# *City of Seven Hills*

Record of Minutes of

COUNCIL MEETING HELD June 27, 2016

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This Regular Council Meeting was called to order by Council President Matthew A. Trafis at 7:36 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. Absentee was Building Commissioner Moro.

*(ONE COUNCIL-AT-LARGE SEAT CURRENTLY VACANT)*

## READING AND DISPOSAL OF JOURNAL

**MOTION** by Mr. Fraundorf, seconded by Mr. Kukral, to accept the Minutes of the Regular Council Meeting held June 13, 2016, as printed.
Roll Call: all yea **MOTION CARRIED**

## CONSENT AGENDA

**MOTION** by Mr. Biasiotta, seconded by Mr. Petro, to accept **Consent Agenda No. 1** of June 27, 2016, as printed, if there is no division of the question.
Roll Call: all yea **MOTION CARRIED**

**MOTION** by Mr. Biasiotta, seconded by Mr. Petro, to accept **Consent Agenda No. 2** of June 27, 2016, as printed.
**Council President Trafis** stated:
"As a matter of record, I will be recusing myself from this item."
**Mr. Fraundorf** stated:
"As a matter of record, I will also be recusing myself from this item."
Roll Call: Biasiotta, yea; Fraundorf (recused); Kraynak, yea; Kukral, yea; Petro, yea; Trafis (recused)
4 yea, 0 nay (Fraundorf and Trafis recused) **MOTION CARRIED**

## RESOLUTIONS OF COMMENDATION

**Resolution No. 39-2016** – A RESOLUTION OF COMMENDATION TO **MICHAEL C. BARTH**, COUNCILMAN-AT-LARGE, WARD 1 COUNCILMAN, MAYOR, COUNCIL PRESIDENT, AND COUNCIL PRESIDENT PRO TEM, CITY OF SEVEN HILLS, OHIO.

**MOTION** by Mr. Trafis, seconded by Mr. Kraynak, to read Resolution No. 39-2016 by title only for its first and final reading.

**Clerk of Council Sekerak** stated she wished at this time to read into the record a message received from former Councilman-at-Large **Michael C. Barth**. Mrs. Sekerak said that Mr. Barth sent an email communication late this afternoon, Monday, June 27, 2016, addressed to her, in reference to the subject Resolution of Commendation, reading as follows:

> *"I am not going to be able to make it tonight, so please read the following into the record:*
>
> > *I thought I might be able to make it tonight to receive my commendation, unfortunately I am running later than I thought. I would still like to convey my thanks to all of you for your recognition of my time on Council and my achievements while serving. I especially want to thank the residents who overwhelmingly elected me five times to either Ward 1 Councilman or Council-at-Large. It certainly was an honor to serve our City. Seven Hills is a great community that has been very good to me and my family and I will certainly miss it. Thanks again and good luck in the future. Mike Barth"*
>
> Roll Call: all yea **MOTION CARRIED**
> Resolution No. 39-2016 was read by full title only for its first and final reading.

**MOTION** by Mr. Trafis, seconded by Mr. Kraynak, to adopt Resolution No. 39-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

**RESOLUTION NO. 39-2016 IS DECARED ADOPTED**.

## 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, June 20, 2016, and the minutes from that meeting are forthcoming. Mr. Trafis stated that the Committee will hold its next regular meeting on Monday evening, July 18, 2016.

### Public Works

Public Works Committee Chairman Petro stated that the Public Works Committee will hold its next regular meeting on Tuesday evening, July 5, 2016.

**Community Services**
Council President Trafis stated that there is temporarily no Community Services Committee Chairman.
*The Committee is scheduled to hold its next regular meeting on Tuesday evening, July 5, 2016.*

**Police and Fire**
Police and Fire Committee Chairman Kraynak stated that the Committee last met on Monday evening, June 20, 2016, and the minutes from that meeting are forthcoming. Mr. Kraynak stated that the Committee will hold its next regular meeting on Monday evening, July 18, 2016.

**Parks and Recreation**
Parks and Recreation Committee Chairman Kukral stated that the Committee last met on Monday evening, June 20, 2016, and the minutes from that meeting are forthcoming. Mr. Kukral stated that the Committee will hold its next regular meeting on Monday evening, July 18, 2016.

**Rules, Ordinances, and Ethics**
Rules, Ordinances, and Ethics Committee Chairman Biasiotta stated that the Committee last met in special session on Monday evening, June 13, 2016, and the minutes from that meeting are on file with the Clerk of Council. Mr. Biasiotta stated that the Committee will hold its next regular meeting on Tuesday evening, July 5, 2016.

