City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD May 23, 2016

This Regular Council Meeting was called to order by Council President Matthew A. Trafis at 8:31 p.m. with the Pledge of Allegiance.

ROLL CALL

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

MOTION by Mr. Trafis, seconded by Mr. Kukral, to excuse the absence of Councilman-at-Large Barth from tonight's Council Meeting.
Council President Trafis stated:
"Councilman Barth was unable to make it tonight. So I'm going to make a motion to excuse Councilman Barth from this meeting."
Roll Call: all yea **MOTION CARRIED**

MOTION TO AMEND THE AGENDA

MOTION by Mr. Fraundorf, seconded by Mr. Petro, to waive the twenty-four hour delivery requirement for:
Ordinance No. 67-2016 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF SEVEN HILLS TO SUBMIT THIS SIGNED AND PASSED ORDINANCE TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) IN ORDER TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S ANNUAL WINTER ROAD SALT BID (018-17) IN ACCORDANCE WITH OHIO REVISED CODE 553.01(B); AND DECLARING AN EMERGENCY.
and to amend the Agenda by entering Ordinance No. 67-2016 onto the agenda as ***Item No. 9-n-1***, as an emergency measure, if there is no division of the question.
Roll Call: all yea **MOTION CARRIED**

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Fraundorf, seconded by Mr. Kukral, to accept the Minutes of the Regular Council Meeting held May 9, 2016, as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mr. Fraundorf, seconded by Mr. Kraynak, to amend the Consent Agenda of May 23, 2016, by **removing** Motion No. 1:

"1. **MOTION** to authorize an expenditure, in the total amount of $3,245.00, payable to Adler, for the purchase of One Hundred (100) Swim Team Swimsuits, comprised of Fifty (50) Women's/Girls Swimsuits at $34.95 ($1,747.50) and Fifty (50) Men's/Boys Swimsuits at $29.95 ($1,497.50), to be used by and reimbursed through fees paid by participants of the Seven Hills Community Recreation Complex sports programs. Payment to be made from 101.340.58054."

in its entirety.

Roll Call: all yea **MOTION CARRIED**

MOTION by Mr. Fraundorf, seconded by Mr. Kraynak, to accept the Amended Consent Agenda of May 23, 2016, as revised, if there is no division of the question.

Roll Call: all yea **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, May 16, 2016, and the minutes from that meeting are forthcoming. Mr. Trafis stated that the Committee will hold its next regular meeting on Monday evening, June 20, 2016.

Public Works

Public Works Committee Chairman Petro stated that the Public Works Committee will hold its next regular meeting on Monday evening, June 6, 2016.

Community Services

Community Services Committee Chairman Barth was not present. Council President Trafis stated that Chairman Barth would present his report at the next Council Meeting.

Police and Fire

Police and Fire Committee Chairman Kraynak stated that the Committee last met on Monday evening, May 16, 2016, and the minutes from that meeting will be forwarded to the Clerk of Council. Mr. Kraynak stated that the Committee will hold its next regular meeting on Monday evening, June 20, 2016.

Parks and Recreation
Parks and Recreation Committee Chairman Kukral stated that the Committee last met on Monday evening, May 16, 2016, and the minutes from that meeting are forthcoming. Mr. Kukral stated that the Committee will hold its next regular meeting on Monday evening, June 20, 2016.

Rules, Ordinances, and Ethics
Rules, Ordinances, and Ethics Committee Chairman Biasiotta stated that the Committee last met on Monday evening, May 2, 2016, and the minutes from that meeting, as well as the minutes from the Special Rules Committee Meeting held April 18, 2016, are on file with the Clerk of Council. Mr. Biasiotta stated that the Committee will hold its next regular meeting on Monday evening, June 6, 2016.

Finance, Civil Service, and Personnel
Finance, Civil Service, and Personnel Committee Chairman Fraundorf stated that the Committee last met on Monday evening, May 16, 2016, and the minutes from that meeting are forthcoming to the Clerk of Council. Mr. Fraundorf stated that the Committee will hold its next regular meeting on Monday evening, June 6, 2016.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

Mayor Dell'Aquila stated:
"There are no appointments to present this evening, Mr. President, although we did have a discussion and hopefully we will have something in the next two-week period."

COMMUNICATIONS, PETITIONS, AND CLAIMS

The Clerk of Council stated that she would like to acknowledge a letter received from Mrs. Mary Perry, 6830 Parkgate Oval, dated May 16, 2016, as follows:

> "I would like to publicly recognize an employee of the Seven Hills Police Department. On the morning of April 21, my husband passed away at our home. **Officer John Satanek, Badge #23**, among others, responded to the 911 call. During that time Officer Satanek provided me information about what was happening as well as compassionate support and encouragement during this difficult time. Seven Hills is fortunate to have Officer Satanek as a police officer and I want to express my thanks to him. Thanks to all others that were on site that day. Sincerely."

The Clerk of Council stated that a communication was received from the Village of Brooklyn Heights, dated May 19, 2016, in reference to construction and a detour plan regarding Dorset, Mural and Lancaster Drive Improvements, as follows:

The Village of BROOKLYN HEIGHTS
small village, big community

Michael S. Procuk
Mayor
mprocuk@brooklynhts.org

345 Tuxedo Avenue Brooklyn Heights, Ohio 44131 ♦ Office: (216) 749-4300 ♦ Fax: (216) 741-3753

To: Dorset, Mural, and Lancaster Drive Residents

Re: Dorset, Mural, and Lancaster Drive Improvements

As part of the Village's continued effort to maintain roadways and infrastructure throughout the Village, we will begin the reconstruction of Lancaster, Dorset and Mural Drives in June of this year with the anticipated completion by the end of August. The Village of Brooklyn Heights has recently awarded the improvement project to A&J Cement Contractors, Inc. The project will improve: Lancaster Road - from the I-480 Bridge to the Dorset Drive intersection; Dorset Drive - from the border of Brooklyn Heights and Seven Hills east to Mural Drive; and Mural Drive - from the Dorset Drive intersection south to the border of Brooklyn Heights and Seven Hills.

