

# City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD December 28, 2015

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This Regular Council Meeting was called to order by Council President Matthew A. Trafis at 8:05 p.m. with the Pledge of Allegiance.

## **ROLL CALL**

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

## **Motion to Amend Agenda**

**MOTION** by Mr. Barth, seconded by Mr. Fraundorf, to waive the twenty-four hour delivery requirement for:

**Ordinance No. 148-2015** – AN ORDINANCE TO AMEND SECTION 151.09(d), PART-TIME TEMPORARY EMPLOYEES, AS CONTAINED IN CHAPTER 151, EMPLOYEES GENERALLY, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF INCREASING THE TIME FRAME TO EMPLOY SUMMER LABORERS; AND DECLARING AN EMERGENCY.'

and to amend the Agenda by entering Ordinance No. 148-2015 onto the agenda as Item No. 9-u-1, as an emergency measure, if there is no division of the question.

Roll Call: all yea

**MOTION CARRIED**

## **READING AND DISPOSAL OF JOURNAL**

There were no submissions for approval.

## **CONSENT AGENDA**

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

Roll Call: all yea

**MOTION CARRIED**

**MOTION** by Mr. Fraundorf, seconded by Mr. Petro, to accept **Consent Agenda No. 2** of December 28, 2015, as printed.

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**Council President Trafis** stated:

“I am going to recuse myself from Consent Agenda No. 2 since it is a bill paying the Prosecutor who is prosecuting me, or trying to prosecute me.”

Roll Call: Barth, yea; Biasiotta, yea; Fraundorf, yea; Kraynak, yea;  
Kukral, yea; Petro, yea; Trafis (recused)

6 yea, 0 nay (Trafis recused)

**MOTION CARRIED**

## **RESOLUTIONS OF COMMENDATION**

There were no Resolutions of Commendation.

## **REPORTS OF COMMITTEES**

### **Planning, Zoning, and Economic Development**

Planning, Zoning, and Economic Development Committee Chairman Trafis stated that the Committee last met on Monday evening, December 21, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Trafis stated that the Committee will hold its next regular meeting on Monday evening, January 18, 2016.

### **Public Works**

Public Works Committee Chairman Petro stated that the Public Works Committee will hold its next regular meeting on Monday evening, January 4, 2016.

### **Community Services**

Community Services Committee Chairman Barth stated that the Committee will also hold its next regular meeting on Monday evening, January 4, 2016.

### **Police and Fire**

Police and Fire Committee Chairman Kraynak stated that the Committee last met on Monday evening, December 21, 2015, and the minutes from that meeting are forthcoming. Mr. Kraynak stated that the Committee will hold its next regular meeting on Monday evening, January 18, 2016.

### **Parks and Recreation**

Parks and Recreation Committee Chairman Kukral stated that the Committee last met on Monday evening, December 21, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Kukral stated that the Committee will hold its next regular meeting on Monday evening, January 18, 2016.

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## **Rules, Ordinances, and Ethics**

Rules, Ordinances, and Ethics Committee Chairman Biasiotta stated that the Committee will hold its next regular meeting on Monday evening, January 4, 2016, the first Rules Committee meeting of the new Council. Mr. Biasiotta stated that he has confirmed with the Council Clerk that the minutes from the previous meeting of the Rules Committee (December 7, 2015) are on file.

## **Finance, Civil Service, and Personnel**

Finance, Civil Service, and Personnel Committee Chairman Fraundorf stated that the Committee last met on Monday evening, December 21, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Fraundorf stated that the Committee will hold its next regular meeting on Monday evening, January 4, 2016.

## **APPOINTMENTS AND CONFIRMATIONS**

**Council President Trafis** recognized Mayor Dell'Aquila in reference to the Appointment of the Director of Public Service and Properties.

**Mayor Dell'Aquila** stated:

“At this time I would like to reappoint Jack Moga as the Director of Public Service and Properties.”

**MOTION** by Mr. Barth, seconded by Mr. Biasiotta, to confirm and accept the Mayor's reappointment of **Jack Moga** to the position of **Director of Public Service and Properties**.

**Mr. Barth** stated:

“I will be voting tonight to support the appointment of Jack Moga to Service Director. I am of the opinion that Jack has done a good job as Service Director, always being responsive to Council, and more importantly to our residents. He relates well to the men and they respond to him. I'm voting for his reappointment not only because of the good job Jack has done, but more importantly because the Service Director is an employee of the City and works and reports directly to the Mayor. The Mayor, no matter who that person is, is the Chief Executive Officer of the City, and it is his responsibility to direct the administrative structure and appoint and remove department heads. It is not the Council's job to oversee the daily operations of the City, and for that reason I will vote 'yes' to reappoint Jack Moga as Service Director.”

Roll Call: Barth, yea; Biasiotta, nay; Fraundorf, nay; Kraynak, nay;  
Kukral, nay; Petro, nay; Trafis, nay.

1 yea, 6 nay

**MOTION DEFEATED**

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**Council President Trafis** asked Mayor Dell'Aquila if he had a further request for appointment confirmation.

**Mayor Dell'Aquila** stated:

"At this time I would like to offer to Council the appointment of Stewart Lovece to the position of Director of Public Service and Properties, with the starting date of January 9, 2016, and thereby allowing payment of Mr. Moga through that date as well for his current service."

**MOTION** by Mr. Fraundorf, seconded by Mr. Kukral, to confirm and accept the Mayor's appointment of **Stewart Lovece** to the position of **Director of Public Service and Properties**, effective January 9, 2016.

**Mr. Barth** stated:

"I worked with Stewart in the past. I know he will make a fine Service Director."