**Finance, Civil Service, and Personnel**
Finance, Civil Service, and Personnel Committee Chairman Fraundorf stated that the Committee last met on Monday evening, June 20, 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 Tuesday evening, July 5, 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

**Reggie Paginton, 267 Mapleview Drive**, made the following comments:
"Hello everyone. I just really have one question. Normally I would ask the Mayor, but I think he would defer it to the Law Director, as he did with the word *limited*. I'm going to read this."

**Mr. Paginton** continued, "In the deer ordinance, the first, second, and third reading, the word *reduction* is used. The word *reduction* like the word *limited* has no meaning unless you have a definite number to base your reduction. What is that number?"

**Council President Trafis** replied, "I'm just going to state again, as I did a couple of weeks ago, that the deer ordinance is not being voted on tonight. It is being tabled until we get recommendations from the Ad Hoc Committee that was appointed, and everything may be subject to change at this point."

**Mr. Paginton** responded, "Okay. So I could ask that again at another time?"

**Council President Trafis** replied, "You're more than welcome to."

**Mr. Paginton** concluded, "Thank you. Just keep that in mind."

**Lucy McKernan, 755 Hillside Road**, made the following comments:
"How strict are you about stuff being legislation? I just want something on record."

**Council President Trafis** responded, "This is legislation only. First state your name and address."

**Mrs. McKernan** continued, "Is there anything on here about the Building Department or appointments or new hires, or anything like that?"

**Council President Trafis** replied, "No."

**Mrs. McKernan** added, "Okay. Because I had a major problem with the Building Department the past couple of weeks, and I don't know how.....because they're not responding to me."

**Council President Trafis** asked, "Can we do that during the general miscellaneous, at the end of the meeting?"

**Mrs. McKernan** questioned, "At the end of this meeting tonight?"

**Council President Trafis** answered, "Yes. There's a section for public comment regarding anything."

**Mrs. McKernan** continued, "Yes, okay. If I stick around, we can do that, okay? I'll try to stick around. Thank you."

**Council President Trafis** thanked Mrs. McKernan for her understanding.

## ORDINANCES AND RESOLUTIONS

**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.

**MOTION** by Mr. Petro, seconded by Mr. Fraundorf, to read Ordinance No. 63-2016 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 63-2016 was read by full title only for its third and final reading.

**MOTION** by Mr. Petro, seconded by Mr. Fraundorf, to pass Ordinance No. 63-2016.
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 63-2016 IS DECLARED PASSED**.

**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.

**MOTION** by Mr. Kraynak, seconded by Mr. Kukral, to read Ordinance No. 64-2016 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 64-2016 was read by full title only for its third and final reading.

**MOTION** by Mr. Kraynak, seconded by Mr. Kukral, to pass Ordinance No. 64-2016.
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 64-2016 IS DECLARED PASSED**.

**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.

**MOTION** by Mr. Biasiotta, seconded by Mr. Fraundorf, to table Ordinance No. 66-2016.
Roll Call: all yea **MOTION CARRIED**

**Ordinance No. 66-2016 was tabled.**

**Ordinance No. 70-2016** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CUYAHOGA COUNTY DISTRICT BOARD OF HEALTH FOR THE PURPOSE OF MONITORING AND TESTING MS4 OUTFALL LOCATIONS AS REQUIRED BY THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR STORM WATER, AND APPROPRIATING FUNDS NOT TO EXCEED $3,711.00 FOR SAID SERVICE FOR THE YEAR 2016 REPORT PERIOD.

**Ordinance No. 70-2016 was read by full title only for its second reading.**

**Ordinance No. 71-2016** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS OHIO, WITH TOSHIBA BUSINESS SOLUTIONS OF AKRON, OHIO, FOR THE SEMI-ANNUAL MAINTENANCE AND SUPPORT CONTRACT FOR THE ESTUDIO2330CU S/N CIK931014 BLACK/COLOR MULTI-FUNCTION UNIT IN THE ENGINEERING DEPARTMENT, AND APPROPRIATING A SUM NOT TO EXCEED $474.36 EVERY SIX MONTHS FOR THE LIFE OF THE MACHINE FOR SAID SERVICE.