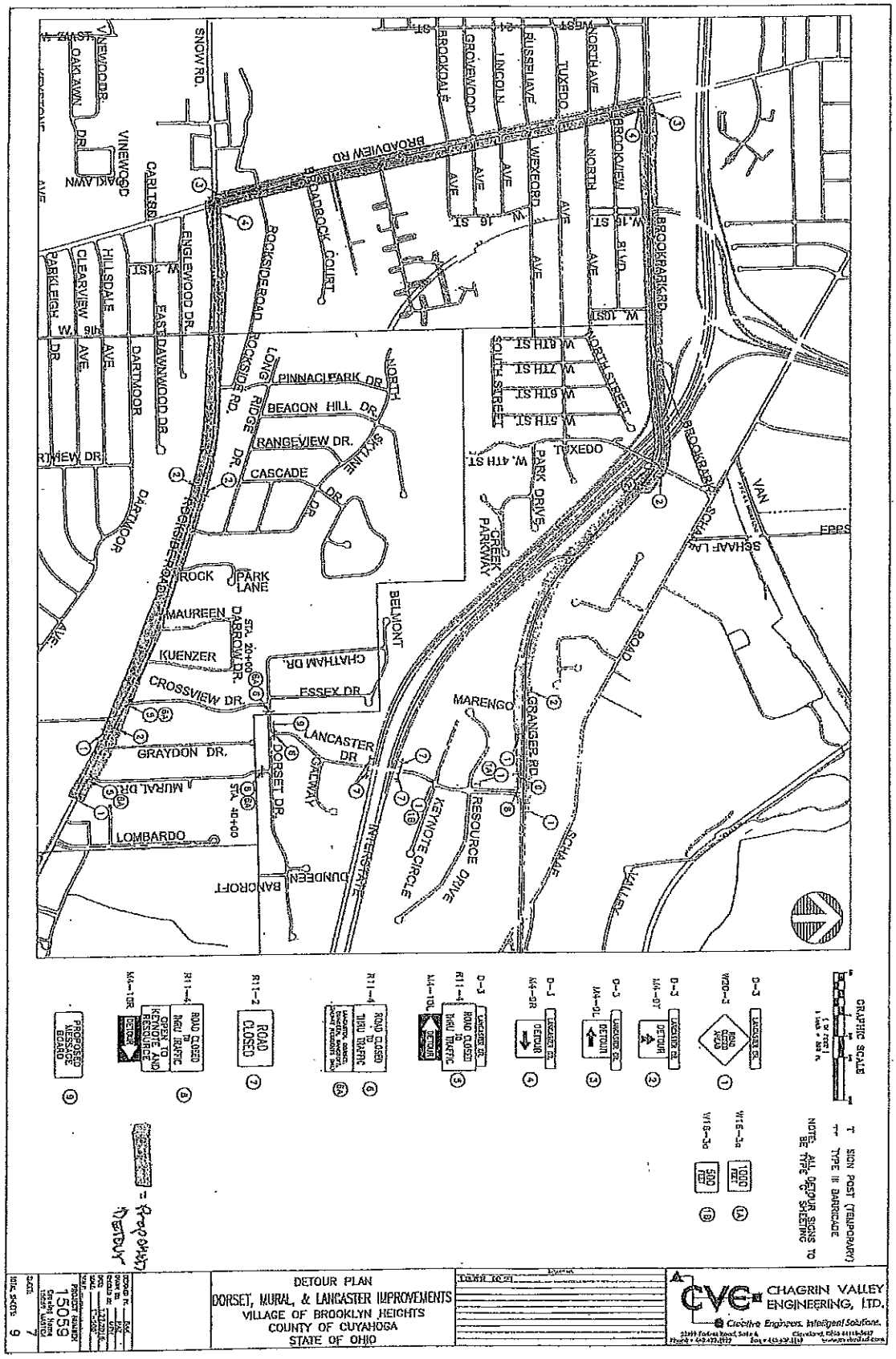
Starting June 6th, only local residential traffic will be permitted past the intersections of Rockside Road and Crossview Drive and Rockside Road and Mural Drive. **No through traffic will be permitted to proceed across Interstate-480 on Lancaster Road during the reconstruction.** The detour route will be posted as attached. In addition, we will have two message boards posted on Lancaster Road seven days prior to the closing.

We greatly appreciate your patience during this work and we will make every effort to update you as things change. If you have any questions or concerns, you may contact me at Village Hall (216) 749-4300. If you have specific questions regarding the detour or proposed construction schedule please feel free to call our Village Engineer, Michael Henry, at (440) 439-1999.

Sincerely,

Mike

Mayor Mike


DETOUR PLAN
DORSET, MURAL, & LANCASTER IMPROVEMENTS
VILLAGE OF BROOKLYN HEIGHTS
COUNTY OF CUYAHOGA
STATE OF OHIO
CHAGRIN VALLEY ENGINEERING, LTD.
Creative Engineers. Intelligent Solutions.
15059
SNOW RD.
BROADVIEW RD
BROOKPARK RD
BROOKLYN
VINEWOOD
OAKLAWN
CARLISLE
ENGLEWOOD DR.
HILLSDALE
CLEARVIEW
BARKLEIGH
EAST DAYWOOD DR.
DARTMOOR
ROCKSIDE ROAD
LONG RIDGE RD.
PINNACLE PARK DR
BEACON HILL DR.
RANGEVIEW DR.
CASCADE DR.
NORTH SKYLINE DR.
PARK LANE
MAURENEN
DARROW DR.
KUENZER
CROSSVIEW DR.
GRAYDON DR.
MURAL DR
LOMBARDO
DUNDEEN
BANCROFT
CHATHAM DR.
ESSEX DR
BELMONT
LANCASTER DR
DORSET DR.
GALWAY
MARENGO
KENMOTE CIRCLE
RESOURCE DRIVE
INTERSTATE
GRANGER RD.
SCHAFF LA.
VAN
PARK DRIVE
CREEK PARKWAY
TUXEDO
W. 4TH ST.
W. 5TH ST.
W. 6TH ST.
W. 7TH ST.
W. 8TH ST.
SOUTH STREET
NORTH STREET
W. 10ST
W. 11ST
W. 16 ST
NORTH AVE
TUXEDO
RUSSELL AVE
LINCOLN
GROVEWOOD
BROOKDALE
WEXFORD
NORTH
BROOKVIEW
SCALE
NOTE: ALL DETOUR SIGNS TO BE TYPE III SHEETING
TYPE III BARRICADE
SIGN POST (TEMPORARY)
PROPOSED MESSAGE BOARD
ROAD CLOSED
DETOUR
500 FEET
1000 FEET
ROAD CLOSED

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

Reggie Paginton, 267 Mapleview Drive, made the following comments:
"I have a few questions here I'd like to ask. The first one I'd like to direct it to Mr. Mayor. And I jotted this down, so I'll read it. In the resolution phase of the deer ordinance the word 'reduction' of white-tailed deer was used. However, the word 'limited' in limited hunting is used in the actual ordinance. Please define the word 'limited'."

Mayor Dell'Aquila responded, "Sir, I don't feel that I should be defining that for you. This is legislation that was crafted by six separate communities and Law Directors and Police Chiefs of those communities. So I'd have to defer to the legal counsel who actually drafted the document."

Mr. Paginton asked, "Well, would you do that please?"

Mayor Dell'Aquila replied, "I can. I don't know that you will get an answer, but I'll certainly do that."

Mr. Paginton continued, "Well, I'd like to know. Because the word 'limited' is.....some people believe 'limited' in conjunction with the word 'reduction'.....limited, especially when they voted, people thought, yeah reduction – limited – they're just going to reduce it a bit, limited. Actually, that's not the case. Limited can be anything but one. One and over is limited."

Mayor Dell'Aquila said, "Okay. I don't understand what you're getting at."

Mr. Paginton stated, "Nobody would sign a contract, I don't think, to have their lawns cut, and pay the landscaper if he's going to do a limited amount of cutting. Limited has to have an end."

Mayor Dell'Aquila answered, "I'm sorry. Are you in favor or opposed – I'm not quite understanding what you're getting at."

Mr. Paginton responded, "Well, limited means nothing. It's a nothing word. There is no definition for limited. So I don't see why it was in there."

Mayor Dell'Aquila replied, "Okay."

Mr. Paginton continued, "Okay, now.....Has the total yearly cost to the City for the administration and control of this ordinance been included in the budget?"

Council President Trafis asked Mr. Paginton, "Who is your question for?"

Mr. Paginton replied, "Anyone."

Council President Trafis stated, "I'm curious what cost you're referring to."

Mr. Paginton answered, "The cost for the ordinance. The complete ordinance. The administration, the Police, everything.....everything that's involved in it. There has to be some money set aside for this."

Council President Trafis responded, "The permit fee is supposed to be covering any associated costs, which will be at a minimum."

Mr. Paginton questioned, "Is that included? Is it part of the budget? Or will this be a surprise at the end, and you'll say, '*Oh, look, we have all these costs that we didn't.....*'

Council President Trafis said, "I'm not positive what costs there really will be."

Mr. Paginton asked, "So there really is no money set aside right now for this?"

Council President Trafis answered, "No. And just so you know, this ordinance is in its initial phases. It will be tweaked and amended, I believe, at some point prior to passage. So what you've seen is not, I don't think, the final draft of what's going to be passed."

Mr. Paginton continued, "Will any programs or services be reduced or affected in order to meet these new budget requirements?"

Council President Trafis replied, "I don't think so."

Mr. Paginton continued, "Is the administrative staff and police prepared for this additional burden so as not to negatively impact their regular responsibilities and duties?"

Council President Trafis commented, "Well, we've been trying to get our Police Chief to attend our committee meetings, and he does not – so I don't have an answer to that question. Please call him, though, and ask him."

Mr. Paginton continued, "All right. Here's a question for.....as I was reviewing the provisions of the proposed ordinance, I remembered a complaint made by a resident at one of the Council deer meetings last year. She complained that her neighbor was feeding the deer. The Councilperson replied that although it's against the law, the police must actually witness the act before citations would be issued."

Law Director Pignatiello asked Mr. Paginton, "Is that a question?"

