

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD September 28, 2015

This Regular Council Meeting was called to order by Council President Michele K. Ernst at 7:31 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Director of Law Pignatiello, Director of Finance Johnson, Councilman-at-Large Barth, Councilwoman-at-Large Lecznar, Councilman-at-Large Trafis, Ward 1 Councilman Leech, Ward 2 Councilman Fraundorf, Ward 3 Councilman Snitzky, Ward 4 Councilwoman Ernst, and Director of Public Service and Properties Moga. Absentees were Mayor Dell'Aquila and Building Commissioner Moro.

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to accept the Minutes of the Regular Council meeting held September 14, 2015, as printed.

Mr. Fraundorf stated:

“I do mean that I’ve read these minutes, and I read them with pleasure.”

Roll Call: all yea

MOTION CARRIED

CONSENT AGENDA

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 1** of September 28, 2015, as printed, if there is no division of the question.

Roll Call: all yea

MOTION CARRIED

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to accept **Consent Agenda No. 2** of September 28, 2015, as printed, if there is no division of the question.

Mr. Trafis stated:

“I will be recusing myself from Consent Agenda No. 2 because this deals with the Bentkowski litigation of which I am a part of, and it also deals with the pending issue that came up through an anonymous complaint that I am facing right now, which is adding another \$2,100.00 to our tally of legal problems.”

Mr. Fraundorf stated:

“I just wanted to say that I’ll be voting for Consent Agenda No. 2, but it is with great reluctance under the circumstances with which it was presented to us.”

Roll Call: Barth, yea; Ernst, yea; Fraundorf, yea; Lecznar, yea; Leech, yea; Snitzky, yea; Trafis (recused)

6 yea, 0 nay (Trafis recused)

MOTION CARRIED

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RESOLUTIONS OF COMMENDATION

There were no Resolutions of Commendation.

REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

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

Public Works

Public Works Committee Chairman Leech stated that the Committee will hold its next regular meeting on Monday evening, October 5, 2015, at 6:00 p.m.

Community Services

Community Services Committee Chairman Fraundorf stated that the Committee last met on Tuesday evening, September 8, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Fraundorf stated that the Committee will hold its next regular meeting on Monday evening, October 5, 2015.

Police and Fire

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

Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Committee will hold its next regular meeting on Monday evening, October 19, 2015.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Ernst stated that the Committee last met on Tuesday evening, September 8, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Ernst stated that the Committee will hold its next regular meeting on Monday evening, October 5, 2015.

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Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, September 21, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Barth stated that the Committee will hold its next regular meeting on Monday evening, October 5, 2015.

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

Ed Maslowski, 1035 Joy Oval, made the following comments:

“I just got a chance to read these ordinances, but I have been receiving them – and thanks to Carol, I have been receiving them very promptly – and obviously I’m going to comment on Ordinance No. 99-2015, which is the solar energy purchase. The question I have is – we are buying the power.....we are not buying the system.”

Council President Ernst replied, “I believe that is true.”

Mr. Maslowski continued:

“Okay. That’s kind of important for this contract. The rate we’re paying is blank on the one I have – the dollars per kilowatt-hour. Are we signing a blank check?”

Council President Ernst answered, “Our Engineer that worked on this is not here. I cannot answer that at this moment. Hold on a moment.”

Mr. Maslowski said, “Which leads me to the way that it will be handled.....if we don’t have a price for the power.”

Council President Ernst continued:

“This was the agreement that there is a guarantee that our rates will go down. We discussed this last year when we signed this whole RENEW project, and we do have a guarantee from the company for the entire project that we did that our rates will go down or there is an insurance policy, basically, that will reimburse us for the cost.”

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Mr. Maslowski continued, "Okay, have we ever looked into the possibility of buying the system outright instead of buying the power."

Council President Ernst stated:

"This was an entire project, so at that time Stewart Lovece worked on this with our previous engineer also, and this was the program that they came up with. I don't know whether they looked at buying the system outright or not, but this was the entire RENEW package."