**Ordinance No. 71-2016 was read by full title only for its second reading.**

**Ordinance No. 72-2016** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH EXTEND TECHNOLOGIES OF BROADVIEW HEIGHTS, OHIO, IN AN AMOUNT NOT TO EXCEED $1,584.00, TO ASSESS THE ENTIRE CITY OF SEVEN HILLS MUNICIPAL BUILDING NETWORK AND TO CREATE A NETWORK MAP SHOWING LOCATIONS, EQUIPMENT AND IP ADDRESSES TO PROVIDE EASIER NETWORK MANAGEMENT AND OVERVIEW.

**Ordinance No. 72-2016 was read by full title only for its second reading.**

**Ordinance No. 73-2016** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AFFILIATION AGREEMENT FOR JOB TRAINING, EXPERIENTIAL LEARNING PROGRAM, ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, AND THE PARMA CITY SCHOOL DISTRICT BOARD OF EDUCATION OF PARMA, OHIO, FOR THE PURPOSE OF PROVIDING PRACTICAL COMMUNITY-BASED WORK EXPERIENCE FOR THE EDUCATIONAL BENEFIT OF THE STUDENTS IN A NATURAL WORK ENVIRONMENT AT THE SEVEN HILLS CITY ADMINISTRATION BUILDING.

**Ordinance No. 73-2016 was read by full title only for its second reading.**

**Amended Ordinance No. 74-2016** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH VARIOUS VENDORS FOR THE PURCHASE, INSTALLATION, AND NECESSARY APPURTENANCES, OF SIX WATCHGUARD 4RE CAMERAS, ONE COMPUTER SERVER, AND THE INSTALLATION OF THE WATCHGUARD CAMERAS FOR THE CITY OF SEVEN HILLS POLICE DEPARTMENT, AND APPROPRIATING THE SUM NOT TO EXCEED FORTY-FOUR THOUSAND SEVEN HUNDRED NINETY-NINE DOLLARS AND FIFTY CENTS ($44,799.50) FOR SAID PURCHASES AND SERVICES, OF WHICH TWENTY THOUSAND DOLLARS ($20,000.00) OF GRANT MONEY RECEIVED FROM THE CUYAHOGA COUNTY PROSECUTOR'S OFFICE WILL BE USED FOR SAID PURCHASES AND SERVICES; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Fraundorf, seconded by Mr. Kraynak, to read Amended Ordinance No. 74-2016 by title only for its second and final reading,
Roll Call: all yea **MOTION CARRIED**
Amended Ordinance No. 74-2016 was read by full title only for its second and final reading.

**MOTION** by Mr. Fraundorf, seconded by Mr. Kraynak, to pass Amended Ordinance No. 74-2016 as an emergency measure.

**Mr. Fraundorf** stated:

"I would just like to offer a few comments about this ordinance. It is for the purchase of dash cameras. The Police brought to us a grant from the County that paid for $20,000.00 of the $44,799.50. The challenge that we had as a City was how do we come up with the balance without affecting the General Fund. Through working with our Finance Department, and in cooperation with the Police Department, we were able to utilize some existing funds, and so we don't have to touch the General Fund, which was our goal from the very beginning. So I'm pleased to say that we can now order the cameras, which are sorely needed by the Police Department, and we killed two birds with one stone. Thank you."

**Council President Trafis** stated:

"I'd just like to echo what Councilman Fraundorf said. The whole purpose was to avoid pulling money out of the General Fund, and just by doing a little bit of homework, we figured out how to do it. We need to keep doing our due diligence to make sure we can try to do things like this in the future.

Roll Call: all yea **MOTION CARRIED**

**AMENDED ORDINANCE NO. 74-2016 IS DECLARED PASSED.**

**Ordinance No. 75-2016** – AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SEVEN HILLS, OHIO, A CERTAIN CHARTER AMENDMENT PURSUANT TO ARTICLE X OF THE CHARTER OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ALLOWING THE ELECTORS TO VOTE ON THE QUESTION OF AN INCOME TAX LEVY AT A GENERAL, PRIMARY, OR SPECIAL ELECTION.

**MOTION** by Mr. Fraundorf, seconded by Mr. Kukral, to table Ordinance No. 75-2016.

Roll Call: all yea **MOTION CARRIED**

**Ordinance No. 75-2016 was tabled.**

**MOTION** by Mr. Trafis, seconded by Mr. Petro, to amend Ordinance No. 77-2016 by removing the emergency clause in the title and in the body of the Ordinance, and reverting the Ordinance to its first reading.

**Amended Ordinance No. 77-2016** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ECONOMIC DEVELOPMENT JOB CREATION AND JOB RETENTION AGREEMENT WITH BLUE CHIP CONSULTING GROUP, LLC.

