

City of Seven Hills

Record of Minutes of

REGULAR COUNCIL MEETING HELD JANUARY 14, 2013

The Regular Council Meeting was called to order by Council President Michael Barth, at 8:00 p.m., with the Pledge of Allegiance.

Mr. Barth: Before we call the Roll, Councilman Bentkowski called and asked to be excused from tonight's meeting due to work related issues. Therefore, Councilman Bentkowski is excused.

ROLL CALL

Present and accounted for were Mayor Dell'Aquila, Finance Director Mr. Johnson, Law Director Pignatiello, Councilman-at-Large Trafis, Councilman-at-Large Snitzky, Ward 1 Councilman Barth, Ward 2 Councilman Tripi, Ward 3 Councilwoman Lecznar, Ward 4 Councilman Draganic, City Engineer Papke, and Service Director Lovece.

Mr. Barth: Ordinance 121.092(b) states that a President of Council and President of Council Pro-tem shall be elected at the first meeting of council of each new year. Since this is the first meeting of Council this year, I will now move on to Item 1A on the Agenda, Election of President of Council.

ELECTION OF PRESIDENT OF COUNCIL

Council President Barth asked if there were any nominations for the position of President of Council. Mr. Tripi nominated Mr. Barth for President of Council, seconded by Mrs. Lecznar. There were no further nominations and the nominations were closed.

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to elect Michael C. Barth to continue as President of Council for the remainder of the year.

Roll Call: Mr. Barth, yea; Mr. Draganic, yea; Mr. Tripi, yea; Mrs. Lecznar, yea; Mr. Snitzky, yea; Mr. Trafis, nay.

5 yea, 1 nay

MOTION CARRIED

Council President Barth thanked those who supported him and for vote of confidence.

ELECTION OF PRESIDENT OF COUNCIL PRO TEM

Council President Barth asked if there were any nominations for the position of President of Council Pro tem. Mr. Barth nominated Mr. Draganic for the office of President of Council Pro tem, seconded by Mr. Tripi. There were no further nominations and the nominations were closed.

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MOTION by Mr. Barth, seconded by Mr. Tripi, to elect Pete Daganic to the office of continue as President of Council Pro tem for the remainder of the year.
Roll Call: Mr. Barth, yea; Mr. Draganic, yea; Mr. Tripi, yea; Mrs. Lecznar, yea; Mr. Snitzky, yea; Mr. Trafis, nay.
5 yea, 1 nay **MOTION CARRIED**

READING AND DISPOSAL OF JOURNAL

MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to accept the Minutes of the Regular and Council meeting of December 27, 2012 and the Special Council meeting held on January 7, 2013 as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, if there is no division of the question, to accept the Consent Agenda of Monday, January 14, 2013 as printed.
Roll Call: all yea **MOTION CARRIED**

RESOLUTIONS OF COMMENDATIONS

There were no Resolutions of Commendations

REPORT OF COMMITTEES

Planning, Zoning, and Economic Development

Chairman of the Planning, Zoning, and Building Codes Committee Mr. Trafis stated that the next meeting is Tuesday, January 22, 2013. The regular meeting scheduled for Monday, January 21, 2013 has been rescheduled to the 22nd due to Martin Luther King Day.

Public Works

Chairman of Public Works, Councilman Bentkowski, is not here but his Committee met on January 7, 2013 and those minutes are on file. His next meeting is scheduled for February 4, 2013.

Community Services

Community Services Chairman Snitzky stated that their meeting was on January 7, 2013. And there was no business to attend to at that time. The next meeting will be February 4, 2013.

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Police and Fire

Police and Fire Committee Chairman Draganic stated that their next meeting will be January 22, 2013.

Parks and Recreation

Parks and Recreation Committee Chairman Tripi stated that the Committee's next meeting will be on January 22, 2013. Beginning at 6:00PM.

Rules, Ordinances and Ethics

Committee Chairwoman Lecznar stated that Committee's last meeting was held on January 7, 2013 and the meeting minutes are on file with the Clerk.

Finance, Civil Service, and Personnel

Finance Committee Chairman Barth stated that the committee's last meeting was on January 7, 2013 and those minutes are on file with the Council Clerk. Our next meeting will be on January 27, 2013.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

There were no communications or claims.

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no comments from the audience.