Mr. Maslowski continued:

"Okay. I'd be more comfortable if we had a dollar amount or an agreement as to what it was going to be costing us over the twenty-five years.....it's a twenty-five year period. Which leads me to the business of net metering. They get all the profits from net metering selling to the power company. They can finagle the price by just some power flow, so I have some concerns about some of the details in this contract. As far as the environmental incentives, the State of Ohio has just about thrown those out, so there is very little credit the power company is paying back, which the seller gets to keep. But it gets a little confusing on the net metering and I have to frankly think a little bit more about it because I think they can control the power delivery to their advantage."

Council President Ernst added, "And they probably would do that."

Mr. Maslowski said:

"There are some loose things, but since they're selling us the power they don't have to provide that because they're not telling us exactly what the size of the system is. But that would be our right because we're buying power, not the system. If we were buying the system, I'd be very concerned about that. Those are the only comments I have, and I may have some more when I read this, but that would be kind of irrelevant."

Mr. Leech added:

"Mr. Maslowski, can you stay after the meeting tonight. I'd like to talk to you further about that. I think you have some information that I'd like for you to share with me. Thank you, Madam President."

Mr. Maslowski said "okay."

Council President Ernst stated, "I will ask Council.....this was on emergency. I will ask Council if we want to amend this to remove the emergency clause."

Mr. Trafis responded, "That's fine with me."

Council President Ernst added, "Or are we good with passing this tonight?"

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Law Director Pignatiello responded:

“I hate to speak for Stewart, but I thought there was something that made this urgent.”

Mr. Barth stated:

“I know that Stewart was here last week along with the President of the company to answer any questions. Unfortunately, we had already passed it – they came late. Not that they came late, but we adjourned early. But I know they were here to answer any questions. I know this has been going on since Stewart was Director.”

Council President Ernst replied:

“It has been. The RENEW program – we all approved the RENEW program at the time that it was passed. This is just one portion of it. I would like to pass it on emergency. Do I have five votes to do that?”

All Council Members answered in the affirmative.

Council President Ernst stated:

“Okay. Are there any other comments on pending legislation?”

There were no further questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

Ordinance No. 89-2015 – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$9,250.00 FOR THE PURCHASE OF ONE (1) SEESNAKE MAX RM200 (WITH TRANSPORT) AND ONE (1) 215-45143 KIT, CS6, 115V W/2 BATTERY AND CHARGERS, WITH APPURTENANCES, FOR USE IN THE SERVICE DEPARTMENT OF THE CITY OF SEVEN HILLS, OHIO, SAID PURCHASE TO BE MADE FROM MTECH OF CLEVELAND, OHIO.

Ordinance No. 89-2015 was read by full title only for its second reading.

MOTION by Mr. Leech, seconded by Mr. Snitzky, to amend Ordinance No. 90-2015 by adding the words “**and declaring an emergency**” to the title, and by adding the emergency clause to Section 6.

Roll Call: all yea

MOTION CARRIED

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Amended Ordinance No. 90-2015 – AN ORDINANCE TO AMEND ORDINANCE NO. 102-2014, PASSED BY SEVEN HILLS CITY COUNCIL ON JUNE 23, 2014, WHICH AUTHORIZED AN INITIAL AMOUNT OF \$24,000.00 TO PERFORM SMOKE AND DYE TESTS ON THE CITY OF SEVEN HILLS SEWER LINES AS REQUIRED BY THE CITY’S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT, TO INCLUDE THE INSTALLATION AND MAINTENANCE OF FOUR (4) FLOW MONITORS AND ONE (1) TIPPING BUCKET RAIN GAUGE THROUGHOUT THE CITY OF SEVEN HILLS; AND DECLARING AN EMERGENCY.

MOTION by Mr. Leech, seconded by Mr. Snitzky, to read Amended Ordinance No. 90-2015 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 90-2015 was read by full title only for its second and final reading.

MOTION by Mr. Leech, seconded by Mr. Snitzky, to pass Amended Ordinance No. 90-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 90-2015 IS DECLARED PASSED.

Ordinance No. 91-2015 – AN ORDINANCE TO AMEND CHAPTER 145, METHODS OF PURCHASE, AS CONTAINED IN TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, BY ADDING NEW SECTION 145.03, ENTITLED ‘EMERGENCY EXPENDITURES’.

Ordinance No. 91-2015 was read by full title only for its second reading.