**Amended Ordinance No. 77-2016 was read by full title only for its first reading.**

**Ordinance No. 78-2016** – AN ORDINANCE TO AMEND ORDINANCE NO. 45-2016, PASSED BY THE COUNCIL OF THE CITY OF SEVEN HILLS ON APRIL 25, 2016, WHICH AUTHORIZED AND DIRECTED THE MAYOR TO ENTER INTO A FIVE-YEAR AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH XEROX GOVERNMENT SYSTEMS, LLC, OF URBANDALE, IOWA, SAID AMENDMENT NECESSARY TO CHANGE THE EFFECTIVE TERM OF THE CONTRACT TO JULY 1, 2016 THROUGH JUNE 30, 2021; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Fraundorf, seconded by Mr. Biasiotta, to read Ordinance No. 78-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 78-2016 was read by full title only for its first and final reading.

**MOTION** by Mr. Fraundorf, seconded by Mr. Biasiotta, to pass Ordinance No. 78-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 78-2016 IS DECLARED PASSED**.

**Ordinance No. 79-2016** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMERCIAL SERVICES AGREEMENT WITH COX BUSINESS; APPROPRIATING A SUM NOT TO EXCEED $1,561.05 PER MONTH FOR SIXTY (60) MONTHS FOR THE INSTALLATION, TRAINING, AND WARRANTY, WITH APPURTENANCES, FOR A CITY-WIDE PHONE SYSTEM AND SERVICE AGREEMENT WITH COX BUSINESS; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Kraynak, seconded by Mr. Kukral, to read Ordinance No. 79-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 79-2016 was read by full title only for its first and final reading.

**MOTION** by Mr. Kraynak, seconded by Mr. Kukral, to pass Ordinance No. 79-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 79-2016 IS DECLARED PASSED**.

**Ordinance No. 80-2016** – AN ORDINANCE TO AMEND SUBSECTION 911.06(8) AND AMEND SUBSECTION 911.06(9), CONDITIONS PRECEDENT TO FINAL APPROVAL OF RECORD MAP; ISSUANCE OF BUILDING PERMITS, AS CONTAINED IN CHAPTER 911, ACCEPTANCE AND DEDICATION OF SUBDIVISIONS GENERALLY, OF TITLE THREE, PLATS AND PLATTING, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Petro, seconded by Mr. Fraundorf, to read Ordinance No. 80-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 80-2016 was read by full title only for its first and final reading.

**MOTION** by Mr. Petro, seconded by Mr. Fraundorf, to pass Ordinance No. 80-2016 as an emergency measure.

**Council President Trafis** stated:

"I'd just like to mention that I'm particularly happy about this ordinance. Currently when a developer or a builder is building a home in Seven Hills, they pay a $500.00 fee to our Tree Fund and a $500.00 fee to our Parks Fund. The intent and purpose of this legislation is just to change that fee structure, and moving forward $750.00 will be put toward the Parks and $250.00 will be put toward the Tree Fund. This is more long-term planning than anything with potential development coming to the City. I feel this is a way to generate additional revenues to help out our parks, which are sorely in need of help."

Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 80-2016 IS DECLARED PASSED**.

**Ordinance No. 81-2016** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH R&K TECHNOLOGIES, INC., OF NORTH RIDGEVILLE, OHIO, FOR FULL SERVICE MAINTENANCE ON THE XEROX 8825/HP DJ 500 PLOTTER LOCATED IN THE ENGINEERING DEPARTMENT OF THE CITY OF SEVEN HILLS, AND APPROPRIATING THE SUM NOT TO EXCEED THE MONTHLY BASE RATE OF $246.74 PLUS A MONTHLY USAGE CHARGE OF $.095 SQ.FT. FOR THE 12-MONTH TERM OF THE AGREEMENT.

**Ordinance No. 81-2016 was read by full title only for its first reading.**

**Ordinance No. 82-2016** – AN ORDINANCE TO AMEND SECTION 159.01, COURT COSTS, OF CHAPTER 159, MAYOR'S COURT, AS CONTAINED IN TITLE SEVEN, JUDICIAL, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF INCREASING THE COURT COST FOR ALL VIOLATIONS OCCURRING IN THE JURISDICTIONAL LIMITS OF THE CITY OF SEVEN HILLS WITH THE EXCEPTION OF PARKING, PEDESTRIAN, AND SEAT BELT VIOLATIONS.