ORDINANCES AND RESOLUTION

MOTION by Mr. Draganic, seconded by Mr. Snitzky, to amend Ordinance No. 111-2012 by removing section 1143.08(b)(7) .

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 111-2012 -- AN ORDINANCE TO AMEND SECTION 1143.08(b) PARKING OF RECREATIONAL VEHICLES, AS CONTAINED IN CHAPTER 1143, EXTERIOR MAINTENANCE, OF TITLE THREE, LOCAL BUILDING PROVISION OF PART ELEVEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

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MOTION

by Mr. Draganic, seconded by Mr. Snitzky, to suspend the rules under the Charter and read Amended Ordinance No. 111-2012 by title only for its third and final reading.

Mr. Barth, I would like to say that about four or five months ago, a number of residents came to a Council Caucus meeting to voice their concerns about Section 1143, Parking of Recreational Vehicles, being too restrictive. Council listened to their concerns. In an attempt to resolve the issue, I appointed an ad hoc committee consisting of Councilman Snitzky and Councilman Draganic and representatives of the concerned citizens. Our Councilmen reported back to the Council and recommended changes to the existing ordinance and those changes are reflected in Amended Ordinance 111-2012. The residents were not satisfied with the changes recommended by Councilman Draganic and Councilman Snitzky and have continued to voice their displeasure. This Council has gone as far as it can go. I appointed a committee to look at those issues in depth. We debated the issues ad nauseum and finally reached a consensus. Unfortunately not everyone was satisfied. This Council was elected and has an obligation to do what they think is best for all the residents of Seven Hills and I think that we have done that. My thanks to Councilman Draganic and Snitzky for their efforts.

Mr. Trafis: This Ordinance does not negatively affect residents with RVs although it might not help much, but it does ease the restrictions just a bit. In my capacity as Chairman of the Planning and Zoning Committee. I intent to meet with Mr. Szczepanik and any other residents who want to join to see if there are any other compromises that we come to and still maintain the integrity of the current ordinance that is being passed. My intent is to hopefully avoid a law suit. I don't know if we will arrive at anything new to present to council or the committees but I feel that it is worth further discussion.

Mr. Snitzky: thank you for those kind words. We tried to come up with something that was reasonable and a compromise. I know that we did not satisfy everybody and I am sorry we didn't. We just can't do that sometimes. But, at the same time, I am not sure that there is not much more that can be said or much more discussion that can change the majority of Council's opinion as to what's best for the City.

Mr. Draganic: I would also like to add to the record that a number of, good number, of options were discussed amongst all of council. Those issues were debated at great lengths and it was those modifications that would pass with enough votes in council that were edited to this ordinances, or amended, to this ordinance. Those which did not have the support of the majority of council were omitted.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 111-2012 was read by title only for its third and final reading.

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MOTION by Mr. Draganic, seconded by Mr. Snitzky, to pass Amended Ordinance No. 111-2012.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 111-2012 IS DECLARED PASSED

MOTION by Mr. Bentkowski, seconded by Mrs. Lecznar, to suspend the rules under the Charter and read Amended Ordinance No. 119-2012 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 119-2012 was read by title only for its second and final reading.

MOTION by Mr. Bentkowski, seconded by Mrs. Lecznar, to pass Amended Ordinance No. 119-2012 as an emergency.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 119-2012 IS DECLARED PASSED

Ordinance No. 122-2012 - - AN ORDINANCE TO AMEND SECTION 121.05(A) DUTIES AND RESPONSIBILITIES OF COUNCIL CLERK; AMEND SECTION 121.05(A)(3) DUTIES AND RESPONSIBILITIES OF COUNCIL CLERK; AMENDING SECTION 121.051(C) ASSISTANT COUNCIL CLERK; AMENDING SECTION 121.07 HOLIDAY PAY; AMENDING SECTION 121.071 VACATION PAY; AMENDING SECTION 121.08 LONGEVITY PAY FOR COUNCIL CLERK (FULL-TIME ONLY) AND PART TIME EMPLOYEES; AMENDING SECTION 121.081 HOSPITALIZATION AND PREMIUM BENEFITS; AS CONTAINED IN CHAPTER 121, COUNCIL, OF TITLE THREE, LEGISLATIVE, OF PART ONE, ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