Ordinance No. 92-2015 – AN ORDINANCE TO AMEND SUBSECTION 148.051(a), COMMUNITY RECREATION COMPLEX MEMBERSHIP FEES, AS CONTAINED IN TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING VERBIAGE FOR ‘ADULT COUPLE’.

Ordinance No. 92-2015 was read by full title only for its second reading.

Ordinance No. 93-2015 – AN ORDINANCE ENACTING NEW CHAPTER 150, ENTITLED “USE OF CITY ADMINISTRATION BUILDING FACILITIES, PARKS, PAVILIONS, AND FIELDS”, AS CONTAINED IN TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

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Ordinance No. 93-2015 was read by full title only for its second reading.

Ordinance No. 94-2015 – AN ORDINANCE TO AMEND TITLE FIVE, OTHER PUBLIC SERVICES, OF PART SEVEN, STREETS AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REPEALING CHAPTER 741, ENTITLED “RECREATION HALL AND PARK RULES”.

Ordinance No. 94-2015 was read by full title only for its second reading.

Ordinance No. 95-2015 – AN ORDINANCE TO ENACT NEW CHAPTER 565, ABATEMENT OF CRIMINAL ACTIVITY NUISANCES, AS CONTAINED IN PART FIVE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF SETTING FORTH STANDARDS FOR THE DECLARATION OF A PROPERTY OR CONDITION AS A PUBLIC NUISANCE, TO AUTHORIZE THE ABATEMENT OF NUISANCES BY THE CITY, AND TO ESTABLISH THE PROCEDURES FOR THE ABATEMENT OF NUISANCES.

Ordinance No. 95-2015 was read by full title only for its second reading.

Ordinance No. 97-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT FUNDING FROM THE ‘DASH CAMERA PROGRAM’ AT THE CUYAHOGA COUNTY PROSECUTOR’S OFFICE, IN THE AMOUNT OF \$20,000.00, TO BE USED TOWARD THE PURCHASE OF DASH CAMERAS AND APPURTENANCES FOR CITY OF SEVEN HILLS POLICE DEPARTMENT VEHICLES; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Barth, to read Ordinance No. 97-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 97-2015 was read by full title only for its first and final reading.

MOTION by Mr. Trafis, seconded by Mr. Barth, to pass Ordinance No. 97-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 97-2015 IS DECLARED PASSED.

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Ordinance No. 98-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PRECISION CORPORATION OF NORTH ROYALTON, OHIO, FOR THE PURPOSE OF CUTTING ALL DEAD TREES, REMOVING MARKED TREES, TRIMMING TREES, REMOVING DEAD LIMBS, PRUNING TREES, CUTTING ALL BRANCHES OVERHANGING FENCE LINES OF BACK YARDS CONNECTED TO THE PARK AREA, REMOVING DANGEROUS LIMBS, THINNING OUT TREES AS NEEDED, REMOVING VINES FROM TREES, GRINDING ALL STUMPS, AND HAULING AWAY THE WOOD AT JOHN GLENN PARK; APPROPRIATING THE SUM NOT TO EXCEED \$18,000.00 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Leech, seconded by Mr. Snitzky, to read Ordinance No. 98-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 98-2015 was read by full title only for its first and final reading.

MOTION by Mr. Leech, seconded by Mr. Snitzky, to pass Ordinance No. 98-2015 as an emergency measure.

Mr. Leech stated:

“I just want to thank Council for jumping on this Ordinance because, quite honestly, that park is a disgrace. Anybody who has been there, and a lot of you gentlemen here have been down there many times – you live in the area – and this is just the first step, I think, in restoring that park to a first-rate facility for the use of everybody in the community. It’s not just a one-street park, it’s a community park, of course. I commend Council for realizing that this is a major step, and it is, I hope, the first step and we’ll be talking about the park later. Councilwoman Lecznar and I, and Councilman Trafis, and Councilman Barth are having a ward meeting to discuss that park further as far as doing a blueprint for possible improvements in the future, with the understanding we have limited funds, which is always a problem for the City. But this is the first step. Mr. Moga and I have walked that park several times together, and it will be much improved just by cleaning it up.....really. Thank you very much.”