**Ordinance No. 82-2016 was read by full title only for its first reading.**

**Amended Resolution No. 38-2016** – A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING TAX LEVY PROVIDING FUNDS FOR THE PAYMENT OF PERMANENT AND PART-TIME FIREFIGHTERS, INCLUDING THE PAYMENT OF THE FIREFIGHTER EMPLOYERS' CONTRIBUTION REQUIRED UNDER SECTION 742.34 OF THE REVISED CODE, AND THE PROVISION OF AMBULANCE, PARAMEDIC AND OTHER EMERGENCY MEDICAL SERVICES OPERATED BY THE CITY'S FIRE DEPARTMENT, PURSUANT TO SECTIONS 5705.03 AND 5705.19(I) OF THE REVISED CODE.

**Amended Resolution No. 38-2016 was read by full title only for its second reading.**

**Resolution No. 40-2016** – A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF SEVEN HILLS TO SIGN A LETTER DIRECTED TO WARWICK COMMUNICATIONS, OF BROADVIEW HEIGHTS, OHIO, INFORMING THEM OF THE CITY'S INTENT TO TERMINATE THE EXISTING CONRACT BETWEEN THE CITY OF SEVEN HILLS AND WARWICK COMMUNICATIONS ADVISORS; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Kukral, seconded by Mr. Kraynak, to read Resolution No. 40-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 40-2016 was read by full title only for its first and final reading.

**MOTION** by Mr. Kukral, seconded by Mr. Kraynak, to adopt Resolution No. 40-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

**RESOLUTION NO. 40-2016 IS DECLARED ADOPTED.**

**Resolution No. 41-2016** – A RESOLUTION APPROVING AND ACCEPTING A TEMPORARY UTILITY EASEMENT GRANTED TO THE CITY OF SEVEN HILLS, OHIO, BY ALAN F. AND DONNA L. BLAKE FOR THE INSTALLATION, CONSTRUCTION, AND MAINTENANCE OF UTILITIES, TOGETHER WITH ALL APPURTENANCES; APPROPRIATING THE SUM NOT TO EXCEED $310.00 FOR THE ACQUISITION OF SAID EASEMENT; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Biasiotta, seconded by Mr. Petro, to read Resolution No. 41-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 41-2016 was read by full title only for its first and final reading.

**MOTION** by Mr. Biasiotta, seconded by Mr. Petro, to adopt Resolution No. 41-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

**RESOLUTION NO. 41-2016 IS DECLARED ADOPTED.**

**Resolution No. 42-2016** – A RESOLUTION APPROVING THE PROPOSED ALTERNATIVE TAX BUDGET FOR THE CITY OF SEVEN HILLS, OHIO, FOR THE FISCAL YEAR 2017.

**Resolution No. 42-2016 was read by full title only for its first reading.**

**COUNCIL OPEN TO THE AUDIENCE**

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

"First I want to say thank you to the Mayor for helping us to get an extension – we received a five-day notice because of our landscaping at our property at 755 Hillside. I'm going to try to stick to the facts here. I'm not really sure what I'm asking for as much as just awareness of what's going on with the Building Department. First of all, the letter came in my name only. And, genuinely, Mayor, thank you for helping us through your office get an extension. We really needed that. I was about to go see my 93-year-old father in Tennessee 36 hours before I got that letter, and it was really stressful. The timing couldn't have been worse. It caused me a lot of stress and anxiety. But my name was the only name on the letter. My husband's name, as co-owner of the property, was not on there. Retrospectively, a paranoid person might think I was being singled out. But what I would like to stick to are the facts here – the timing of that letter, the lack of the response from the Building Department. I did contact them six times. My husband contacted them once. We went in person to ask them to come to our property and explain to us what exactly it is that they wanted us to cut. I do have some native perennial plants that to the untrained eye, from the street, from a drive-by, might appear to be 'weeds or grasses'. Actually these are soil restorative native perennial plants that we put in after the EPA mandated storm water, or sewer to septic, while we did the storm water around the foundation. There are mint plants that keep away mice and ants naturally, because I can't use chemicals – I'm sensitive to chemicals. So these are all, in my opinion – humble opinion – these are all not weeds or noxious, I think is the term, or grasses. They are edible, verbal, medicinal -- even the burdock, which can be considered to be, in some people's minds, a weed. The root can be used as medicine, and I've used it for that, and the leaves are actually edible. There are all these native perennials that are up against the foundation of the house, and until they come to bloom in July, they look – from the street maybe – like weeds, but they're not."