Roll Call: all yea

**MOTION CARRIED**

**Stewart Lovece's appointment to the position of Director of Public Service and Properties is hereby approved.**

Mayor Dell'Aquila thanked Council for their confirmation of Stewart Lovece's appointment to Service Director.

## **COMMUNICATIONS, PETITIONS, AND CLAIMS**

There were no communications, petitions, or claims.

## **COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY**

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

"The motion about reappointing Mr. Moga – I said it in the Caucus Room, and I'll say it out here – the Charter said his employment was to terminate with the Mayor's previous term. The fact that he has been here since then is a violation of the Charter. And now you guys just agreed to pay him until January 9<sup>th</sup> – and Jack should be paid, I agree. But not with taxpayer money. Mayor Dell'Aquila didn't replace him like he was supposed to.....get the money from him. He likes giving out money anyhow."

**Council President Trafis** replied:

"I do want to mention that there is, I believe, an ordinance that allows the Mayor, the Service Director, the Council President, and possibly the Engineer, maybe, to hire temporary employees, and I believe that since the last term ended and the next one is beginning, that may be in effect."

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**Mr. Jaros** continued, "Love it! So on December 10<sup>th</sup> he was sworn in, and on December 10<sup>th</sup> or 11<sup>th</sup> he went to Mr. Moga and said he wants to employ him part-time? Is that what I'm hearing?"

**Council President Trafis** answered, "That's a question for the Administration."

**Mr. Jaros** asked, "Is that what happened?"

**Mayor Dell'Aquila** responded, "I'm not going to have a dialogue with you."

**Mr. Jaros** inquired, "Why not?"

**Mayor Dell'Aquila** replied, "I'm not required to."

**Mr. Jaros** said, "You're the Mayor. You're the Grand Poobah! Did you rehire the guy on December 11<sup>th</sup> or not? Aaahh, there's the reply. Okay. Now we know how it works. Thank you."

## **ORDINANCES AND RESOLUTIONS**

**Amended Ordinance No. 38-2015** – AN ORDINANCE TO AMEND SUBSECTION 135.08(a), COMPENSATION, AS CONTAINED IN SECTION 135.08, COMPENSATION FOR PART-TIME POLICE OFFICERS, OF CHAPTER 135, DEPARTMENT OF POLICE, 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 COMPENSATION RATE FOR PART-TIME POLICE OFFICERS.

**MOTION** by Mr. Kraynak, seconded by Mr. Barth, to read Amended Ordinance No. 38-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Amended Ordinance No. 38-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Kraynak, seconded by Mr. Barth, to pass Amended Ordinance No. 38-2015.

**Mr. Biasiotta** stated:

"I'd just like to state that I intend to vote 'no' for this ordinance because there has not been demonstrated a need that the wage range has impacted our hiring to date. If said hiring is impacted down the road, I'd be willing to re-entertain this amended ordinance."

Roll Call: all nay

**MOTION DEFEATED**

**AMENDED ORDINANCE NO. 38-2015 IS DECLARED DEFEATED.**

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**Ordinance No. 122-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A ‘CUYAHOGA COUNTY BUSINESS RETENTION AND ATTRACTION PROTOCOL’ WITH VARIOUS COMMUNITIES OF CUYAHOGA COUNTY FOR THE PURPOSE OF REGIONAL COLLABORATION TO PROMOTE ECONOMIC DEVELOPMENT THROUGHOUT CUYAHOGA COUNTY.

**MOTION** by Mr. Kukral, seconded by Mr. Biasiotta, to read Ordinance No. 122-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 122-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Kukral, seconded by Mr. Biasiotta, to pass Ordinance No. 122-2015.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 122-2015 IS DECLARED PASSED.**

**Ordinance No. 123-2015** – AN ORDINANCE AMENDING AND RESTATING CHAPTER 1501 OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, EFFECTIVE FOR TAX YEARS BEGINNING ON OR AFTER JANUARY 1, 2016, IN ORDER TO REFLECT CHANGES TO THE PROVISIONS OF THE OHIO REVISED CODE THAT GOVERN MUNICIPAL INCOME TAXATION AND TO CLARIFY, SIMPLIFY, AND HARMONIZE EXISTING MUNICIPAL INCOME TAXATION PROVISIONS OF THOSE CODIFIED ORDINANCES.

**MOTION** by Mr. Biasiotta, seconded by Mr. Petro, to read Ordinance No. 123-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 123-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Biasiotta, seconded by Mr. Petro, to pass Ordinance No. 123-2015.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 123-2015 IS DECLARED PASSED.**

**Ordinance No. 124-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A THREE-YEAR AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH JAMES G. ZUPKA, CPA, INC., 5240 EAST 98<sup>TH</sup> STREET, GARFIELD HEIGHTS, OHIO 44125, FOR THE PURPOSE OF PERFORMING PROFESSIONAL ACCOUNTING SERVICES WHICH INCLUDES, BUT IS NOT LIMITED TO, PROVIDING FUND FINANCIAL STATEMENTS AND THE PREPARATION OF FINANCIAL STATEMENTS IN ACCORDANCE WITH GASB STATEMENT 34 OF THE CITY OF SEVEN HILLS, OHIO, FOR THE YEARS ENDED DECEMBER 31, 2015, DECEMBER 31, 2016, AND DECEMBER 31, 2017; AND APPROPRIATING A SUM NOT TO EXCEED \$46,916.00 FOR SAID SERVICE.