Mr. Trafis stated:

“Councilman Leech nailed it on the head. This park is an absolute disgrace in the condition that it’s in. This park really hasn’t been touched or maintained for, I’d say, a good ten to twelve years. The way it looks it’s obvious that’s the case. Now we’re spending \$18,000.00 to remove some dead trees – you know these trees have been dead for a long time, it just didn’t happen now. So, it just so happens that a developer is building a neighborhood there and having a nice park would be a great amenity for selling his property.”

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Mr. Trafis (continued):

“This \$18,000.00, I’m sure, is just the beginning of the City contributing to helping the developer make this park look better. We’re having serious budget issues. Of course we need to maintain our parks, but we need to slow down and take this step by step. You know, \$18,000.00 this year – okay, we’re doing it. But this isn’t a project that we can make perfect overnight. This is something that we’re going to have to take time to get it up to where it should be. If over the past decade this would have been maintained the way it should have been, we wouldn’t be spending the money here today that we are.”

Mr. Leech added:

“I just want to add to that. You are absolutely right. I think, if nothing else, in my short term of five months on Council here, maybe it’s just a blueprint we’re trying to put together for enhancing that park in the long term. It’s one step at a time – baby steps, of course. But, also, I think that residents should know that the developer does have to pay \$1,000.00 per house for park improvements and trees and that sort of thing, so the money isn’t just out of the coffers of the City. Thank you.”

Mr. Trafis added:

“One more thing. And you make a great point about that. They are going to be contributing \$1,000.00 per lot – but here is \$18,000.00, and we just bought a swing set for \$4,000.00. That money is gone now. So anything we do moving forward is on our backs. And we need to be very careful about what we’re doing.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 98-2015 IS DECLARED PASSED.

Ordinance No. 99-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A ‘SOLAR POWER AND LIGHT PURCHASE AGREEMENT’ ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH SOLAR POWER AND LIGHT, LLC, AND/OR ITS AFFILIATES OR ASSIGNEE, FOR THE PURCHASE AND SALE OF SOLAR GENERATED ELECTRIC ENERGY FROM THE SOLAR PANEL SYSTEM INSTALLED ON THE CITY HALL MUNICIPAL BUILDING; AND DECLARING AN EMERGENCY.

MOTION by Mr. Barth, seconded by Mr. Trafis, to read Ordinance No. 99-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

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Ordinance No. 99-2015 was read by full title only for its first and final reading.

MOTION by Mr. Barth, seconded by Mr. Trafis, to pass Ordinance No. 99-2015 as an emergency measure.

Mr. Barth stated:

“I’d like to address Mr. Maslowski’s concerns. This project was started a few years ago and was designed to save the City quite a bit of money. But you do have some valid questions, and if you would get those questions to me, I will make sure they get to the right person.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 99-2015 IS DECLARED PASSED.

Ordinance No. 100-2015 – 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 RECREATION CENTER 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.

Ordinance No. 100-2015 was read by full title only for its first reading.

Ordinance No. 101-2015 – AN ORDINANCE TO APPROVE, ADOPT, AND ENACT THE 2015 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; AND TO PUBLISH THE ENACTMENT OF NEW MATTER.

Ordinance No. 101-2015 was read by full title only for its first reading.

Ordinance No. 102-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH LYNN A. JOHNSON FOR THE PURPOSE OF PROVIDING ‘INSANITY CLASSES’ AT THE RECREATION CENTER FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$500.00 FOR PAYMENT OF SAID PROFESSIONAL SERVICES.

Ordinance No. 102-2015 was read by full title only for its first reading.

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COUNCIL OPEN TO THE AUDIENCE

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

“A little while back, a few weeks back, Mr. Barth made a statement up there – an untrue statement – and I asked for a retraction. And I’d like to have that retraction. He claimed that I sued Tom Simich and lost, and that was a lie. So I’d like Mr. Barth to retract that lie. Thank you.”

Mr. Barth asked Council President Ernst to be recognized:

“Technically, the Stone Ridge Maintenance Association was the Plaintiff in a suit against Landsong Limited and the City of Seven Hills. But after reading the deposition of Thomas Jaros, an Officer of the Plaintiff, taken on March 20, 2013, it is evident that Mr. Jaros, as a Board Member, despite not owning a unit there, was the motivating force behind the lawsuit, and I cite the following examples.”