MOTION by Mr. Snitzky, seconded by Mr. Draganic, to suspend the rules under the Charter and read Ordinance No. 122-2012 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 122-2012 was read by title only for its third and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Draganic, to pass Ordinance No. 122-2012. Mr. Barth: I would personally like to thank Councilman Tripi and Councilwoman Lecznar for the work they did on this ordinance. Thank you.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 122-2012 IS DECLARED PASSED

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Ordinance No. 123-2012 - - AN ORDINANCE TO AMEND SECTION 151.091, COMPENSATION OF EMPLOYEES GENERALLY, AS CONTAINED IN CHAPTER 151, EMPLOYEES GENERALLY, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, FOR THE PURPOSE OF ADJUSTING THE COMPENSATION FOR THE PART-TIME CLERK OF COUNCIL, ASSISTANT CLERK OF COUNCIL, AND TYPISTS, CLERKS TO COUNCIL.

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to suspend the rules under the Charter and read Ordinance No. 123-2012 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 123-2012 was read by title only for its third and final reading.

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to pass Ordinance No. 123-2012.

Mr. Barth: Once again, I would like to thank Councilman Tripi and Councilwoman Lecznar for the work they did on this ordinance. Thank you.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 123-2012 IS DECLARED PASSED

Ordinance No. 126-2012 - - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SYSTEM 4 OF BRECKSVILLE, OHIO, FOR THE PURPOSE OF PROVIDING CUSTODIAL SERVICES FOR THE CITY OF SEVEN HILLS' RECREATION AND FITNESS COMPLEX FROM JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$21,000 FOR SAID SERVICE.

Ordinance No. 126-2012 was read for its Second Reading.

Ordinance No. 127-2012 - - AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$6,907.00 FOR THE PURCHASE OF ONE (1) 60" SOUTHBEND MODEL NO. S60DD-3GL S-SERIES RESTAURANT GAS RANGE, ONE (1) CRESCOR MODEL NO. H-339-128C HEATED MOBILE CABINET, ONE(1) STAINLESS STEEL WALL PANEL WITH APPURTENANCES INCLUDING SHIPPING AND INSTALLATION, FOR USE IN THE CITY OF SEVEN HILLS CITY HALL KITCHEN; SAID PURCHASE TO BE MADE FROM TRIMARK SS KEMP.

Ordinance No. 127-2012 was read for its Second Reading.

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Ordinance No. 3-2013 - - AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$5,500.00 FOR A CHANGE ORDER TO ORDINANCE NO. 96-2011 (PO CT67775) PASSED BY COUNCIL JUNE 27, 2011 WHICH AUTHORIZED AN INITIAL AMOUNT OF \$254,000.00 MADE PAYABLE TO GLAUS, PYLE, SCHOMER, BURNS AND DEHAVEN, INC. (DBA GPD ASSOCIATES) OF AKRON OHIO, FOR THE CONSTRUCTION ADMINISTRATION SERVICES AND RESIDENT INSPECTION SERVICES FOR THE CUY-176-5.0 (PID 86604) BROADVIEW ROAD RESURFACING AND STREETSCAPE PROJECT IN THE CITY OF SEVEN HILLS.

Ordinance No. 3-2013 was read for its First Reading.

Ordinance No. 4-2013 - - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH COX BUSINESS AND APPROPRIATING A SUM NOT TO EXCEED \$836.82 PER MONTH FOR SIXTY MONTHS FOR A FIVE YEAR SERVICE AGREEMENT WITH COX BUSINESS FOR TELEPHONE SERVICES USED THROUGHOUT THE CITY OF SEVEN HILLS RECREATION COMPLEX, CITY HALL, SERVICE DEPARTMENT AND FIRE STATION IN THE CITY OF SEVEN HILLS.

Ordinance No. 4-2013 was read for its First Reading

Resolution No. 34-2012 - - A RESOLUTION RECOGNIZING THE SALVATION ARMY AS THE BENEFICIARY OF MONIES RAISED OVER EXPENDITURES AT THE FALL FESTIVAL AND CHILI COOK-OFF, VFW CHILDREN'S CHRISTMAS PARTY WHICH INCLUDES THE AUCTIONS AND RAFFLES HELD DURING THIS EVENT, AND THE RED KETTLE CAMPAIGN.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to table Resolution No. 34-2012.
Roll Call: all yea **MOTION CARRIED**

Resolution No. 34-2012 was TABLED

Resolution No. 35-2012 - - A RESOLUTION IN SUPPORT OF THE BASIS OF DESIGN REPORT PREPARED FOR AND PRESENTED TO THE CITY OF SEVEN HILLS COUNCIL AND ADMINISTRATION FOR THE HEMLOCK CREEK WATERSHED SANITARY SEWER IMPROVEMENT PROJECT.