Mr. Paginton responded, "Yes. Is that true?"

Law Director Pignatiello replied, "That's true."

Mr. Paginton continued, "All right. If this is true and someone chooses to ignore or violate a provision of the ordinance, can he only be cited by the police if he is actually caught in the act of discharging his weapon at a deer?"

Law Director Pignatiello answered, "I can't answer a hypothetical of *what if.* When the facts come into play – I won't answer that question. I won't answer that question."

Mr. Paginton said, "Well.....well.....I don't think so. A neighbor complained this guy is going to do something to the deer....."

Law Director Pignatiello again stated, "I won't answer that question. Because I don't know the answer without having all the facts of an actual situation."

Mr. Paginton responded, "Well, that's pretty important, though, I think. Otherwise, people could just ignore the law and go out – as long as there's not a cop around – I'll do what I want!"

Law Director Pignatiello added, "It's illegal to discharge a firearm in this City."

Mr. Paginton said, "Of course it is. He's not discharging it yet."

Council President Trafis stated, "We have that problem at City Hall, too."

Mr. Paginton said, "He can carry a rifle around his back yard, or a bow and arrow I suppose, as long as he's not threatening anybody with it. I don't think he's breaking any law for that. But in other words the police have to catch the man in the act in order to cite him?"

Law Director Pignatiello replied, "That's typically....."

Mr. Paginton continued, "What I'm saying is, you know, at night a lot of activity goes on with these bow hunters. Or could be."

Mr. Kukral replied, "I think one thing that you're forgetting – or maybe I haven't read the resolution – is these people have to be certified and trained, so these are going to be people who have registered with the City through the Police Chief. And they will be....."

Mr. Paginton asked, "What about rogues who come in off the street? They're not certified. *I'm not certified and you can't do anything to me because you haven't caught me killing a deer.* "

Mr. Kukral responded, "They should be arrested. The Police Chief is going to have to figure out how to make sure that doesn't happen."

Mr. Paginton continued, "They'll have to have a lot of police patrolling then. Here's another one. I'm concerned that when the hunting begins, what priority will the police place on deer calls and complaints compared with non-deer calls? What calls will get the priority? It's too bad the Police Chief isn't here."

Council President Trafis stated, "I say that all the time."

Mr. Paginton asked, "Pardon?"

Council President Trafis repeated, "I say that all the time."

Mr. Paginton continued, "Well, maybe I'll save it for next time. And these, actually – the rest of them are just comments on the actual provisions of the ordinance. If you want to hear them, I can just read them off. Unless you're in a hurry to watch the basketball game. Maybe you can answer these here. Municipal deer control permit. The permit is valid for how many days? Has it been resolved yet? How many deer kills per individual per day is permitted?"

Council President Trafis answered, "I don't know."

Mr. Paginton asked, "Well, when will all these things be resolved?"

Council President Trafis responded, "As I mentioned before, this ordinance is going to, more than likely, be changed. We have not had very many discussions about that. Your questions are very valid, but I do believe it might be a little bit premature to ask them, because we do not have the answers to some of those things yet."

Mr. Paginton said, "It is premature on some of these. Yes, I was thinking about that. Here's another question here. I'll skip these here – maybe later on when you get some more information. Will a background check be made before a permit is issued?"

Council President Trafis replied, "My answer is the same."

Mr. Paginton continued, "I'm addressing all these provisions here with my questions. Because these are not clear to me. Let's see what else I have. The minimum acreage – will this be verified in writing, and the sites approved and recorded, and made public information?"

Council President Trafis answered, "I don't see why it wouldn't."

Mr. Paginton continued, "Does anybody know anything about these platforms? What the construction will be or anything like that?"

Council President Trafis replied, "I suppose I don't understand your question. I don't think I understand your question."

Mr. Paginton continued, "The platforms. Are they going to be home built, or bought platforms? Are they going to be built according to a specification?"

Council President Trafis responded, "I'm sure the Police Department and Building Department will have to get involved in that."

Mr. Paginton continued, "I mean the length. The width. The height. How many can be on the platform? I mean, all these things will come into play. You can't cite somebody if they are violating an ordinance that's not written down."

Council President Trafis said, "Like I said. This is premature to ask these questions. We don't have all these answers yet."

Mr. Paginton replied, "Okay. Well, when is a good time for me to ask these questions then?"

Council President Trafis answered, "I believe in the next Rules Committee Meeting we will be discussing this again, I would imagine. Tony, is that the first or third?"

Mr. Biasiotta replied, "I believe its June 6th."

Council President Trafis repeated, "June 6th."

Mr. Paginton asked, "Would it be better if I meet in the Caucus to go over these things? Would that be better?"

Council President Trafis replied, "I believe so."

Mr. Paginton stated, "Okay. Well, I'll do it then."

Council President Trafis responded, "You are certainly welcome. Thank you."

Mr. Paginton concluded, "Thanks a lot."

Council President Trafis replied, "No problem."

Lucy McKernan, 755 Hillside Road, made the following comments:

"Just wanted to mention – thanks for telling us about the Rules Committee meeting, Mr. Trafis. Don't worry, Mr. Fraundorf – I'm not going to pontificate tonight. I'm just going to read a few brief bulletin items from the Pittman-Robertson Wildlife Restoration Act. Pittman-Robertson – PRWR – was established in 1937 – 79 years ago I think is the math, by Roosevelt for conservation purposes. It's a grossly outdated issue, or act. It's an 11% excise tax. Any time a weapon is sold or a hunting license, 11% is added to that and sent to a big pool in D.C. And when that money, at the end of the year, is reallocated back to the States, it's the States who sold the most guns and hunting licenses that get that money back. They get it back to the parks. I find it interesting that a taxpayer-funded lobbyist group in the form of the Cuyahoga County Mayors and City Managers Association met behind closed doors for one year with the Division of Wildlife to get this on the ballot and to make sure it passed. I'm upset that this taxpayer-funded lobbyist group appears to be lobbying – I don't know, I can't prove this – at legislative and executive levels of the State. The same State government that operates the ODOW, Department of Natural Resources Division of Wildlife. It's all a little too cozy, okay – I don't like it. I don't like it finding its way into my back yard. So I'm really unhappy about this."

Mrs. McKernan continued:

"And the other thing I wanted to mention. As you're considering this legislation, no matter what the acreage, no matter what the platform, no matter how many hunters per acre, no matter how experienced, no matter who – if it's licensed professionals or if it's just some fudd target practicing on a live sentient being – that what you need to know is that there is a cover-up in the bow hunting industry. Hunters don't want other ones talking about what they miss."

Mrs. McKernan continued:

"The Bow Hunters Magazine, an article called Bow Wounding Issues -- the Big Myth, by David Samuels, states *it's disquieting to know we probably wound one deer for every animal harvested.* Bow Hunting Big Game Issue, an article entitled a Call for Accuracy by Dwight Shoe, states that *our sport cannot stand forever in the face of growing hatred. Archers must work to counteract that sentiment and build bow hunting in a positive light. Don't brag about hitting and losing animals.* The Wounding Problem – and this is the most important quote I think – Adrian Bentke, author of the Bow Hunting Alternative, states *archery wounding is the most denied problem in bow hunting and the most ignored problem in all of wildlife science.* I have goosebumps saying that out loud. The most denied problem in bow hunting and the most ignored problem in all of wildlife science. He cites empirical studies and hunters surveys that consistently indicate bow hunters wound at least as many as they kill. He is a former hunter. Summarizes in a study by Mr. Sage in Archer Magazine, at 35 yards he found a mere two and one-half yard error in range estimation was enough to cause a complete miss on a deer size target. Bow hunting literature serves as its own indictment. The book Bow Hunting for White Tails says it is important to give the deer time to stiffen and die, 20 minutes at minimum, maybe 30 – just sit back and have a smoke."

Mrs. McKernan continued:

"Bow hunting is a deer management tool. Dr. Allen Rutberg, an eminent expert on wildlife management and wildlife fertility and the Head of Tufts University Medicine, Veterinary Medicine, states the most visible weakness in the assertion that hunting is necessary to control deer populations is that it has largely failed to do so over the last two decades."