Mr. Barth, addressing Mr. Jaros who was returning to the podium from his seat in the audience, stated, “I’m not done.”

Mr. Jaros responded, “Me either.”

Mr. Barth continued:

“Page 53. Jaros says yes to being the primary person to address the litigation. Page 58 of the deposition. Jaros submits that as primary manager of the day-to-day affairs at that time, the records for the Association were stored in the unit owned by Virginia Roberts with whom Jaros lives. Page 73. The litigation was initiated by the Board of Stone Ridge, of which Jaros is a member, and admits that it was he that suggested to the other Board members that the litigation be initiated. Page 171. Jaros said he participated in the preparation of and signed the interrogatories as a Board member of the Stone Ridge Maintenance Association. Also a February 13, 2015 article in the *Parma Sun Post* refers to Jaros as the Association’s director. From his own deposition it is clear that Tom Jaros was the driving force behind this lawsuit. I stand behind my statement.”

Council President Ernst thanked Mr. Barth for his comments. Mrs. Ernst recognized Mr. Jaros.

Mr. Jaros asked, “Who’s the Plaintiff in the lawsuit, Mr. Barth?”

Mr. Barth replied, “I said that.”

Mr. Jaros questioned, “Who is it?”

Mr. Barth answered, “Stone Ridge Maintenance Association.”

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Mr. Jaros stated, "So, it's not Tom Jaros."

Mr. Barth replied, "I stand behind my statement. The Stone Ridge Maintenance Association was the Plaintiff in the suit."

Mr. Jaros asked, "Mr. Pignatiello – I sued? Am I the Plaintiff?"

Mr. Barth said, "You heard my comment."

Mr. Jaros said, "I don't care about yours. You lied before – you're lying again. Am I the Plaintiff?"

Mr. Barth replied, "I got this right out of your deposition. I got this right out of your deposition!"

Council President Ernst said, "Stop! Mike.....Mike! No.....Mike – you're out of order." Mrs. Ernst called for order.

Mr. Jaros again asked, "Am I the Plaintiff?"

Law Director Pignatiello stated, "He just said. And we don't do back-and-forth up here, Tom – you know that by now."

Mr. Jaros insistently asked, "Am I the Plaintiff?" Mr. Jaros continued, "If I am not the Plaintiff, then I didn't bring the suit, right?"

Council President Ernst stated, "Tom -- you asked for a retraction, Tom – and he is not going to give you a retraction. Stop!"

Mr. Barth resolutely stated, "I said the Stone Ridge Maintenance Association was the Plaintiff in the suit against Landsong Limited and The City of Seven Hills. That was my opening statement."

Mr. Jaros decisively answered, "Thank you. Then I wasn't the Plaintiff. I didn't bring the suit. You're full of crap. Thank you!"

Mr. Barth repeated, "That was my opening statement. That was my opening statement!"

Council President Ernst once again called for order.

Mr. Jaros, returning to his seat in the audience, stated, "You lied before – you lied again."

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Mr. Barth once again repeated, “That was my opening statement!”

Council President Ernst thanked Mr. Jaros for his comments. Mrs. Ernst asked if there were any other comments from the audience.

Mr. Barth, addressing Mr. Jaros who was returning to his seat, said “Don’t give me the finger. You called the Mayor an asshole in public, and you’re not going to give me the finger!”

Council President Ernst said, “Stop.....Mike!”

Mr. Jaros, addressing Mr. Barth from his seat in the audience, said “You’re Number One!”

Council President Ernst said, “You’re out of order – come on!”

Diane Koski, 831 East Parkleigh, made the following comments:

“Well, one, I wanted to say thank you for passing Ordinance No. 98-2015, the dead tree limbs and what-have-you, because that is a safety concern at the park if a tree fell on a child or what-have-you. But also going into the park, the playground equipment that was transferred from the school property to the park area that was installed, it’s installed at this point, but it is not roped off or anything, and there are also not wood chips or any padding for children if they would play on that.”

Council President Ernst replied, “You missed the Caucus Meeting. That was discussed at the Caucus Meeting, and Jack Moga is going to take care of it.”