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**MOTION** by Mr. Fraundorf, seconded by Mr. Kraynak, to read Ordinance No. 124-2015 by title only for its third and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Ordinance No. 124-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Fraundorf, seconded by Mr. Kraynak, to pass Ordinance No. 124-2015.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 124-2015 IS DECLARED PASSED.**

**Ordinance No. 125-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PRIMEPAY OF WEST CHESTER, PENNSYLVANIA, FOR PROFESSIONAL SERVICES FOR THE 1095/1094 MANDATED REPORTING AS A RESULT OF THE AFFORDABLE CARE ACT, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$3,452.00 FOR SAID SERVICE.

**MOTION** by Mr. Petro, seconded by Mr. Kukral, to read Ordinance No. 125-2015 by title only for its third and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Ordinance No. 125-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Petro, seconded by Mr. Kukral, to pass Ordinance No. 125-2015.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 125-2015 IS DECLARED PASSED.**

**Ordinance No. 126-2015** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A THREE-YEAR AGREEMENT WITH APEX PEST CONTROL SERVICE, INC., OF OAKWOOD VILLAGE, OHIO, TO PROVIDE PEST CONTROL SERVICES FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2018 FOR CITY HALL AND THE POLICE ANNEX, THE FIRE STATION, THE SERVICE GARAGE BUILDINGS, AND THE RECREATION COMPLEX; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$4,260.00 FOR SAID SERVICE.

**MOTION** by Mr. Barth, seconded by Mr. Fraundorf, to read Ordinance No. 126-2015 by title only for its third and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Ordinance No. 126-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Barth, seconded by Mr. Fraundorf, to pass Ordinance No. 126-2015.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 126-2015 IS DECLARED PASSED.**

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**Ordinance No. 127-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH SIGNAL SERVICE COMPANY OF WARRENSVILLE HEIGHTS, OHIO, FOR THE PURPOSE OF MAINTAINING THE TRAFFIC SIGNALS THROUGHOUT THE CITY OF SEVEN HILLS FOR THE PERIOD COVERING JANUARY 1, 2016 THROUGH DECEMBER 31, 2016, AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$6,000.00 FOR SAID SERVICE.

**MOTION** by Mr. Biasiotta, seconded by Mr. Kraynak, to read Ordinance No. 127-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 127-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Biasiotta, seconded by Mr. Kraynak, to pass Ordinance No. 127-2015.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 127-2015 IS DECLARED PASSED.**

**Ordinance No. 128-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH PHILIP TOMBERLAIN II FOR THE PURPOSE OF DIRECTING THE ROOKIE ATHLETIC YOUTH PROGRAMS AT THE CITY OF SEVEN HILLS RECREATION COMPLEX FOR THE PERIOD COVERING JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.

**MOTION** by Mr. Fraundorf, seconded by Mr. Petro, to read Ordinance No. 128-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 128-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Fraundorf, seconded by Mr. Petro, to pass Ordinance No. 128-2015.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 128-2015 IS DECLARED PASSED.**

**Ordinance No. 129-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SEASONAL PROFESSIONAL SERVICE CONTRACT WITH RONALD ROSE, FLAG FOOTBALL COMMISSIONER, ASSOCIATED WITH THE CITY OF SEVEN HILLS RECREATION COMPLEX ADULT FLAG FOOTBALL LEAGUE FOR SPRING AND FALL OF 2016.

**MOTION** by Mr. Barth, seconded by Mr. Kukral, to read Ordinance No. 129-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

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Ordinance No. 129-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Barth, seconded by Mr. Kukral, to pass Ordinance No. 129-2015.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 129-2015 IS DECLARED PASSED.**

**Ordinance No. 131-2015** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CONTINENTAL FIRE & SECURITY, INC., OF INDEPENDENCE, OHIO, FOR THE PURPOSE OF PREVENTATIVE MAINTENANCE FOR THE FIRE AND SPRINKLER ALARM SYSTEMS AT THE COMMUNITY RECREATION CENTER FOR ONE YEAR COMMENCING JANUARY 1, 2016 THROUGH DECEMBER 31, 2016, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$2,345.00 FOR SAID SERVICE.

**MOTION** by Mr. Kraynak, seconded by Mr. Biasiotta, to read Ordinance No. 131-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 131-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Kraynak, seconded by Mr. Biasiotta, to pass Ordinance No. 131-2015.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 131-2015 IS DECLARED PASSED.**

**Ordinance No. 132-2015** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WESTLAND HEATING AND AIR CONDITIONING OF WESTLAKE, OHIO, FOR THE PURPOSE OF MAINTAINING THE HVAC EQUIPMENT FOR ONE YEAR AT THE CITY OF SEVEN HILLS RECREATION COMPLEX FOR AN AMOUNT NOT TO EXCEED \$3,406.00 FOR SAID SERVICE.

**MOTION** by Mr. Kukral, seconded by Mr. Fraundorf, to read Ordinance No. 132-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 132-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Kukral, seconded by Mr. Fraundorf, to pass Ordinance No. 132-2015.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 132-2015 IS DECLARED PASSED.**

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**Ordinance No. 133-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH AIR FORCE ONE, INC., OF CLEVELAND, OHIO, FOR THE PURPOSE OF PROVIDING PREVENTATIVE MAINTENANCE SERVICES FOR THE SERESCO DEHUMIDIFIER FOR THE POOL AT THE RECREATION COMPLEX, INCLUDING BELTS AND FILTERS, AND APPROPRIATING THE SUM NOT TO EXCEED \$1,460.00 FOR SAID SERVICE.