MOTION by Mr. Draganic, seconded by Mr. Trafis, to suspend the rules under the Charter and read Resolution No. 35-2012 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 35-2012 was read by title only for its third and final reading.

MOTION by Mr. Draganic, seconded by Mr. Trafis, to adopt Resolution No. 35-2012.
Roll Call: all yea **MOTION CARRIED**

RESOLUTION NO. 35-2012 IS DECLARED ADOPTED

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Resolution No. 36-2012 - - A RESOLUTION URGING THE ADMINISTRATION AND THE PARMA AREA CHAMBER OF COMMERCE TO COORDINATE A SPECIAL DISCOUNT PROGRAM FOR LOCAL BUSINESSES FOR VETERANS, RESERVE AND ACTIVE SERVICE MEMBERS.

Resolution No. 36-2012 was read for its Second Reading.

COUNCIL OPEN TO THE AUDIENCE

Dan Jasinski

Dan Jasinski, 5848 Kuenzer. That is still my address. I lost the house because of tax foreclosure. I was forced against my will to (inaudible) Richard already knows that. But the police themselves told me to stay in it. Officer Kapus told me right just before that to stay there. I don't think they are speaking against the wall. Or being foolish about it. I suppose that I could still pay it. (inaudible) I just know that the City and Police failed me, the police very well know that because my brother and his criminal friend couldn't pay them all the money, it is well know fact that the City really owes something because of that and the loss of the property was taken out that I am sure the City should support me in getting the house back. Even if it cost money you have insurance for it or something. (inaudible) I was betrayed by the City and you should do everything to get my house back because we have been citizens all these years and it has only been recently that had this. Whatever it takes from the county. I am not used to this.

Mr. Draganic

Sir, let me ask you a question. Have you been able to retain any legal counsel on this matter?

Mr. Jasinski

I have tried to but I have been forced because of the way the county and sheriffs forced me I am only now starting get legal but, I was going to have Rich, he was not my lawyer, I have to say that there, just now I am able to come here.

Mr. Draganic

Have you contacted legal aid?

Mr. Jasinski

Yes, I am still waiting for a response. Just like I was waiting for a response from the tax things.

Mr. Draganic

If you stay until the meeting adjourns I will speak to you personally.

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Mr. Jasinski

Oh, thank you.

MISCELLANEOUS

Mr. Trafis

Thank you Mr. President. I will keep my comments brief. I just want to say regarding my “no” votes on re-electing the Council President and Council President Pro-tem, I simply feel that the current leadership is too bias at times and also too partial to personal philosophies. I feel that this limits discussion, debate and potential solutions or improvements. I will reserve my comments at that and hope that the Council President will allow me to take the floor again should I request it as he has previously stated in 2012. Thank you.

Mr. Snitzky

First off, I want to thank the people that have come up to me recently and wished my wife well in her recovery. She had major surgery last Tuesday. She is doing better than expected. She still has a long way to go but, she is doing OK. The other thing is, as far as leadership of the Council, I think at this stage of the game with the City, continuity is important. I think the current leadership has done a pretty good job. I would almost say an outstanding job at this point. I think continuity at this point is important and I congratulate them on what they have done up to this point and hope that they continue to do good work. Thank you.

Mrs. Lecznar

No report.

Mr. Tripi

First off, I would like to congratulate both Mike and Pete on your re-election as Council President and Council President Pro tem. It has been a challenging year but we have been making wonderful progress in trying to keep this City in the black and going in the right direction. I look forward to the continued leadership.

Mr. Draganic

I would like to begin by congratulating you, Mr. President, on your re-election and I would like to thank my colleagues for my support in re-electing me as Council President Pro-tem. Thank you very much.