Ms. Koski continued, “Okay. I just want to make sure because it is.....”

Council President Ernst added:

“They’re not done with the play set yet, so they want to wait until the new swings come in. Then he will grade it. They had put up barriers and the tape had disappeared, so he’s going to put up additional barriers. That was brought up. So I think that your concern has been.....”

Ms. Koski continued:

“Well, my concern is, if it was taped though, I mean kids are just going to walk under it or what-have-you. If maybe there’s some fencing or something that’s a little bit.....”

Council President Ernst said:

“He said he was going to put up barriers. I’m not sure what he has. Something more substantial?”

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Ms. Koski (continued):

Service Director Moga stated, “That was to put down some barricades, and some caution tape. You know, actually the park is not open. No matter what we do, and I want to do everything you suggest, but no matter what we do, I don’t know if we can really stop people from going in there. I’m going to put barricades around the slide, so when people get on that swing, just to let them know. But I hope that no one does get hurt.”

Ms. Koski said, “Yes, because as is, the slide at this point – like if I come down the slide, it’s like this tall. It’s a pretty big.....”

Mr. Moga answered, “I know. It’s not done yet. I’ve got you. I understand.”

Mrs. Lecznar added, “We ordered a new swing set. So they’re waiting for the new swing set to come in before they finalize everything in that area.”

Mr. Trafis asked, “Jack, do you have any snow fence that you could put around the whole perimeter of it?”

Mr. Moga replied, “I don’t know if we have any snow fence. But, I can look into that.”

Mr. Trafis added, “Just an option – if you have any.”

Council President Ernst thanked Ms. Koski for her comments.

Mr. Leech stated, “I just want to mention I brought that up three weeks ago, in case you were at that meeting, I believe. But I brought that same situation up, and he has looked at it. Thank you.”

Joe Gualtieri, 960 Winchester, made the following comments:

“Good evening. Thank you for your service, and thank you for the opportunity to talk, and for your work and everything. You’ve got a pretty good agenda. The thing I want to ask you really quick – and Matt had mentioned – I should say Councilman Trafis had mentioned that the John Glenn project – from the developer – you get \$1,000.00 per house? Is that correct?”

Mr. Trafis replied, “Per lot – per parcel – yes.”

Mr. Gualtieri continued, “They pay that to the City? Is that how that works?”

Council President Ernst answered, “It goes into the Parks Fund.”

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Mr. Gualtieri (continued):

Mr. Gualtieri asked, “Is that a one-time charge?”

Mr. Trafis answered, “Yes.”

Mr. Gualtieri continued, “Oh, I see. And so when do they pay that? Up front – before they build the houses? Or as they build them? How does that work?”

Mr. Trafis responded, “That I don’t know. Jack – Mr. Johnson – do you know the answer to that?”

Finance Director Johnson replied, “I don’t. I’m assuming it’s as they build the houses.”

Mr. Gualtieri said, “So, they build five houses – you get \$5,000.00? They build another five next year – you get \$5,000.00?”

Finance Director Johnson answered, “Half of the money goes into the Park Fund, and half of the money goes into the Tree Fund.”

Mr. Gualtieri said, “Oh, for the clean-up of the park. Is that what you’re talking about?”

Finance Director Johnson replied, “Correct.”

Mr. Gualtieri asked, “The trees – the Tree Fund?”

Finance Director Johnson said, “Right. There’s a Tree Fund, and there’s a Park Equipment Maintenance Fund.”

Mr. Gualtieri stated, “I heard you mention that. I thought, *Wow \$23,000.00 a year, that’s not bad.* But that can’t be true.”

Mr. Trafis replied, “No, it’s not each year. It’s a one-shot deal. I wish it was per year.”

Mr. Gualtieri said, “Boy, hire me, man. I’ll work for you guys.”

Mr. Trafis said, “We would cut more trees down if we got \$23,000.00 a year.”

Mr. Gualtieri continued, “The last question – on this one ordinance – Ordinance No. 102-2015. First time I heard about this. I was just curious. Exactly what are these classes – Insanity classes? Am I reading this right?”

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Mr. Gualtieri (continued):

Mr. Gualtieri's question drew a round of laughter from everyone present.