**MOTION** by Mr. Petro, seconded by Mr. Barth, to read Ordinance No. 133-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 133-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Petro, seconded by Mr. Barth, to pass Ordinance No. 133-2015.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 133-2015 IS DECLARED PASSED.**

**Amended Ordinance No. 139-2015** – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$4,388.00 FOR A ONE-YEAR SILVER PLAN SERVICE AGREEMENT FOR THE TELRAD 400 PHONE SYSTEM USED BY THE CITY OF SEVEN HILLS COMMUNITY COMPLEX (CITY HALL); SAID AGREEMENT TO BE ENTERED INTO WITH RAYTEC SYSTEMS OF STOW, OHIO; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Fraundorf, seconded by Mr. Kraynak, to read Amended Ordinance No. 139-2015 by title only for its second and final reading.

Roll Call: all yea

**MOTION CARRIED**

Amended Ordinance No. 139-2015 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. 139-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**AMENDED ORDINANCE NO. 139-2015 IS DECLARED PASSED.**

**Amended Ordinance No. 140-2015** – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$696.00 FOR THE ANNUAL MAINTENANCE AGREEMENT FOR THE FIRE STATION NORTEL PHONE SYSTEM USED BY THE CITY OF SEVEN HILLS FIRE DEPARTMENT; SAID AGREEMENT TO BE ENTERED INTO WITH RAYTEC SYSTEMS OF STOW, OHIO; AND DECLARING AN EMERGENCY.

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**MOTION** by Mr. Biasiotta, seconded by Mr. Kukral, to read Amended Ordinance No. 140-2015 by title only for its second and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Amended Ordinance No. 140-2015 was read by full title only for its second and final reading.

**MOTION** by Mr. Biasiotta, seconded by Mr. Kukral, to pass Amended Ordinance No. 140-2015 as an emergency measure.  
Roll Call: all yea **MOTION CARRIED**

**AMENDED ORDINANCE NO. 140-2015 IS DECLARED PASSED.**

**Amended Ordinance No. 141-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH THE PART-TIME PROGRAM INSTRUCTORS (S. Laurenzi, M. McAdams, P. Palmer, C. Quintana, A. Toth, T. Verderber, L. Johnson) AT THE CITY OF SEVEN HILLS COMMUNITY RECREATION COMPLEX FOR THE PURPOSE OF PROVIDING VARIOUS CLASSES AT THE CITY OF SEVEN HILLS RECREATION CENTER FOR THE PERIOD COVERING JANUARY 1, 2016 THROUGH DECEMBER 31, 2016; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Barth, seconded by Mr. Petro, to read Amended Ordinance No. 141-2015 by title only for its second and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Amended Ordinance No. 141-2015 was read by full title only for its second and final reading.

**MOTION** by Mr. Barth, seconded by Mr. Petro, to pass Amended Ordinance No. 141-2015 as an emergency measure.  
Roll Call: all yea **MOTION CARRIED**

**AMENDED ORDINANCE NO. 141-2015 IS DECLARED PASSED.**

**Amended Ordinance No. 142-2015** – AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE YEAR ENDING DECEMBER 31, 2016; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Kraynak, seconded by Mr. Biasiotta, to read Amended Ordinance No. 142-2015 by title only for its second and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Amended Ordinance No. 142-2015 was read by full title only for its second and final reading.

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**MOTION** by Mr. Kraynak, seconded by Mr. Biasiotta, to pass Amended Ordinance No. 142-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**AMENDED ORDINANCE NO. 142-2015 IS DECLARED PASSED.**

**Ordinance No. 143-2015** – AN ORDINANCE TO AMEND THE APPROPRIATIONS OF THE CITY OF SEVEN HILLS, OHIO, FOR THE YEAR ENDING DECEMBER 31, 2015; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Biasiotta, seconded by Mr. Fraundorf, to table Ordinance No. 143-2015. Mr. Fraundorf stated, “We are tabling Ordinance No. 143-2015 primarily because several members of the Finance Committee have questions that we’d like to have the Finance Director or the Assistant Finance Director answer. As best we know right now, there will be a Special Council Meeting on December 30<sup>th</sup> at a time yet to be determined.”

Roll Call: all yea

**MOTION CARRIED.**

**Ordinance No. 143-2015 was tabled.**

**Ordinance No. 144-2015** – AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR A PERMIT WITH THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE HEMLOCK CREEK WATERSHED SANITARY SEWER IMPROVEMENT PROJECT AS REQUIRED BY THE EPA; APPROPRIATING FUNDS NOT TO EXCEED \$15,100.00 FOR SAID PERMIT; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Petro, seconded by Mr. Kukral, to read Ordinance No. 144-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 144-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Petro, seconded by Mr. Kukral, to pass Ordinance No. 144-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 144-2015 IS DECLARED PASSED.**

**Ordinance No. 145-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH LEADS (LAW ENFORCEMENT AUTOMATED DATA SYSTEM) TO ALLOW THE CITY OF SEVEN HILLS POLICE DEPARTMENT AND SEVEN HILLS MAYOR’S COURT, THAT WILL INCLUDE THE PROSECUTOR’S OFFICE, TO PARTICIPATE IN LEADS WITH THE OHIO STATE HIGHWAY PATROL; AUTHORIZING AN AMOUNT NOT TO EXCEED \$1,800.00 YEARLY FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

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**MOTION** by Mr. Barth, seconded by Mr. Kraynak, to read Ordinance No. 145-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 145-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Barth, seconded by Mr. Kraynak, to pass Ordinance No. 145-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 145-2015 IS DECLARED PASSED.**

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

**Ordinance No. 146-2015 was read by full title only for its first reading.**

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

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

**Ordinance No. 148-2015** – AN ORDINANCE TO AMEND SECTION 151.09(d), PART-TIME TEMPORARY EMPLOYEES, AS CONTAINED IN CHAPTER 151, EMPLOYEES GENERALLY, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF INCREASING THE TIME FRAME TO EMPLOY SUMMER LABORERS; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Barth, seconded by Mr. Fraundorf, to read Ordinance No. 148-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

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Ordinance No. 148-2015 was read by full title only for its first and final reading.