Mrs. McKernan continued:

"Okay, I could go on, but I'm not going to. I think you know that bow hunting on any scale, any size acreage, any County region, is just going to rebound. The deer are going to rebound. There's no question – we've established that. You would have to go below the 75% threshold and kill most of the deer for them to be gone or to be controlled. Inflection carrying capacity is something that is used by all game agencies across the country where they keep deer between 50% to 75% so they can continue to rebound for profit. This is all about profit. This is all about money for the State, and it's all about money for the City that is going to charge $150.00 per hunter."

Mrs. McKernan continued:

"Now I know, Mr. Trafis, you said it's a little premature for some of Reggie's questions, and I understand that this is far from over and it's going to be a fight, and nobody really wants to be in this fight. And I understand your position personally also, as well as legislatively, but I have to say that I'm disappointed that this found its way onto the ballot and that we're even talking about this. It's a violation of the public trust, frankly. And I don't believe that most people in Seven Hills want this. In all six communities fewer than 30% of voters voted on this issue. That's not a majority. So, anyway, thank you."

Council President Trafis added, "Thank you, Lucy. I would just encourage you to come to our Rules Committee meeting on June 6th."

Tom Snitzky, 2033 Hillside Road, made the following comments:

"I wasn't going to read this tonight since it's the first reading on the deer ordinance, but I figured I ought to. And I guess the first thing I would say is that this Resolution passed by almost 70% of the electorate. I don't know what type of tinkering we're talking about doing here, but I think if you have that type of a mandate to be tinkering at all with it is.....I've heard *will of the people* thrown around a lot in my years here.....and passed by 70%, so almost 70%. So I think that it was well written with the assistance of a lot of the Law Directors and I think it should just go through as is."

Mr. Snitzky continued:

"Again, I don't know what you're planning or talking about, but it looked pretty clean the way it was originally written. And I'm just going to read this. Sorry."

Mr. Snitzky continued:

"As a former Councilman in Seven Hills, Ward 3, I've been intricately involved in the deer population issue that for years has been so divisive in our community. Please let me relay why I think it is imperative for you to vote 'yes' on this ordinance. It's the most cost effective, common sense regional approach to diminishing the deer population. Which, by the way, the Sun Post did an expose recently on, that said that it had made a significant difference in Independence and Cuyahoga Valley and the Metroparks. It has been well scrutinized by the Law Directors of many of our neighboring communities. Five contiguous acres, about four football fields, is the minimum area required for issuing a permit. And a bow can only operate accurately shooting a projectile about 40 yards. No bystander has been injured by an arrow since records started being kept in the 1970's. To say otherwise is human fear. However, in that time many motorists have been injured, some killed, in deer vehicle collisions. An added benefit in diminishing the deer population would be the use of the harvested venison as a source of protein for both the hunter or donated to local food banks. I have in the past tried to initiate the establishment of a community garden consisting of concerned volunteers that would manage the garden as the overpopulation of deer. Those who wish nothing to be done about the imbalance of the deer population are to be commended for their passion, but their stance is illogical and anti-environmental. Even removing the majority of concerns about the deer, the destruction of ornamental and vegetable gardens, the health concerns about fecal material on pets and children, the potential for Lyme disease, the property damage, and potential bodily injury due to vehicle collisions, you are still left with the inescapable issue of the environmental damage done to our City. We are supposed to be a tree City. But the wood lots that I used to play in as a child are devoid of undergrowth and saplings. The deer have eaten it all. What of all the other creatures that depend on a stable environment? Don't the rabbits, squirrels, birds, and trees have the same rights as the deer? Those creatures are being adversely affected by the habitat destruction by the overabundance of deer due to a lack of reasonable conservation practices. A deer being killed by an arrow is no crueler than said deer being hit by a car or eaten by another predator."

Mr. Snitzky continued:

"As far as deer being hit by an arrow and running off – I have a three-legged deer running around my property right now that has been hit by a car. It's pretty tough to watch. And the cops won't do anything to it until the deer is actually not moving. Unless we want to reintroduce other aggressive predators to diminish the deer population, predators that are hazardous to humans and pets, man is the only one of God's creatures sensible enough to handle this issue. It is time to handle this issue intelligently, not emotionally. By reducing the deer population to manageable levels they can again become the majestic creatures we enjoy seeing occasionally in our yards, not the nuisance that they have become. Thank you very much."

Council President Trafis thanked Mr. Snitzky for his comments.

Ben Horton, 6545 Crossview Road made the following comments:

"I just wanted to encourage Council to take action with the deer. I'm personally regularly in fear while taking out my two twenty-pound dogs that I'm going to end up in a confrontation. I've had deer within the distance between me and that wall, and they don't back off, they keep coming. And I've had to back into the house, and that is not a comfortable experience. Even thinking about tonight, I'm going to have to go home and take my dogs out, and there's a good chance there's going to be deer there. So, thank you."

Council President Trafis thanked Mr. Horton for his comments.

Lucy McKernan, 755 Hillside Road, asked to speak again.

"Thank you, Mr. Trafis. I understand your concern at 6545 Crossview. I just wanted to mention I am putting on an official presentation this Thursday at 6:30 p.m. at the Recreation Center. It's about urban hunting myths and facts. I just wanted to point out that I am a very big proponent of PZP which is a port protein – it is not a hormone that affects the herd for birth control. It is the only thing that will work without – it's a permanent reduction in herd size, and that will work."

Mrs. McKernan continued:

"The other thing I just wanted to mention is, Mr. Snitzky, you said 70% -- it did not pass by 70%. It passed by 30% of the population."

Mr. Snitzky, from his seat in the audience, commented, "66% of all the voters".

Mrs. McKernan continued, "Right. But 70% of the population is what you said."

Mr. Snitzky, again from his seat in the audience, attempted to comment further.

Council President Trafis stated, "Let's keep this dialogue to a minimum."

Mrs. McKernan concluded:

"There's voluminous records of people being shot with arrows and animals being shot with arrows. So I don't know where you get your information. I've spoken to the Garden Club and they're not.....I think they're trying to stay out of this, but they are not for this hunting really. They want to talk about why you can use deer-resistant plants instead. It's not an environmental. So I just wanted to state that. Birth control does work."

Council President Trafis thanked Mrs. McKernan for her further comments.

ORDINANCES AND RESOLUTIONS

Ordinance No. 50-2016 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE K COMPAY, INC., OF AKRON, OHIO, FOR THE PURPOSE OF REMOVING AND REPLACING THE SPA BOILER AT THE COMMUNITY RECREATION CENTER WITH ONE (1) STA-RITE MAX-E-THERM SR200NA POOL AND SPA HEATER, WITH APPURTENANCES, AND AUTHORIZING AN AMOUNT NOT TO EXCEED $6,500.00 FOR SAID PURCHASE.

MOTION by Mr. Kukral, seconded by Mr. Kraynak, to read Ordinance No. 50-2016 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 50-2016 was read by full title only for its third and final reading.

MOTION by Mr. Kukral, seconded by Mr. Kraynak, to pass Ordinance No. 50-2016.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 50-2016 IS DECLARED PASSED.

Ordinance No. 51-2016 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH COMPMANAGEMENT, INC., OF CLEVELAND, OHIO, FOR THE PURPOSE OF ADMINISTRATING WORKERS' COMPENSATION CLAIMS AND ONLINE ACCESS SERVICES BEGINNING WITH THE SEPTEMBER 1, 2016 POLICY YEAR; AND AUTHORIZING AN AMOUNT NOT TO EXCEED $3,000.00 FOR SAID SERVICE.

MOTION by Mr. Fraundorf, seconded by Mr. Biasiotta, to read Ordinance No. 51-2016 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 51-2016 was read by full title only for its third and final reading.

MOTION by Mr. Fraundorf, seconded by Mr. Biasiotta, to pass Ordinance No. 51-2016.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 51-2016 IS DECLARED PASSED.

Amended Ordinance No. 52-2016 – AN ORDINANCE TO AMEND SECTION 141.02, EMPLOYMENT AUTHORITY OF DIRECTOR, AS CONTAINED IN CHAPTER 141, DIVISION OF STREETS, 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 ALLOWABLE NUMBER OF FULL-TIME PERSONNEL IN THE SERVICE DEPARTMENT.