**Mrs. McKernan** continued:

"I never had a chance to prove this to the Building Department because they absolutely refuse to come – until we shook the cage so hard that Mr. Vittardi came to our house, blocked me in our driveway, and from the time he appeared on our property, he absolutely refused to look me in the eye, or even face me. He turned his back to me and would only address my husband – and my name was the only name on the letter. So naturally I was furious. And I had to get out of my driveway. I couldn't even ask him to get out of my driveway – I couldn't even ask him to do that – he was absolutely not even acknowledging my existence. I'm not sure what precipitated that. So what I would say is we wound up spending $75.00, because we didn't know.....so my husband went in the back. There was admittedly a little patch in the very far back of our yard – it was over the limit – it was a violation. We immediately tried to cut – there's a little habitat far away from anybody seeing it. We tried to cut it.....it broke the belt on our mower. And then I had to pay a professional and use a tractor, so we lost $75.00 we didn't even have. We're both, you know, working five jobs between the two of us. So the refusal to address me, the blocking me in the driveway, and to use legal terms, arbitrary and capricious, and unable to petition our government for redress, which is a little of an extreme term, but not even able to petition the Building Department to come and communicate with us in a reasonable term so that I could at least say, look this is not a noxious weed, this is actually medicinal. I didn't expect them to go through my entire property with each plant, but I did expect somewhat of a reasonable response, or some response, and I didn't get it. So I'm just about done here. I would ask that the Building Department have a new policy.....any City vehicle. You know, Hillside has nowhere to pull off. We know that. And I'm on the side with no sidewalk, the North side. But if you're going to park in our driveway, park to one side or the other – it's a double wide. I would also say that the lack of responsiveness, the timing was very uncanny. Again, I can't prove this, but it really seems strange to me that this would have happened at that exact time. The stress and anxiety. The financial loss to both my husband and I.....he's at work right now, in fact. And the inability to communicate, concerns, or ask questions. I do have a June 30th – thank you, Mayor, for helping with that, through Kathy Holland – a June 30th deadline. We did get an extension, but that's the date that I'm taking, and I'm not trying to make you feel sorry for me, but that is the date I'm taking my brother to chemo, my brother-in-law, to chemotherapy – he's got brain cancer. So, I couldn't get them to even talk to us today, or come out today, so that it's just not piling up on us before Thursday. I'm not asking for another extension. Just please be aware – the Building Department is really behaving in a most unprofessional manner. I don't know if I was singled out, or if they're doing this to everybody. So, I know I've talked long. Thank you."

**Mayor Dell'Aquila** responded:

"Thanks, Lucy – I'm sorry to hear about the medical situation you're experiencing there. If you'd like to stop in, perhaps even as early as tomorrow morning, I'd be willing to go over this with you in detail and see what else we can do to help out. It sounds like you have a tough situation on your hands, there."

**Mrs. McKernan** replied, "Thank you. Thank you very much. I'm not sure about tomorrow morning, but I will talk to you sometime this week. Are you in your office every morning this week?"

**Mayor Dell'Aquila** said, "I'm here regularly. But to say specifically, I don't know. But if you will communicate directly with Kathy, we'll set up a specific time to sit down and talk. And good luck with what you're experiencing."

**Mrs. McKernan** concluded, "Okay, thank you very much. But at least don't block us in the driveway. Maybe that could be a new policy with the City. Put the vehicles over to one side or the other. Thank you, Mayor. Thank you, Council."

**Council President Trafis** thanked Mrs. McKernan.

**REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR**

**Mayor Dell'Aquila** had no formal report.

**REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS**

**Director of Law Pignatiello** had no formal report.

**Director of Public Service and Properties Lovece**:
I want to thank Council for passing Ordinance No. 79-2016 for the rental of a new city-wide phone system. In fact, the gentleman in charge from Cox Cable, Mr. Curt Hochberg, is in the audience, and he's eager to start the project. I know he's going to do a good job for the City. Thank you.

**Building Commissioner Moro** was not present.

**MISCELLANEOUS**

**Mr. Fraundorf**:
I'd just like to say that it was a real privilege once again to participate in the Seven Hills Baseball Federation All Star Program yesterday afternoon, although I was there for half the ceremonies. My immediate reaction is.....just to see how excited the kids are.....number one, to receive recognition, and then number two, to actually play in an All Star Game – it really makes me think back to my childhood and what a special time that is. Quite honestly, you never forget that. So it was really a great thing. Tony Terry did a great job being the emcee, and my co-Council people, Matt Trafis and Jim Kukral, passed out the awards. And, everyone sang the Star Spangled Banner a cappella, so that was a treat.