**MOTION**

by Mr. Barth, seconded by Mr. Fraundorf, to pass Ordinance No. 148-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 148-2015 IS DECLARED PASSED.**

**The Mayoral Veto Statement pertaining to Amended Resolution No. 21-2015, dated December 22, 2015, was read by the Clerk of Council, as follows:**



*City of Seven Hills Ohio*

7325 SUMMITVIEW DRIVE • SEVEN HILLS, OHIO 44131 • PHONE 216/524-4421

December 22, 2015

To the Council Clerk:

Resolution 21-2015 is vetoed. Outlined below are the procedural reasons for this veto, separate from other more substantive problems with the legislation. Generally, this veto is based upon the failure of Council to deliberate the resolution before its adoption.

On December 3, 2015, a Transmittal was signed and submitted to the Council Clerk by Councilman Trafis to have Resolution 21-2015 placed on a Council agenda. He represented on that form that Councilman Fraundorf was also a sponsor, as later confirmed by Mr. Fraundorf, and which is proper within the rules. However, the transmittal also lists three Council members *elect* as "co-sponsors," *prior* to any of those three (3) new members taking the oath of office a week later on December 10, 2015.

After being sworn in on December 10, 2015, these same five (5) members signed a letter to schedule a special Council meeting for Friday, December 11, 2015, where Resolution 21-2015 was read for its first reading by title only. At its subsequent meeting on Monday, December 14, 2015, Council unanimously adopted Resolution 21-2015. At caucus prior to that meeting, the three new council members denied that they had approved being listed as sponsors on the transmittal dated a week before they were sworn in, and also stated that they had not deliberated the Resolution at all.

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Ohio Revised Code 121.22(H) provides in part:

“A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) of this section and held in an executive session held in compliance with this section...”

It is axiomatic that public business must be conducted in public. The purpose of Ohio’s Sunshine Law is to require public officials to take official action and conduct all deliberations upon official business only in open meetings unless the subject matter is specifically exempted by law. A violation of the Sunshine Law cannot be “cured” by subsequent open meetings.

In this case, there were apparently no deliberations at all, except the private discussions between the two sitting Council sponsors of the legislation listed on the December 3rd transmittal. Yet, even without any deliberations by the full Council, Resolution 21-2015 was adopted. It can only follow that since the full Council conducted no prior deliberations, the adoption of Resolution 21-2015 is invalid.



Mayor Richard Dell'Aquila

**Council President Trafis** stated:

“We have had the reading of the Mayoral Veto Statement pertaining to Amended Resolution No. 21-2015. Now we will move on to Amended Resolution No. 21-2015.”

**Amended Resolution No. 21-2015** – A RESOLUTION ENACTING A HIRING FREEZE FOR ALL CITY OF SEVEN HILLS DEPARTMENTS EXCEPT FOR NATURAL ATTRITION OF EMPLOYEES CLASSIFIED AS PART-TIME AT THE CITY OF SEVEN HILLS RECREATION COMPLEX; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Trafis, seconded by Mr. Fraundorf, to override the Mayor’s Veto of Amended Resolution No. 21-2015 and adopt Amended Resolution No. 21-2015.

**Mr. Barth** stated:

“At the last meeting I voted for both Amended Resolution No. 21-2015 and Amended Resolution No. 22-2015. My ‘yes’ vote was consistent with my ‘yes’ vote when Council proposed similar legislation during the Bentkowski administration. Both pieces of legislation are appropriate, but the Mayor has raised some valid questions in his veto, and that is why I feel his veto should be upheld. If the veto is upheld, we should follow the proper process, have discussions at the next Caucus, reintroduce both resolutions, and vote on them at the next meeting as an emergency. And at that meeting I will again vote in favor of both ordinances.”

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**Council President Trafis** stated:

“I would like to add that the Law Department and the Law Director okayed this. They found no issues with Sunshine Laws being broken, and it was approved by Law to put on the agenda as it was.”

**Mr. Barth** asked Council President Trafis to repeat the motion.

**Council President Trafis** restated:

“I will make a motion to override the Mayor’s Veto of Amended Resolution No. 21-2015 and adopt Amended Resolution No. 21-2015.”

**Mr. Fraundorf** restated his second of the motion.

Roll Call: Barth, nay; Biasiotta, yea; Fraundorf, yea; Kraynak, yea; Kukral, yea; Petro, yea; Trafis, yea.

6 yea, 1 nay

**MOTION CARRIED**

**VETO OVERRIDDEN – AMENDED RESOLUTION NO. 21-2015 IS DECLARED ADOPTED.**

**The Mayoral Veto Statement pertaining to Amended Resolution No. 22-2015, dated December 22, 2015, was read by the Clerk of Council, as follows:**



*City of Seven Hills Ohio*

7325 SUMMITVIEW DRIVE • SEVEN HILLS, OHIO 44131 • PHONE 216/524-4421

December 22, 2015

To the Council Clerk:

Resolution 22-2015 is vetoed. Outlined below are the procedural reasons for this veto, separate from other more substantive problems with the legislation. Generally, this veto is based upon the failure of Council to deliberate the resolution before its adoption.

On December 3, 2015, a Transmittal was signed and submitted to the Council Clerk by Councilman Trafis to have Resolution 22-2015 placed on a Council agenda. He represented on that form that Councilman Fraundorf was also a sponsor, as later confirmed by Mr. Fraundorf, and which is proper within the rules. However, the transmittal also lists three Council members *elect* as “co-sponsors,” *prior* to any of those three (3) new members taking the oath of office a week later on December 10, 2015.