Mr. Leech replied, "We're all graduates – we are all graduates!"

Mr. Gualtieri asked, "Is that a psychology kind of thing? Sign me up, I guess."

Mrs. Lecznar responded, "It's at the Recreation Center. I'm sure it's one of these you exercise until you drop type of things. You exercise until you drop, basically. It's a class."

Council President Ernst stated, "It's an exercise class – exercise."

Mr. Gualtieri replied, "Oh, this is an exercise class? Oh, I don't want that! I'm done. Thank you."

Council President Ernst thanked Mr. Gualtieri for his remarks.

Mr. Trafis added, "I thought they were training to run for office in Seven Hills."

Mr. Leech said, "It's mandatory, isn't it? It's mandatory. For Council anyway."

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila was not present. Council President Ernst said there will be no report since Mayor Dell'Aquila is not here.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson had no formal report.

Director of Law Pignatiello had no formal report.

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

Building Commissioner Moro was not present.

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MISCELLANEOUS

Mr. Leech:

Thank you, Madam President. I have several items.

Mr. Moga, will we be striping Hillside and various streets soon before the snow flies?

Mr. Moga responded, "There's really no reason to stripe the streets before the winter time. Usually that is done in the Spring."

Hillside will not be striped, then?

Mr. Moga replied, "No. I can put it on the list for the Spring. The only thing we're doing right now is the crosswalks for the kids."

As we talked in Caucus about North Park and the truck that was stuck out there by left field. My concern, of course, was that my wife – we live right there – saw a huge wrecker come in there and it was like buried two feet in the mud. Not only did he pull him out, but my concern, of course, is that the pavement that we have leading to the tower, and also the tennis courts, which is possible parking for a new field in the future.

I had a call from a young lady who lives on John Glenn for a number of years. It's a different comment about deer. Councilwoman Lecznar, I'm sure you're the expert now on deer. But, the comment was if you look down John Glenn, which I did of course, you see a lot of fencing in the front yards protecting the flowers and gardens. My memory of that is that we really can't put up fencing per se between properties. Rich, I don't know if you know this or not, but are they allowed to put fencing around trees? It really doesn't look very sharp – it really doesn't.

Mrs. Lecznar responded, "That's the only way to protect their property, Bob. The only thing we really legislate is the privacy fencing."

Yes. But I did look down there, and she has a point. I was just wondering. It's another concern, I guess, that we have. Our tree people, and our deer people.

Last Friday was our 50th Wedding Anniversary, and I started off in a very good mood. At 12:05 in the morning, while sleeping, I got a phone call about the nursing home – the Biltmore – and the meeting that was held Friday about that, which is our anniversary. In the future, I would strongly ask the Council and also the Mayor, if anything involves a ward, that the Ward Councilman be not only notified but asked to attend that meeting. This is the second time it's happened where there has been a meeting without my knowledge.

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Mr. Leech (continued):

The other one was in Independence, and I still don't know what that was about. These things should be out in the open and we should at least be informed about it. It's just a courtesy. And I think it probably was forgotten that day. Strike three and you're out, though.

Also – baseball. It ain't over until it's over. Yogi – we miss you. Thank you.

Mr. Fraundorf had no miscellaneous comments.

Mr. Snitzky had no miscellaneous comments.

Mr. Barth:

Thank you, Madam Chairman. I know Councilman Fraundorf brought up last week a point of decorum. And I want to read something out of the decorum ordinance regarding the audience and residents.

All comments and remarks from the audience shall be addressed to the Council as a whole and not to any single member, unless in response to a question from such member. Any person attending or participating in a City Council Meeting shall avoid personal attacks and ill-mannered language. No persons in the audience shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, or other acts which disturb, disrupt, or otherwise impede the orderly conduct of any Council Meeting.

I want it known, for the record, that Mr. Jaros just gave me the middle finger. This is the second time he did this – this is the second time he did this. The first time he did it was in the parking lot to my wife and I. Also, this is the same individual who told the Mayor to kiss his ass in a public meeting.

At this point in the meeting, Resident Tom Jaros and Councilman Fraundorf called for a point of order.