**Council President Trafis** added, "And everybody needs to hear Tony Terry sing one day!"

**Mr. Petro** had no miscellaneous comments.

**Mr. Kukral**:
I'll reiterate what Councilman Fraundorf said. It was a great event. Tony Terry did a wonderful job emceeing the event. I think the best part for me, being a new Council person, and being so involved with the parks, was being able to walk around with pride because the parks look really good. And Stewart's team is really kicking butt. And I saw people that I knew from Valley View, Broadview Heights, Brecksville, Independence, Newburgh Heights, that came up to me and said '*Wow – this is not as bad as I remember it*'. And that's progress to me. So we're going to keep going and Service is doing a great job, and hopefully in a couple of years they'll be saying '*Wow – this is nicer than what we have*'. So it's nice that other cities are starting to notice. So thank you very much.

**Mr. Kraynak** had no miscellaneous comments.

**Mr. Biasiotta** had no miscellaneous comments.

**Council President Trafis**:
I have a couple of things.

I also really enjoyed the All Star Weekend. It's one of my favorite events of the year. As my two colleagues indicated, the kids were pretty excited. And I do want to mention that on Sunday when I was going from park to park, I ran into Service Director Lovece and I was really impressed that he was checking on the parks on a weekend. It shows Stewart's dedication to the City, and thank you for doing what you've been doing.

Another thing, as everybody knows, we have a vacancy on City Council. According to our City Charter, it indicates that the Council shall consider the list of defeated candidates in the wards or at large, but may appoint any other elector meeting the qualifications of the Charter. I am submitting to the record and for our minutes a letter that I wrote to all of the defeated Council candidates inviting them to submit a resume for consideration. I'm passing the letters to the Council Clerk now.

*A copy of each of the subject letters -- addressed to Caryl Lecznar, Joseph M. Tripi, Jr., Michael S. Wallace, Thomas Snitzky, and John Frank -- from President of Council Matthew A. Trafis, dated June 20, 2016, in reference to the At-Large Council vacancy, are appended to these minutes as an exhibit.*

**Council President Trafis** (continued):

Now I have a prepared statement that I'd like to read.

We are just over six months into this current term. Needless to say it has been a very challenging time for our City and many changes are being made. I am very proud of this Council for moving forward with beginning to change the status quo in Seven Hills. I will be the first to admit that change is difficult. Changing a system that has been broken for over a decade is even harder. One thing that I have learned during my time as Council President so far is that it takes an extraordinary amount of time to run this City the proper way. All of our Elected Officials are part-time. We have a significant budget, well over 100 employees, and significant diverse functions within our government operation. Things are being missed, certain departments do not run as well as they should, and the timeliness of addressing issues is often extremely slow. It is time we have a full-time Mayor who can be at City Hall daily to run the City the way it should be run. These sentiments have been attested to by our current Mayor also.

As we are all aware, the vast majority of expense to our budget is payroll and we all know that the current rate of spending cannot be sustained for much longer. Reductions in expenses were long overdue. I am very proud that this Council has cut approximately $400,000 off the budget so far. At times it was difficult considering the numerous veto overrides Council had to do and the obstruction from certain City employees and contractors. To date we have made reductions in most departments including the Recreation Center, the Mayor's Office, the Building Department, the Magistrate, the Service Department, Fire Prevention Officer, and Engineering Department. More needs to be done.

This November we have two tax issues that will appear on the ballot. The first is an income tax restructuring of which there are two proposals. First, it may seem complicated but it more than likely will be a plan that will tremendously help our budget issues and is being supported by Council. We are going to be asking the residents to support increasing the tax rate from 2% to 2.5% and adjusting the credit limit from 1.1% to 1.65%. This will generate hundreds of thousands of dollars paid primarily from people that work in Seven Hills but live in a different community. It does not affect retirees and will actually give a 5.5% decrease in the amount of income tax paid to most every resident that works in a different community with a few small exceptions. The other proposal from Mayor Dell'Aquila is an action that Council can take without a vote of the people that would decrease the credit from 100% to 50% and the effect would be an increase of 61% to income tax paying residents working outside of Seven Hills. I truly hope that all of our Elected Officials actively support and campaign for an income tax initiative this November. It is critical to the future of Seven Hills.