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After being sworn in on December 10, 2015, these same five (5) members signed a letter to schedule a special Council meeting for Friday, December 11, 2015, where Resolution 22-2015 was read for its first reading by title only. At its subsequent meeting on Monday, December 14, 2015, Council unanimously adopted Resolution 22-2015. At caucus prior to that meeting, the three new council members denied that they had approved being listed as sponsors on the transmittal dated a week before they were sworn in, and also stated that they had not deliberated the Resolution at all.

Ohio Revised Code 121.22(H) provides in part:

“A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) of this section and held in an executive session held in compliance with this section...”

It is axiomatic that public business must be conducted in public. The purpose of Ohio’s Sunshine Law is to require public officials to take official action and conduct all deliberations upon official business only in open meetings unless the subject matter is specifically exempted by law. A violation of the Sunshine Law cannot be “cured” by subsequent open meetings.

In this case, there were apparently no deliberations at all, except the private discussions between the two sitting Council sponsors of the legislation listed on the December 3rd transmittal. Yet, even without any deliberations by the full Council, Resolution 22-2015 was adopted. It can only follow that since the full Council conducted no prior deliberations, the adoption of Resolution 22-2015 is invalid.

  
\_\_\_\_\_  
Mayor Richard Dell'Aquila

**Council President Trafis** stated:

“We have had the reading of the Mayoral Veto Statement pertaining to Amended Resolution No. 22-2015, dated December 22, 2015. We will move on to Amended Resolution No. 22-2015.”

**Amended Resolution No. 22-2015** – A RESOLUTION ENACTING A FREEZE ON WAGES AND PROMOTIONS FOR EMPLOYEES WHO ARE NOT COVERED BY, OR A PART OF, A CITY OF SEVEN HILLS COLLECTIVE BARGAINING UNIT EXCEPT WITH COUNCIL’S APPROVAL; AND DECLARING AN EMERGENCY.

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**MOTION** by Mr. Trafis, seconded by Mr. Fraundorf, to override the Mayor's Veto of Amended Resolution No. 22-2015 and adopt Amended Resolution No. 22-2015.

**Mr. Barth** stated:

"My statement regarding the veto of Amended Resolution No. 21-2015 pertains to this veto as well."

**Mr. Kukral** stated:

"I just want to add the same thing that Council President Trafis said before. The Law Department sees absolutely no problem with what happened here, which is why I will be supporting overriding the veto."

**Council President Trafis** stated:

"I'll just reiterate -- I have the same comments that I did for Amended Resolution No. 21-2015. The same thing applies."

Roll Call: Barth, nay; Biasiotta, yea; Fraundorf, yea; Kraynak, yea;  
Kukral, yea; Petro, yea; Trafis, yea.

6 yea, 1 nay

**MOTION CARRIED**

**VETO OVERRIDDEN – AMENDED RESOLUTION NO. 22-2015 IS DECLARED ADOPTED.**

**Resolution No. 23-2015** – A RESOLUTION TO PROVIDE FOR TRANSFERS OF CERTAIN FUNDS ON AN AS-NEEDED BASIS.

**MOTION** by Mr. Biasiotta, seconded by Mr. Barth, to read Resolution No. 23-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Resolution No. 23-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Trafis, seconded by Mr. Barth, to adopt Resolution No. 23-2015.

Roll Call: all yea

**MOTION CARRIED**

**RESOLUTION NO. 23-2015 IS DECLARED ADOPTED.**

**Resolution No. 25-2015** – A RESOLUTION APPROVING A LOT SPLIT PURSUANT TO SEVEN HILLS ORDINANCE NO. 911.002 (Permanent Parcel No. 551-19-008) FRONTING ON CROSSVIEW ROAD.

**Resolution No. 25-2015 was read by full title only for its first reading.**

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**Resolution No. 26-2015** – A RESOLUTION APPROVING A LOT SPLIT PURSUANT TO SEVEN HILLS ORDINANCE NO. 911.002 (Permanent Parcel No. 551-19-011) FRONTING ON CROSSVIEW ROAD.

**Resolution No. 26-2015 was read by full title only for its first reading.**

## **COUNCIL OPEN TO THE AUDIENCE**

**Judy O'Donnell, 6259 Crossview Road**, made the following comments:

“Seven Hills Historical Society Trustees would like to introduce ourselves to the new Council. I’m Judith O’Donnell of 6259 Crossview Road.”

*The following Trustees stepped to the microphone and also introduced themselves:*

**Kathy Patterson**, 7172 Laura Lee Lane

**Karen Schmohl**, 6249 Hastings Drive

**Morna Sosahr**, 5040 Shady Ridge Lane, Brooklyn Heights (Friend of Seven Hills)

**Mrs. O'Donnell** continued:

“Morna is also a trustee of the society. I’d like to thank the Council from last year, very much, for their support and their encouragement for us to continue as a society, and I’m hoping that the new Council will support us as well in this coming year for us to move forward. Thank you.”

**Mr. Barth** stated, “Mrs. O’Donnell – you might want to mention to the new Council that they could support it by joining the Historical Society.”

**Mrs. O'Donnell** replied, “Absolutely – thank you, Mr. Barth. Our dues are rather small. We operate strictly on membership funds to operate our society. You can contact any one of us on the amount of dues, and it’s for one year. Thank you so much. And we also accept any donations whatsoever – material, cash, papers – anything you want to give us. Thank you so much.”