MOTION by Mr. Petro, seconded by Mr. Fraundorf, to read Amended Ordinance No. 52-2016 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Amended Ordinance No. 52-2016 was read by full title only for its third and final reading.

MOTION by Mr. Petro, seconded by Mr. Fraundorf, to pass Amended Ordinance No. 52-2016.
Roll Call: all yea **MOTION CARRIED**

AMENDED ORDINANCE NO. 52-2016 IS DECLARED PASSED.

Ordinance No. 55-2016 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE VILLAGE OF NEWBURGH HEIGHTS FIRE DEPARTMENT, FOR THE SALE OF ONE (1) USED STRYKER AMBULANCE COT FOR THE TOTAL AMOUNT OF FIVE HUNDRED DOLLARS ($500.00).

Ordinance No. 55-2016 was read by full title only for its second reading.

Amended Ordinance No. 56-2016 – AN ORDINANCE TO AMEND SECTION 125.02, DIRECTOR OF SENIOR AND COMMUNITY SERVICES, AS CONTAINED IN CHAPTER 125, MAYOR, 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 TITLE OF THE DIRECTOR.

Amended Ordinance No. 56-2016 was read by full title only for its second reading.

Ordinance No. 57-2016 – 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, FOR THE PURPOSE OF AMENDING THE TITLE OF DIRECTOR OF SENIOR AND COMMUNITY SERVICES.

Ordinance No. 57-2016 was read by full title only for its second reading.

Ordinance No. 58-2016 – AN ORDINANCE ENACTING NEW CHAPTER 979, ENTITLED "ROCKSIDE CROSSINGS AT SEVEN HILLS PLANNED UNIT DEVELOPMENT DISTRICT" AS CONTAINED IN TITLE NINE, ZONING USE DISTRICTS, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ESTABLISHING A ZONING DISTRICT FOR PLANNED UNIT DEVELOPMENTS IN THE CITY OF SEVEN HILLS.

Ordinance No. 58-2016 was read by full title only for its second reading.

Ordinance No. 60-2016 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT, ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH DEMKO TRANSMISSION OF CLEVELAND, OHIO, FOR THE PURPOSE OF REPAIRING THE TRANSMISSION OF POLICE VEHICLE #26 AND FOR PERFORMING A FAILURE ANALYSIS ON SAID VEHICLE; AUTHORIZING AN AMOUNT NOT TO EXCEED $3,000.00 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Kukral, seconded by Mr. Kraynak, to read Ordinance No. 60-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 60-2016 was read by full title only for its first and final reading.

MOTION by Mr. Kukral, seconded by Mr. Kraynak, to pass Ordinance No. 60-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 60-2016 IS DECLARED PASSED.

Ordinance No. 61-2016 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH GREAT DAY! TOURS OF CLEVELAND, OHIO, TO PROVIDE TRANSPORTATION FOR A BUS TRIP TO ERIE, PENNSYLVANIA (PRESQUE ISLE DOWNS & CASINO) ON JUNE 17, 2016; AUTHORIZING AN AMOUNT NOT TO EXCEED $1,612.00 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Biasiotta, seconded by Mr. Petro, to read Ordinance No. 61-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 61-2016 was read by full title only for its first and final reading.

MOTION by Mr. Biasiotta, seconded by Mr. Petro, to pass Ordinance No. 61-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 61-2016 IS DECLARED PASSED.

MOTION by Mr. Fraundorf, seconded by Mr. Kraynak, to amend Ordinance No. 62-2016 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. 62-2016 – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED $8,161.26, PLUS DELIVERY CHARGE, FOR THE PURCHASE OF SIX (6) OPTIPLEX 5040 MINI TOWER COMPUTERS AND SIX (6) DELL 24 P2414H MONITORS, WITH APPURTENANCES, FOR USE IN VARIOUS DEPARTMENTS (Building Department, Engineering, Mayor's Court) IN THE CITY OF SEVEN HILLS, SAID PURCHASE TO BE MADE FROM DELL COMPUTERS; AND DECLARING AN EMERGENCY.

MOTION by Mr. Fraundorf, seconded by Mr. Kraynak, to read Amended Ordinance No. 62-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Amended Ordinance No. 62-2016 was read by full title only for its first and final reading.

MOTION by Mr. Fraundorf, seconded by Mr. Kraynak, to pass Amended Ordinance No. 62-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

AMENDED ORDINANCE NO. 62-2016 IS DECLARED PASSED.

Ordinance No. 63-2016 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH COURTVIEW JUSTICE SOLUTIONS OF CANTON, OHIO, FOR THE PURPOSE OF PERFORMING ANNUAL MAINTENANCE AND SUPPORT OF THE MAYOR'S COURT LEGACY CASE MANAGEMENT SYSTEM SOFTWARE AND THE RIGHT-TO-USE LICENSE, AND APPROPRIATING THE SUM NOT TO EXCEED TWO THOUSAND ONE HUNDRED EIGHTY-EIGHT DOLLARS ($2,188.00) FOR SAID SERVICE.

Ordinance No. 63-2016 was read by full title only for its first reading.

Ordinance No. 64-2016 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ABC FIRE, INC., OF NORTH ROYALTON, OHIO, FOR THE PURPOSE OF REPLACING THE SMOKE DETECTORS FOR THE CEILING OF THE COMMUNITY RECREATION CENTER GYMNASIUM, ALONG WITH TROUBLESHOOTING THE DUCT DETECTOR RTU-7 AT THE COMMUNITY RECREATION CENTER; AND AUTHORIZING AN AMOUNT NOT TO EXCEED $4,995.00 FOR SAID SERVICE.

Ordinance No. 64-2016 was read by full title only for its first reading.

Ordinance No. 65-2016 – AN ORDINANCE TO AMEND SUBSECTION 963.02(e), LOCATION OF HEAT PUMPS AND AIR CONDITIONING UNITS, AS CONTAINED IN CHAPTER 963, FIRST RESIDENTIAL DISTRICTS, OF TITLE NINE, ZONING USE DISTRICTS, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REVISING THE PLACEMENT OF HEAT PUMPS, AIR CONDITIONING UNITS, GENERATORS, POOL PUMPS, OR OTHER MECHANICAL EQUIPMENT.

Ordinance No. 65-2016 was read by full title only for its first reading.

Ordinance No. 66-2016 – AN ORDINANCE TO AMEND SECTION 505.11, HUNTING PROHIBITED, AS CONTAINED IN CHAPTER 505, ANIMALS AND FOWL, OF PART FIVE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AUTHORIZING A NUISANCE ABATEMENT INITIATIVE FOR BOTH SHORT TERM AND LONG TERM CONTROL AND REDUCTION OF THE WHITE-TAILED DEER POPULATION IN COORDINATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND CONTIGUOUS, ADJOINING, POLITICAL SUBDIVISIONS THAT OPT TO ADOPT A SIMILAR PLAN FOR NUISANCE ABATEMENT.

Ordinance No. 66-2016 was read by full title only for its first reading.

Ordinance No. 67-2016 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF SEVEN HILLS TO SUBMIT THIS SIGNED AND PASSED ORDINANCE TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) IN ORDER TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S ANNUAL WINTER ROAD SALT BID (018-17) IN ACCORDANCE WITH THE OHIO REVISED CODE 553.01(B); AND DECLARING AN EMERGENCY.

MOTION by Mr. Fraundorf, seconded by Mr. Petro, to read Ordinance No. 67-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 67-2016 was read by full title only for its first and final reading.

MOTION by Mr. Fraundorf, seconded by Mr. Petro, to pass Ordinance No. 67-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 67-2016 IS DECLARED PASSED.

Resolution No. 34-2016 – A RESOLUTION APPROVING AND ACCEPTING A TEMPORARY UTILITY EASEMENT GRANTED TO THE CITY OF SEVEN HILLS, OHIO, BY ANTOINETTE MARIE DYKO, FOR THE INSTALLATION, CONSTRUCTION, AND MAINTENANCE OF UTILITIES, TOGETHER WITH ALL APPURTENANCES; APPROPRIATING THE SUM NOT TO EXCEED $380.00 FOR THE ACQUISITION OF SAID EASEMENT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Biasiotta, seconded by Mr. Kraynak, to read Resolution No. 34-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 34-2016 was read by full title only for its first and final reading.