Council President Ernst said, “No. I can.....no. I can overrule that. And I think that was a point.....”

Mr. Fraundorf said, “Well, then I will say this. Madam President, thank you for overruling a point of order decorum. It goes a long way. Thank you.”

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Council President Ernst stated, "He was quoting what had been said in the past. He was not calling him a name. So I feel that your point is not well taken. You are welcome to appeal it, and we can vote on it."

Mr. Fraundorf replied, "I'm fine with it."

Mrs. Lecznar:

I want to thank Council for voting *yes* on Ordinance No. 98-2015. As Parks Chair, I've walked John Glenn and the trees and bushes are very overgrown and really need to be trimmed back and trimmed down and cut down and removed. So I want to thank Council for that expenditure. I appreciate it.

We have two people on our dais who had birthdays over the past week, and I wanted to wish them Happy Birthday. Happy Birthday to Carol and Rich!

Mr. Trafis added, "Happy Birthday to Tim, as well!"

Mr. Barth said, "Maybe we should all sing Happy Birthday!"

Council President Ernst replied, "I think I'll pass on that."

Mr. Trafis:

As I mentioned in the previous Caucus Meeting, I made an error two weeks ago in the motion regarding a resident that applied for a variance, so I need to make a couple of motions regarding that to fix that issue. I apologize to Council for that error.

MOTION by Mr. Trafis, seconded by Mrs. Lecznar, to **rescind** the motion made at the September 14, 2015 Council Meeting to concur with the findings of the Zoning Board of Appeals of September 9, 2015, in denying the variance request of Suresh Thakker of 6440 Ruth Drive, concerning the extension of the driveway without the 'vee' or 4" high curbing.

Mr. Trafis stated:

"As a reminder to Council, if everybody agrees with this, we will be voting *yes* to all of these."

Roll Call: all yea

MOTION CARRIED

The motion of September 14, 2015 in reference to the Thakker variance request has been rescinded.

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At the September 9, 2015 Zoning Board of Appeals Meeting, the Board made the following motion regarding a variance request heard.

“That the Board grant (or not) to grant applicant, Suresh Thakker, the property owner of 6440 Ruth Drive, a variance to Ordinance No. 1106.02(c), Driveway Construction, to allow the homeowners’ extension of this driveway to be 2’6” off the side yard property line as per the submitted drawings.

Roll Call: 4 yea, 0 nay

Motion Carried”

MOTION by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of September 9, 2015, in granting the variance request of Suresh Thakker of 6440 Ruth Drive, concerning the extension of the driveway to be 2’6” off the side yard property line as per the submitted drawings.

Roll Call: all yea

MOTION CARRIED

Also at the September 9, 2015 Zoning Board of Appeals Meeting, the Board made the following motion regarding a variance request heard.

“That the Board grant (or not) to grant applicant, Suresh Thakker, the property owner of 6440 Ruth Drive, a variance to Ordinance No. 1106.02(d), Driveway Construction, to allow the new driveway extension to be installed without the ‘vee’ and/or the installation of a curb at least 4” wide and 4” high on the edge of the driveway to direct the flow of water per the submitted drawings.

Roll Call: 0 yea, 4 nay

Motion Denied”

MOTION by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of September 9, 2015, in denying the variance request of Suresh Thakker of 6440 Ruth Drive, concerning the extension of the driveway without the ‘vee’ or 4” high curbing.

Roll Call: all yea

MOTION CARRIED

Thank you, again, Council for that.

I had a couple of questions for the Mayor, but since he’s not here I’ll ask them next week.

Finally, I’d have to congratulate *Saint Marilyn Leech* on the 50th Year Wedding Anniversary. I’ve known you both a very long time – you have a very special wife.

Mr. Leech remarked, “You’re not the first person to say that. There are a couple hundred people who have said that. I don’t understand why.”

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Council President Ernst had no miscellaneous comments.

MOTION by Mrs. Lecznar, seconded by Mr. Leech, to adjourn the meeting.

Roll Call: all yea

MOTION CARRIED

The September 28, 2015 Council Meeting was adjourned at 8:23 p.m.

Michele K. Ernst, President of Council

Attest: _____

Carol L. Sekerak, Clerk of Council

Date: _____