**Mr. Kukral** asked, “What are the dues?”

**Mrs. O'Donnell** answered, “The dues are \$5.00 per person per year. \$7.00 for a husband and wife. \$10.00 for a family. And a lifetime is \$100.00.”

**Mr. Kukral** questioned, “You have the stage. How can people become a member right now?”

**Mrs. O'Donnell** replied, “They can talk to any one of us. We’ll send you an application blank.”

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**Mr. Kukral** asked, “Do you have a phone number, or an email, or something?”

**Mrs. O’Donnell** answered, “I do have business cards with me for you to contact. Thank you so much. Oh, yes, and good news – and I hope it’s good news. By the end of the month we will know whether we have received a grant that we applied for. We contacted the Reinberger Foundation for funds to buy preservation materials so that we can save the things that we do have historically. Thank you.”

**Council President Trafis** added, “That’s great!”

**Mrs. Sosahr** said, “Stop by and see the exhibit of Seven Hills kitchenware, kitchen things, out in the vestibule. We do have a little display cabinet. So we are going forward to show the things that we do have. We want to get them out of the cupboard and show everybody. Thank you.”

**Mr. Barth** stated. “Thank you for your dedication to our City.”

**Mrs. O’Donnell** concluded, “One more thing. If you’re in the building on the first and the third Tuesday, from 9:00 a.m. until 12:00 noon, please stop by and visit. We are presently in the extra Council room. That’s it. Thank you.”

**Council President Trafis** said, “Thank you for being here. If there’s anything you feel that the City Council can do to help, don’t hesitate to contact any one of us. Thank you. Thanks for doing what you do.”

*The Historical Society Trustees received a warm round of applause from everyone present.*

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

“This has been a hoot. The discussion about Sunshine Law has been especially interesting. And I’m sure I don’t have to tell any of you guys anything about Sunshine Law because the City certifies to the State Auditor every year that you guys either attended a seminar or your representative attended a seminar, and then came back and told you all the news about sunshine law. So that all happened, right? Nah! Mr. Barth and the Mayor talking about Sunshine Law. I’ve been coming to meetings for three years. In 2013 the Mayor illegally appointed Mr. Barth to the Charter Review Committee. The third meeting of the Charter Review Committee that was convened was convened in violation of sunshine law because there was no prior notification. Every time you guys go into executive session, and you just say ‘going into exec because of litigation’, that’s a violation of sunshine law. There has to be more substance than that. You can’t just say litigation – it has to be impending litigation – like you already talked to somebody about a bill they don’t want to pay, and they’re just not going to pay it, and you’re going to take them to court – that’s impending.”

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**Mr. Jaros** (continued):

“And I’m sure Mr. Pignatiello will agree with what I’m saying here, or he’ll speak up if he doesn’t agree. But, anyhow, going along with sunshine law – you have a special meeting coming up Wednesday, correct? And you don’t know the time yet? So, you’re going to advertise that? And I’d like to know where in Wards 1, 2, and 4 that notice will be prominently displayed. Because the Charter Amendment that you put through in November didn’t relieve you of posting in conspicuous places in individual wards. We know that’s what you were going for. And we know Michele Ernst thinks that happened, but it didn’t. You added the City website, the Rec Center, some other stuff – but the requirement to post in individual wards is still in the Charter. So as soon as you guys figure out where that is, I’m going to go look for that notice for that special meeting, and I’ll definitely be here for that, because that’s going to be great. Thanks again for adhering to sunshine law – love it. Thank you.”

**Council President Trafis** thanked Mr. Jaros for his comments.

**Richard Knight, 770 Aspenwood Drive** made the following comments:

“For Councilman.....and I apologize, first, if I pronounce anybody’s name wrong – being of Polish heritage, unless you have an ‘S, K, P’ at the end of your name, forget it, it ain’t gonna happen.....”

**Council President Trafis** interrupted Mr. Knight, saying, “We’re trying to forget ‘ski’s’ that used to sit up here.”

**Mr. Knight** continued:

“But for Councilman Fraundorf. Council Meeting on December 14<sup>th</sup> of this year, about eight minutes before the meeting adjourned, you held up a piece of paper about the pay raises, and it took you three weeks I believe you said, to obtain the information. Being a standing Council member of Seven Hills, who did you contact to obtain this information first of all?”

**Mr. Fraundorf** answered, “Our Finance Department.”

**Mr. Knight** continued, “Your Finance Department. And that person is not here currently I believe you said in Caucus?”

**Mr. Fraundorf** replied, “That’s correct.”

**Mr. Knight** continued, “Will that person be here next Council Meeting I hope? Because I just can’t see if you, being a Council Member.....it would take three weeks to obtain public information, and myself just being a citizen of this fine City, how long do you think it would take me to get information like that? Six months? Eight months? I don’t know. I mean that’s totally ludicrous. What form of communication did you use?”

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**Mr. Fraundorf** replied, "Email."

**Mr. Knight** said, "Email. That took about ten seconds to get into their computer. Depending on the day, naturally – I don't expect them to work Saturday or Sunday, because that's time and one-half. We're losing enough money in this City without making them work overtime. Okay, well then I guess that answers my question, then. I thought maybe it came from someone from City Hall that you had obtained the information from – one of the employees or something."

**Mr. Fraundorf** answered, "No.....it was from the Finance Department – ultimately."

**Mr. Knight** concluded, "Okay, sir. Ultimately. Okay, thank you, sir."

**Council President Trafis** thanked Mr. Knight for his comments.

**Gerald Trafis, 990 Aspenwood Drive**, made the following comments:

"I had the opportunity to come to some of these meetings over the last several months, and I noticed that we have security posted and on a continual basis. I'd like to bring it to the attention of Council and the Administration that it may be time to relook at that. I think that – my personal opinion is – it's much better to have our police out in the trenches to protect and serve. And as a personal thing, I would be happier with a paramedic around than having a cop around! But I think it's time. My opinion is I think we've gone past whatever we had to go past. Let's get the people working where they should be working. Thank you."