MOTION by Mr. Biasiotta, seconded by Mr. Kraynak, to adopt Resolution No. 34-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

RESOLUTION NO. 34-2016 IS DECLARED ADOPTED.

Resolution No. 35-2016 – A RESOLUTION APPROVING AND ACCEPTING A TEMPORARY UTILITY EASEMENT GRANTED TO THE CITY OF SEVEN HILLS, OHIO, BY PAUL D. BARDAR (1549 Hillside Road) FOR THE INSTALLATION, CONSTRUCTION, AND MAINTENANCE OF UTILITIES, TOGETHER WITH ALL APPURTENANCES; APPROPRIATING THE SUM NOT TO EXCEED $380.00 FOR THE ACQUISITION OF SAID EASEMENT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Kukral, seconded by Mr. Petro, to read Resolution No. 35-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 35-2016 was read by full title only for its first and final reading.

MOTION by Mr. Kukral, seconded by Mr. Petro, to adopt Resolution No. 35-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

RESOLUTION NO. 35-2016 IS DECLARED ADOPTED.

COUNCIL OPEN TO THE AUDIENCE

Tom Snitzky, 2033 Hillside Road, made the following comments:

"Hi again. Two things. I know you guys have been catching a lot of flak about the garbage cans. I don't know if anything can be done about it, it's contractual and all that good stuff, but one of the thoughts that popped into my head is just switching them. Make the large garbage can the recycle can that can sit out there for three weeks, and make the one with the yellow the garbage can. I don't know if you can do it – not do it – but, whatever, to me that solves the problem. Because now the smaller one is the garbage can."

Mr. Snitzky continued:

"I've been a member of this community since 1970. I went to school here, raised my children here, and have owned two homes here, and have never felt threatened in my privacy until now. I became a Councilman to serve my community, not to grind an axe or promote any political agenda, but to do right as God gave me the wisdom to see what that was. If it is perceived that I sided with a faction, it is because I picked my compatriots based on their convictions, intelligence, and their desire to serve in an honorable manner. Whenever a constituent called me to resolve a problem, my first response was not to see if they were a political supporter or to check my sign list. It was to do what was necessary to resolve the constituent's problem. The slander, half-truths, and lies that were slung at me during the election can be understood, if not excused, as part of the election process. But for these things to continue once I have again become just a citizen of this community are unconscionable. The discussion of whether to move out of the community should never occur around the dinner table because one has done his duty to the community and is now being harassed for it. Let me enumerate."

Mr. Snitzky continued:

"In forty years no one in my family has ever received a property complaint, and I have never personally filed one on any of my immediate neighbors. I have had two in the last six months, which can only be attributed to harassment. The first was found to be totally erroneous. The second was for enforcement of Ordinance No. 563.01, and I'm going to read that Ordinance, Sale of Merchandise. '*Section 563.01. Sale of Merchandise. The sale or display of merchandise for sale on lawns shall be prohibited.*' The sale was for enforcement of the ordinance, that the Building Inspector indicated he had never, in his experience, applied in this manner. Pure harassment. Property ordinances are written to protect the residential nature of our community from the one percenters who have no regard for their neighbors or their community. This ordinance is poorly written and its intent is off target. That intent is to prevent residential areas from becoming a permanent commercial flea market. Who in this Council has not themselves or had a close neighbor put a lawn mower, a grill, or a snow thrower on their tree lawn for a week or so in the hopes that someone passing by would purchase it? This is not to mention cars with a sign on them out front. I have seen this many times in the City."

Mr. Snitzky concluded:

"This ordinance needs to be changed so that it has reasonable parameters – say one week, one item, one time a year. I also think that we need to revisit the anonymous nature of property complaints. It's bad enough when neighbors use them as a way to harass a neighbor, but when it is used by political operatives to intimidate perceived political enemies, then it becomes a problem. Thank you."

Council President Trafis commented, "Thank you, Mr. Snitzky. I would like to state that I was the person that received complaints about the grill with a 'for sale' sign that was chained to your mailbox."

Mr. Snitzky, from his seat in the audience, stated "Right. So that it doesn't disappear."

Council President Trafis continued, "Okay. Well, when the resident contacted me about it, I looked up the ordinance, and I sent it to the Building Department. My understanding is the Inspector went out and gave you plenty of courtesy and enough time....."

Mr. Snitzky, again from his seat in the audience, interrupted Council President Trafis saying, "Yeah, there's no problem. There's no problem with enforcement of the ordinance. The ordinance is poorly written, Matt. I mean, I can't tell you how many times over the years, and I'm sure you've all seen it, somebody rolls a lawn mower on the tree lawn and puts a for sale sign on it. Come on guys!"

Council President Trafis continued, "Well, Mr. Snitzky, this grill was within inches from the street."

Mr. Snitzky, *from his seat in the audience, made an additional comment which was inaudible over Council President Trafis speaking.*

Council President Trafis continued, "I'm not done yet. And when a resident calls about a law being broken, I am going to act on it. I did my job."

Mr. Snitzky, continued commenting from his seat in the audience, "Yeah, I know. Hey, I'm not saying you, Matt. And honestly, fine. The ordinance exists, you know.....I understand all this good stuff. But, really – guys – I mean, think about it. How many times – You know you can't put a car out front with a for sale sign on it. And how many times have we all seen this? And I really think that the ordinance ought to be amended."

Council President Trafis stated, "Could you come back to the microphone so this could be recorded, please?"

Mr. Snitzky, returning to the podium, said "I think you can hear me."

Council President Trafis answered, "Well -- for Carol's purposes."

Mr. Snitzky continued, "I really think that this ordinance ought to be amended to be reasonable. I understand the intent, okay. But I think you ought to be able to put a lawn mower out there once a year for a week – one time a year, something like that. You shouldn't have to have a garage sale to sell a lawn mower, okay. That's it. I think the ordinance ought to have limits on it. I'm not saying you don't have an ordinance like this. I'm not saying, you know, because obviously like I said, you've got the one percenters -- it will become a permanent flea market if you don't have stuff like this. But to not be able to put a lawn mower, a grill, a snow thrower – or God forbid you want to sell your car and park it at the end of the driveway and put a sign on it. I mean, come on. One time, one week, once a year, for what.....it's one, one, and one. One time, once a year, for a week. I think that's a reasonable amendment to this ordinance. That's it."

Council President Trafis responded, "Thank you. And just for the record I'm going to email the Clerk of Council a picture of the grill that I was given for....."

Mr. Snitzky, returning to his seat in the audience, commented "I'll give her the picture. I'll give her the picture. I have it right here."

Council President Trafis continued, "No, I'll email it to her so we can include it in the minutes."

Mr. Snitzky, away from the microphone, again said, "I've got it right here. I'll give it to her buddy, save you a simple step."

Council President Trafis replied, "Great, thank you."

Mr. Snitzky, still away from the microphone, asked, "You wouldn't mind telling me who the residents were that complained, right?"

Resident **Tom Jaros**, who was also seated in the audience, raised his hand and stated "Here's one.....here's one."

Mr. Snitzky said, "What? Why? Tom, you've had your....."

Council President Trafis called for order as Mr. Snitzky tried to converse with Mr. Jaros on Council floor causing disruption of the meeting. **Mr. Trafis** said, "Guys! Mr. Snitzky, you've had your turn."

(A copy of the picture of the subject grill for sale, chained to the mailbox at the residence of Tom Snitzky, 2033 Hillside Road, in violation of Codified Ordinance Section 563.01, is attached to these minutes as Exhibit A.)