Mr. Barth

A year ago I said that I would give it my all in leading this Council and I would not let you down. Your support tonight is evidence that I have kept that promise. It is important that I thank every one of you for your co-operation and support. You have done a great job this past year. In my remarks last year I talked about forming a consensus with all of you in righting our financial ship. Certainly the Mayor deserves credit but the Council also needs to be recognized for their role in balancing the 2012 budget. Last year at this time I talked about some of the issues and

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problems facing our City and that we all need to pull together to address those issues. We did, and we have found some success. Last year I talked about reduced revenues – our revenues were up in 2012. I talked about a dwindling tax base – over 250 jobs were brought to Seven Hills with more to come in 2013. I talked about a struggling Recreation Center – over \$250,000 in losses were trimmed from the budget. I talked about deteriorating infrastructure – there is still a long way to go with that but there is some light at the end of the tunnel as to Director Johnson and I beginning to talk on how to address that problem. We have come a long way this year but we still have much work ahead of us. Are things as bad as some of us would lead you to believe? No, they are not. Are we where we want to be? No we are not. Do we have a long way to go? Yes we do. But, this Mayor and this Council have turned things around and we are now headed in the right direction and the future of this City looks much brighter than it did just one short year ago. The progress we have made must continue. So, with this being an election year, I feel that it is important to repeat what I said last year and ask everyone to put your political differences aside and collectively and let's use our talents for the betterment of the City. Once again, I thank all of you and look forward to leading this Council in 2013.

Having said that, I talk about the successes of this Council over the past year, but I would be remiss if I didn't talk about the behind scene work of Teri Matson, our Acting Clerk for 2012. This is Teri's last meeting so I would like to publically thank her for the excellent job she did. I don't think that I ever met anyone as efficient and organized as Teri as evidenced by the fact that she not only served as Acting Clerk of Council, but was also full-time assistant to our Law Director. Director Pignatiello would agree that she operated all year at a higher level and neither of us were lacking that she was pulling double duty. Thank you so much Teri and it is certainly comforting to know that you will be right down the hall.

And, because of our agreements with the Unions, City Hall is one of the few public agencies that will be open on Monday, January 21, 2013, Martin Luther King Day. This Council, in deference to the national holiday, will switch our Monday January 21, 2013 caucus meeting to Tuesday, January 22, 2013.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Finance Director Johnson

No report.

Law Director Pignatiello

No report.

Service Director Lovece

No report.

City Engineer Papke

I would like to send condolences to Dan Powers and the Powers family. His mother passed away a few weeks ago. Our condolences, thoughts and prayers to the Powers family.

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REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila

Thank you Mr. President. A couple of things. First of all, congratulations to you on your re-election as Council President and congratulations to Councilman Draganic on his re-election as Council Pro-tem. This has been an exceedingly difficult year for all of us up here and I think, as demonstrated by the vote this evening, I heard the term bias used rather loosely. I would think, if anything, the fact that there were no other nominations besides the two of you amply demonstrates that that is best, an exaggeration. We have a lot of hard work ahead of us. The efforts that this Council has made in combination with our efforts on the Administration side, have brought us to the point where we have now seen light at the end of the tunnel. We will be working hard, and I hope together, throughout 2013 to build on the efforts that we have so satisfactory attained this previous term. But, that will only happen with solid leadership. Leadership that is not biased. Leadership that the two of you have exemplified, especially you Mr. President, to drive through the important things that we know need to be done. Unfortunately, there has been a tendency in the past in this City to overly politicize the important work that we have to do. I have complained about that since the moment I was elected. It was actually pointed out by the Judge who swore us all in and unfortunately it continues unabated as was demonstrated this evening.

Since the gentleman who came to the podium saw fit to bring up a private matter, as everyone knows I am an attorney. The matter which the gentleman referred to is a probate matter. I was not the only attorney involved. There were distributions made out of that estate all under Court supervision. The court approved those distributions. Everything was done properly. I regret that the gentleman chose this forum to raise whatever claim he thinks he has. Thank you Mr. President.

Mr. Barth

I will entertain a motion to adjourn.

MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to adjourn tonight's meeting.

Roll Call: all yea

MOTION CARRIED

The January 14, 2013 Council Meeting was adjourned at 8:45PM

Michael C. Barth, President of Council

Attest: _____
Teresa Matson, Acting Clerk of Council

Date: _____