**Council President Trafis** (continued):

In addition to the Income Tax issue, we will be asking for a renewal of the existing Fire Levy of 1.7 mills, not an increase to your property tax of 24% as was proposed by Mayor Dell'Aquila. In the spirit of transparency, I will mention that when and if it passes there will more than likely be a small tweaking of staffing in the Fire Department.

Yes, change is hard and very difficult decisions need to be made and are being made. At this point, we cannot continue running the City as it has been for the past 12 years. Unfortunately, further sacrifices need to be made.

Given all of these facts, it is vitally important for everyone to work together to pass an income tax and fire levy renewal in November. All entities involved in the City in one capacity or another need to work together to get these issues passed. If an opposition campaign is mounted and these two issues fail it will have a devastating result to our City, our safety forces, and all functions in general.

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

**The June 27, 2016 Council Meeting was adjourned at 8:29 p.m.**

_____
Matthew A. Trafis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

City of Seven Hills Ohio
7325 SUMMITVIEW DRIVE · SEVEN HILLS, OHIO 44131 · PHONE 216/524-4421

Caryl Lecznar
917 Starlight Drive
Seven Hills, OH 44131

Mrs. Lecznar,

June 20, 2016

On behalf of Seven Hills City Council I am writing to inform you that Councilman at Large Mike Barth resigned from his position effective June 19, 2016. According to our Charter, Council shall consider the list of defeated candidates in the wards or at large for appointment.

ARTICLE III
THE COUNCIL
SECTION III-8. VACANCIES.

Whenever any office of Councilman becomes vacant, the vacancy shall be filled by a majority vote of the remaining members of Council. If the vacancy is not filled by Council within thirty (30) days, the Mayor shall fill the vacancy by appointment without the Council's approval.

The Council or Mayor shall consider the list of defeated candidates in the wards or at large, but may appoint any other elector meeting the qualifications of this Charter with respect to Councilmen.

Whenever a vacancy occurs in the wards, an elector residing in that ward shall be appointed to serve out the unexpired term.

If you are interested in being considered for appointment to the vacant Council at Large seat, please provide your resume to Clerk of Council Carol Sekerak at your earliest possible convenience. Interviews will begin as early as June 27, 2016 and it is anticipated a replacement will be appointed at the July 11, 2016 Council meeting. Should you submit a resume, we will contact you to schedule your interview with City Council.

Sincerely,

Matthew A. Trafis
President of Council
(216) 410-4062
matt@trafis.com

City of Seven Hills Ohio
7325 SUMMITVIEW DRIVE · SEVEN HILLS, OHIO 44131 · PHONE 216/524-4421

Joseph M. Tripi, Jr.
1074 John Glenn Drive
Seven Hills, OH 44131

Mr. Tripi,

June 20, 2016

On behalf of Seven Hills City Council I am writing to inform you that Councilman at Large Mike Barth resigned from his position effective June 19, 2016. According to our Charter, Council shall consider the list of defeated candidates in the wards or at large for appointment.

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President of Council
(216) 410-4062
matt@trafis.com

City of Seven Hills Ohio
7325 SUMMITVIEW DRIVE · SEVEN HILLS, OHIO 44131 · PHONE 216/524-4421

Michael S. Wallace
6509 Bayberry Drive
Seven Hills, OH 44131

Mr. Wallace,

June 20, 2016

On behalf of Seven Hills City Council I am writing to inform you that Councilman at Large Mike Barth resigned from his position effective June 19, 2016. According to our Charter, Council shall consider the list of defeated candidates in the wards or at large for appointment.

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City of Seven Hills Ohio
7325 SUMMITVIEW DRIVE · SEVEN HILLS, OHIO 44131 · PHONE 216/524-4421

Thomas Snitzky
2033 Hillside Road
Seven Hills, OH 44131

Mr. Snitzky,

June 20, 2016

On behalf of Seven Hills City Council I am writing to inform you that Councilman at Large Mike Barth resigned from his position effective June 19, 2016. According to our Charter, Council shall consider the list of defeated candidates in the wards or at large for appointment.

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President of Council
(216) 410-4062
matt@trafis.com

City of Seven Hills Ohio
7325 SUMMITVIEW DRIVE · SEVEN HILLS, OHIO 44131 · PHONE 216/524-4421

John Frank
7377 Magnolia Drive
Seven Hills, OH 44131

Mr. Frank,

June 20, 2016

On behalf of Seven Hills City Council I am writing to inform you that Councilman at Large Mike Barth resigned from his position effective June 19, 2016. According to our Charter, Council shall consider the list of defeated candidates in the wards or at large for appointment.

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