Tom Jaros, 224 Crescent Ridge Drive, made the following comments:

"I wasn't going to have anything to say, but I didn't know we were going to get this. The only problem I have.....I went to visit my mom and saw that thing sitting there. And I went to check her refrigerator to see if she had any Hillbilly Juice or something like that I could drink while I enjoyed it. But, the biggest problem I had is that I just heard about harassment in political, and everything else. And we're just about done hearing political from up there I think, and the end of June, I hope. But nothing political, Tom, it looked like hell. And I brought it up in Caucus. I didn't know Matt had emails on it. But it looked like hell – sorry. Once a year, twice a year, once a day – it doesn't matter."

Tom Snitzky, returned to the microphone, and stated, "Sorry. I'm going to do this one time. If he wants to come back. You know, Tom, like I said in the thing, I have never called on anybody in my neighborhood. I've never done this. And this has happened twice now in the last six months."

Mr. Jaros, from his seat in the audience, replied "Not by me."

Mr. Snitzky continued, "Okay. The thing is I can't tell you how many times I've looked over at your wonderful mom's house and seen a car parked on the grass."

Mr. Jaros, again from his seat in the audience, stated "Watch what you say about my mom, boy."

Mr. Snitzky continued, "Well I love your mom."

Council President Trafis responded, "Guys – Come on!"

Mr. Snitzky continued, "But I don't call on people about that type of stuff. It's supposed to be a neighborhood, it's supposed to be a community, especially if we're servicing people, we're supposed to love our neighbors. Okay. So, I mean, it's just chicken stuff. I don't call on people for parking cars on their driveway unless it's there for six months."

Mr. Jaros, from his seat in the audience, said "Call."

Mr. Snitzky continued, "No. I wouldn't do that – that's just..... But, you know, come on! All right. That's it. Thanks."

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila made the following comments:

"Thank you, Mr. President. I think this is my opportunity to say that I'm pleased to report that our Building Commissioner and our Building Department and our Building Inspectors are equal opportunity enforcers. And by that I mean this. A few weeks ago a gentleman came to Council with a complaint on Joy Oval about a fence. Inasmuch as he chose to bring it to Council I feel I need to wrap things up by providing a report back to Council on the status of that matter."

Mayor Dell'Aquila continued:

"Apparently there was a complaint made. A building violation notice was sent out on April 14th that did find that the neighbor that the gentleman was complaining about at 1026 Joy Oval had a temporary fence. Since that time the Building Inspector and the Building Department revisited the matter and required that the neighbor remove that temporary fence and obtain a survey. The survey has now been provided to the Building Department but I'm not sure whether a permit has been pulled yet for the installation of a fence in accordance with the survey."

Mayor Dell'Aquila concluded:

"But just to wrap up the loose end, again, the Building Department as everyone is aware, is driven by complaints. When a complaint is received, they go out and they do their job, and in this case I think it has been pretty aptly demonstrated here that it is not a political matter in either direction. There are no politics involved in enforcing the City's ordinances. So I would take exception with Mr. Snitzky in that regard. When a complaint is received, it is acted upon. And so, therefore, I just want to provide to the Council Clerk three pages that document action taken by the Building Department on Joy Oval. That is comprised of the original Building Violation dated April 14, 2016, the Survey which was done on May 6, 2016, and two photographs dated May 18, 2016 that document the property line. So with your permission I'd like to submit that. Thank you, Mr. President."

(Said documentation, consisting of three pages, is attached to these minutes cumulatively marked as Exhibit B.)

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Law Pignatiello had no formal report.

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

Building Commissioner Moro was not present.

MISCELLANEOUS

Mr. Kukral had no miscellaneous comments.

Mr. Kraynak had no miscellaneous comments.

Mr. Biasiotta:

Yes, Mr. President, a general comment in regard to the deer abatement ordinance, Ordinance No. 66-2016. Earlier tonight there were questions regarding it and there was also a statement made to the Rules Committee. If this is to be brought to Committee, I disagree that the Rules Committee is the appropriate place, and I'll state my reasons succinctly.

First, the ordinance states, Council finds the existing circumstances constitute an ongoing serious nuisance which must be abated for the public health and safety. It should be in Police and Safety. Number two, the ordinance permits the discharge of a lethal weapon within the City. The ordinance should be in Safety. Last but not least, we have several subsections which appoint the Police Chief or his designate as having the sole discretion in offering permits and authorizing at what range, etc., etc., etc. So the most appropriate place for this to be heard in is Police and Safety. As also evidenced earlier tonight, there were a number of questions that would have to be answered by the Police Chief in his capacity, and the Police Chief is mandatory to be at the Police and Safety meeting. That's all I have tonight.

Mr. Petro had no miscellaneous comments.

Mr. Fraundorf had no miscellaneous comments.

Council President Trafis:

Regarding Councilman Biasiotta's comments, I would just ask you to coordinate with the committee or committees that you feel would be appropriate for this ordinance, along with all the departments, especially the Police Department. And I would encourage you to have the Police Chief attend the next meeting.

Mr. Biasiotta responded, "The last time we had this subject brought up I thought we had an agreement that this would be handled in miscellaneous. Apparently, we have a change."

Council President Trafis stated, "If that's the case, I apologize. I don't recall that. But if you feel it should be in Police, let's confer with the Law Department on that and make sure he agrees."

Law Director Pignatiello answered, "I think I agree, yes."

Council President Trafis said, "Okay. Then I guess it's on you, Councilman Kraynak, to handle the deer issue. And I hope the Police Chief will be at the next meeting."

Mr. Kraynak replied, "I understand."

Council President Trafis concluded, "I suppose that's all I have tonight."

MOTION by Mr. Trafis, seconded by Mr. Petro, to adjourn the meeting.
Roll Call: all yea **MOTION CARRIED**

The May 23, 2016 Council Meeting was adjourned at 9:45 p.m.

_____
Matthew A. Trafis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

"Exhibit A"

Property of Tom Snitzky: 2033 Hillside Road

Violation of:

> **563.01** SALE OF MERCHANDISE. The sale or display of merchandise for sale on lawns shall be prohibited. Miscellaneous merchandise must be sold within the confines of a garage. Garage sales are covered under Section 563.03. (Ord. 62-2005. Passed 6-13-05.)

FILE #: 29908 BUILDING VIOLATION 04/14/2016
FILE DATE: 4/14/2016 08:06 AM

INSPECTOR: RICH VITTARDI **TYPE: BUILDING W/OUT PERMIT**
SITE ADDRESS: 1026 JOY OVAL
PARCEL: 55118031
OWNER: SCHNEIDER, DIANE M ZONING:
COMPLAINANT/FILER INFORMATION:
NAME: RESIDENT OF WARD PHONE:
ADDRESS:
CITY: ST: ZIP: -
MK: MDL: YR: ST: PT: TWD:

IS THERE A VIOLATION ? (Y/N) N
ADDITIONAL NOTES: Y TENANT:

NOTIFICATION LETTER DATE: PREVIOUS FILE #:
NOTIFICATION RECEIVED:
SECOND LETTER DATE:
EXTENSION LETTER DATE:
DEADLINE FOR COMPLIANCE:
THANK YOU LETTER:

DATE CLOSED: CODE:
CITATION SENT DATE: CITATION NUMBER:
COURT DATE: CONTRACTED DATE:
2ND CITATION SENT DATE: WORK ORDER DATE:
HOME OWNER INVOICE DATE:

CONTRACTOR DBA NAME: LICENSE NUMBER:
ADDR:
CITY, ST ZIP: PHONE: FAX:

NAME: PHONE: CELL:
ADDR:
CITY, ST ZIP:

NOTES:
Resident of Ward registering a complaint relating to a fence that was put up without a permit and no survey and no inspections. The neighbor believes the fence is on his property he had a survey a few years ago and would like the inspector to come and look into it. The posts were put in with no concrete in the base either.