**Council President Trafis** thanked Mr. Trafis for his comments.

## **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 Finance Johnson** was not present.

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

**Director of Public Service and Properties Moga:**

I'd like to thank Mayor Dell'Aquila for having enough belief in me to hire me as a Service Director. I think I touched many people, and I really enjoyed what I did. I wish everybody a good holiday, and thanks, Mr. Mayor, for hiring me, sir.

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**Building Commissioner Moro** was not present.

## **MISCELLANEOUS**

### **Mr. Fraundorf:**

Yes, two things. Number one. Just to talk about the public records requests. There are laws that mandate or cover public records requests, and those requests have to be honored in a timely fashion. Through experience I can tell everyone here that I've been requesting public records since December of 2010. Sometimes you get them rather quickly, and sometimes it's like pulling teeth, and you have to be very persistent. I can't tell you why that is. I can only speak for myself, but when information is requested, I typically don't ask that it be placed in any particular format or cause any discernible issue with the collection and dissemination of that information – it's pretty straight forward. So I can't speak to why it happens, but yes, it does happen. It takes some time. And as a Councilman, you know it does that – and am I concerned? Yes, absolutely. Absolutely. Time is money, and there are some decisions that we.....some issues we need to look into. There's no need for the delay. That's all I can say about the requests for public information.

I have to tell you – and I've said this a number of times. Looking out at our residents here. It's wonderful to see all the people that are here. And I'd like to acknowledge Terry Krafcik who is sitting in the back. And the reason I'm acknowledging Terry.....he and I, when I first started attending Council meetings, and Terry started attending Council meetings, we were often times the only two people in the room. And we usually sat in the first or second row, and even the Sun Reporter wasn't here. So we would be the only ones here. It's so nice to see a group of concerned and interested residents attending our Council meetings. It's healthy. It's good. And it's a nice thing to see. And I would encourage you to talk to your neighbors. Fill up the room. That's what we need – fill up the room. There have been some good questions. There were good questions that were asked in the Caucus Room. There's some good commentary that's been raised here in Council. That's important. It is extremely important to have these issues raised. The only way that they are raised is by your participation. It's your government – not ours. So, with that, I just want to say hello to Terry, and it's nice to see you.

**Council President Trafis** stated that he wanted to mention that Terry moved to Las Vegas, and he lives right around the corner from Seven Hills, Las Vegas. Council President Trafis said Terry has a little piece of home there.

### **Mr. Petro:**

I have a couple of things. First of all, I'd like to wish everybody a Happy New Year. I hope it all works out for everybody next year.

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**Mr. Petro** (continued):

I'd like to thank the ladies from the Historical Society for stopping. I thought it was a nice gesture. All the years that I've been here, I can't remember any organization coming up and introducing themselves. I just can't remember that. Plus, I'd like to join your organization. I'll give you the \$5.00 or \$10.00, or whatever it is. If you see my wife, tell her that I joined, because she knows it's one step closer to cleaning out our attic. So it's a little motivation thing. Again, thanks for stopping.

**Mr. Kukral**:

I say the same that Frank said – thanks for coming out to the Historical Society. I will join, as well. I find that stuff very interesting. As a matter of fact, I was doing a little researching on line this summer on patents issued in Seven Hills, Ohio – and many people might not know this – but the drinking straw patent was issued out of Seven Hills, Ohio – which is the weirdest, oddest thing you could ever think. The drinking straw patent was from Seven Hills, Ohio. Thank you.

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

**Mr. Barth**:

I'd just like to wish everybody in the audience a Happy and Prosperous New Year. And the same to everyone on this dais.

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

**Council President Trafis**:

I only have one item. It is a variance request.

We had a Zoning Board of Appeals Meeting on December 9, 2015, and the Board made the following motion regarding a variance request heard:

“That the Zoning Board of Appeals vote whether or not to grant the applicant and property owner, Sam and Cheryl Kolousek of 3767 Kristen Court, a variance to Ordinance No. 997.03(a) to allow the installation of a 6' vinyl privacy fence 19' forward of the rear building line with the condition that the property owner has obtained written permission from the Cleveland Illuminating Company to allow the installation of the fence on the north and east easements per the proposed plans.

Roll Call: 5 yea, 0 nay

Motion Carried”

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**MOTION** by Mr. Trafis, seconded by Mr. Fraundorf, to concur with the findings of the Zoning Board of Appeals of December 9, 2015, in granting the variance request of Sam and Cheryl Kolousek of 3767 Kristen Court, to Ordinance No. 997.03(a), concerning the installation of a six-foot vinyl privacy fence.  
Roll Call: all yea **MOTION CARRIED**

**The variance of Sam and Cheryl Kolousek of 3767 Kristen Court, is hereby granted.**

I want to thank everybody for attending today. I'm glad we're still getting a big crowd. I hope this continues as well, just like Councilman Fraundorf said.

We're about to adjourn this meeting. We're going to reconvene our Caucus meeting and immediately go into Executive Session regarding impending litigation, I think, in reference to David Bentkowski.

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

**The December 28, 2015 Council Meeting was adjourned at 9:24 p.m.**

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Matthew A. Trafis, President of Council

Attest: \_\_\_\_\_  
Carol L. Sekerak, Clerk of Council

Date: \_\_\_\_\_