to be a public meeting – public meetings – in the Planning Commission.”

Chris Romano, 1267 East Dartmoor, made the following remarks:

“On this Rockside area, it’s going to involve a lot of people living there, moving in and out. They’re all going to be going on Rockside Road. If anybody has ever driven Rockside Road trying to get on I-480 or the Crown Plaza during rush hour, during lunch time, it’s terrible. I only hope that the Planning Commission talks with Independence about trying to fix this issue of that traffic congestion during rush hours and stuff. If you add any more people coming through and if they’re over there at Crossview and Rockside, they’re all going to be going to work and they are all going to be trying to get on the highway, and that’s going to be a total mess. It’s already a mess now.”

Mayor Dell’Aquila responded, “Well, you have four of the five members of the Planning Commission sitting here, and I see them all listening to you.”

Mr. Romano addressed the Planning Commission members seated in the audience saying, “So I hope you talk with Independence about trying to fix that. I know they’re trying to do something on it now, but it’s already horrible. All right, thanks.”

Council President Trafis thanked Mr. Romano for his comments.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson had no formal report.

Director of Law Pignatiello had no formal report.

Director of Public Service and Properties Lovece had no formal report.

Building Commissioner Moro had no formal report.

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MISCELLANEOUS

Mr. Kukral had no miscellaneous comments.

Mr. Petro had no miscellaneous comments.

Mr. Fraundorf had no miscellaneous comments.

Mr. Kraynak had no miscellaneous comments.

Mr. Barth:

I'd just to welcome Director Lovece back!

Mr. Biasiotta:

I'd like to congratulate and welcome our Service Director, Stewart Lovece, back. The best of luck!

Council President Trafis:

I also would like to welcome Stewart back. It's good to see you up on the dais and in the meetings again. I'm sure you're going to do some good things for that Department, and I look forward to seeing that.

I'd like to, just briefly, address the Planning Commission one more time. Yes, I know that it takes a lot of work and effort to do what you're doing, and often times the service you provide goes unrecognized. We are grateful for the time you put in. But, I do want to mention that one very important thing to me, at least – and I think I can speak for most, if not all of the members of Council – is openness of government and transparency for our residents. We're going to be taking steps in the very soon future, especially with Councilman Kukral's help, to increase transparency. And what we are going to be doing, hopefully, if Council passes this, first of all is to install better microphones so you can hear us in the Council Chambers and also a video camera in the back of the room where we will broadcast every meeting on a live feed on the City's website so that people can watch meetings – Council Meetings – and hopefully Planning Commission meetings and Zoning Board of Appeals meetings – from the comfort of their own home.

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Council President Trafis (continued):

I also believe that it's important to hear what residents want and think – regardless if we agree with them or not. I think we demonstrated that tonight when we amended the agenda to open up the room for public comment again. And I can continue to keep asking Council to go along with things like that.

Now when residents attend meetings, sometime they are upset with things that the Planning Commission or the Zoning Board of Appeals or the Council or the Mayor do. That's part of being involved in public service. And I see Bill Mason in the back and I know he knows that better than anybody. It's a very difficult thing for the members that are elected or appointed to.....you just can't make everybody happy. I'll certainly look over the materials that you provided. I was at the meeting along with Councilman Fraundorf. Sure, residents can get aggressive. But, I'm not going to support taking any steps to limit their comments. Again, if you feel safety is an issue, which I don't think it is, but if you believe it is have a discussion with the Mayor and Safety Director separately about having an Officer in the room.

But, moving forward, this Rockside Project is very exciting for the City. I think there's a lot of potential with it, and I look forward to seeing what the Planning Commission brings to City Council as far as that's concerned.

That is all I have tonight.

MOTION by Mr. Trafis, seconded by Mr. Petro, to adjourn the meeting.

Roll Call: all yea

MOTION CARRIED

The January 11, 2016 Council Meeting was adjourned at 8:28 p.m.

Matthew A. Trafis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

City of Seven Hills - Mayor's Court

Year		2011	2012	2013	2014	2015
Revenue	Fines and Costs	124,948.22	137,784.79	138,271.05	149,984.40	120,895.00
Expenditures						
	Wages - appointed	4,800.00	7,250.00	7,800.22	7,500.00	7,500.00
	Wages - regular	2,541.65	2,519.04	2,955.77	2,613.20	2,416.38
	Wages - security	2,394.76	2,980.04	2,022.37	2,903.67	2,737.63
	Medicare	0.00	0.00	0.00	9.06	0.00
	P.E.R.S.	0.00	0.00	0.00	0.00	0.00
	Worker's Comp	0.00	0.00	0.00	108.99	284.16
	Supplies & Materials	112.89	234.56	1,403.39	2.89	377.03
	Office Supplies	195.92	370.92	194.37	583.84	72.30
	Postage	429.90	651.28	614.41	0.00	412.16
	Equipment	0.00	0.00	649.00	0.00	549.99
	Misc.	2,288.09	2,605.04	4,838.19	6,439.32	3,955.40
	Parma Court	14,112.00	7,593.90	9,566.60	3,675.00	4,901.20
	Prosecutor charges	0.00	0.00	0.00	0.00	0.00
	Other legal service	0.00	0.00	0.00	91.00	0.00
	Total	26,875.21	24,204.78	30,044.32	23,926.97	23,206.25
	Net of revenue	98,073.01	113,580.01	108,226.73	126,057.43	97,688.75