Date: 4-14-16

Initials: RHV

SHCO Violation: NO PERMIT
ILLEGAL FENCE NO POSTHOLE INSPECTION

Deadline to comply:

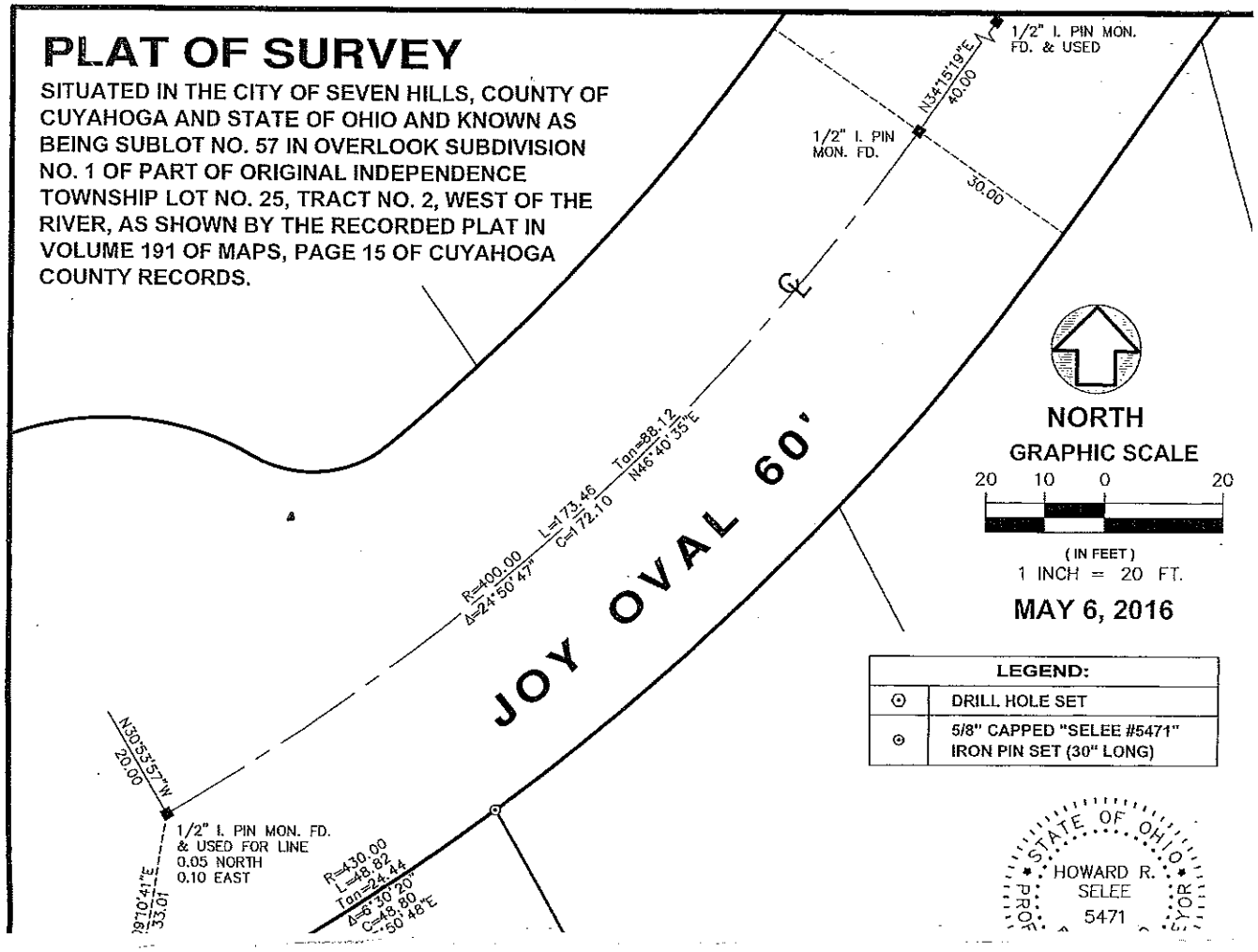
Pictures taken: NO

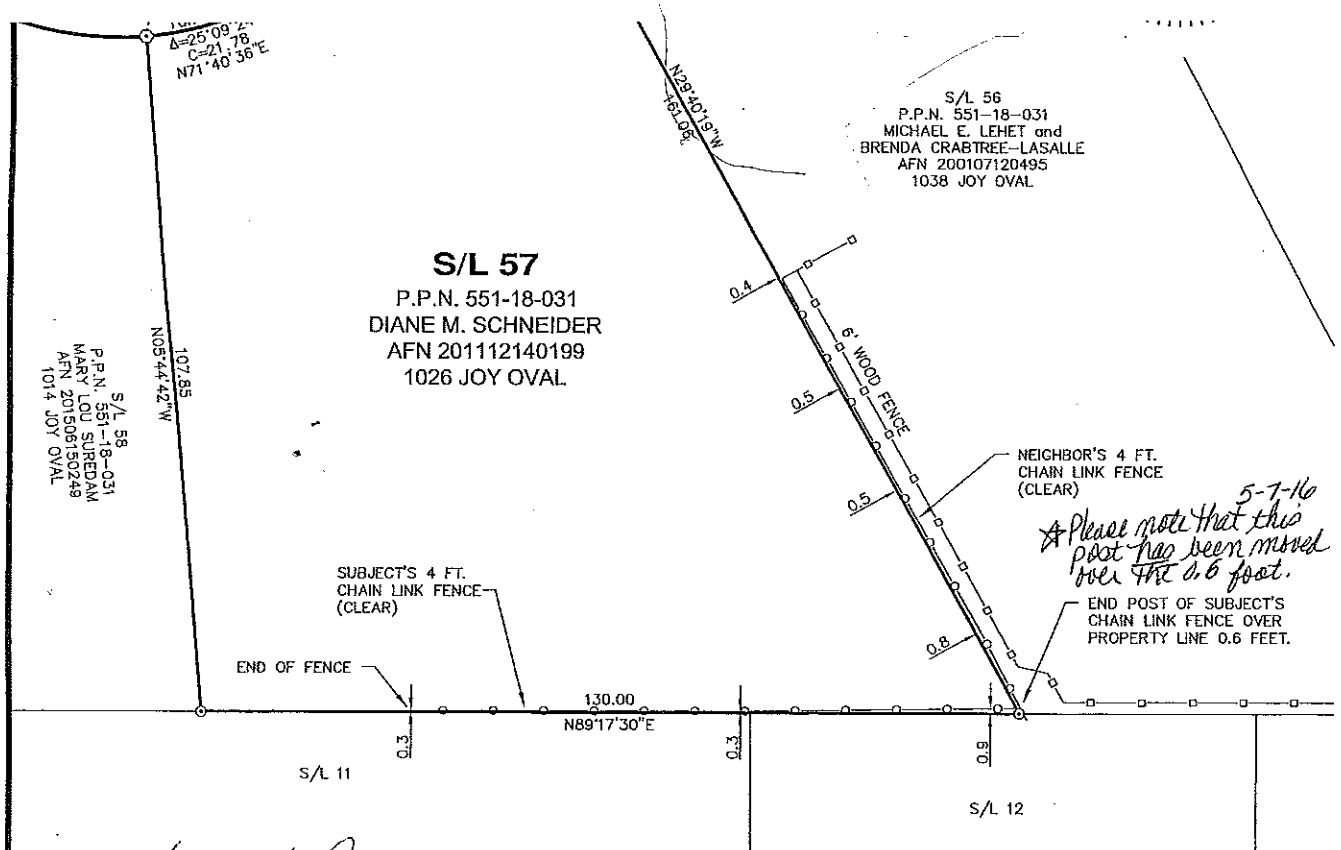
SEE MARC MORO ABOUT THIS LADY TALKED TO HIM.

"Exhibit B"
(pg. 2 of 3)

PLAT OF SURVEY

SITUATED IN THE CITY OF SEVEN HILLS, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN AS BEING SUBLOT NO. 57 IN OVERLOOK SUBDIVISION NO. 1 OF PART OF ORIGINAL INDEPENDENCE TOWNSHIP LOT NO. 25, TRACT NO. 2, WEST OF THE RIVER, AS SHOWN BY THE RECORDED PLAT IN VOLUME 191 OF MAPS, PAGE 15 OF CUYAHOGA COUNTY RECORDS.





HOWARD R. SELEE, REG. SURVEYOR #5471 — DATE 5/06/2016

HOWARD R. SELEE & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
9701 BROOKPARK ROAD * SUITE 231 * CLEVELAND, OH 44129
(216) 398-0280

FILE NO. 14027-57

SELEE & ASSOC.

1038 JOY OVAL LEHET