

# City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD March 11, 2013

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This Regular Council Meeting was called to order by Council President Michael C. Barth at 8:01 p.m. with the Pledge of Allegiance.

## **ROLL CALL**

Present and accounted for were Mayor Dell'Aquila, Director of Law Pignatiello, Director of Finance Johnson, Councilman-at-Large Bentkowski, Councilman-at-Large Snitzky, Councilman-at-Large Trafis, Ward 1 Councilman Barth, Ward 2 Councilman Tripi, Ward 3 Councilwoman Lecznar, Ward 4 Councilman Draganic, Director of Public Service and Properties Lovece, and Engineer Papke. Absentee was Building Commissioner Moro.

## **READING AND DISPOSAL OF JOURNAL**

**MOTION** by Mrs. Lecznar, seconded by Mr. Tripi, to accept the Minutes of the Regular Council Meeting held February 25, 2013, as printed.

Roll Call: all yea

**MOTION CARRIED**

## **CONSENT AGENDA**

**MOTION** by Mr. Tripi, seconded by Mrs. Lecznar, to accept the Consent Agenda of March 11, 2013, as printed, if there is no division of the question.

Roll Call: all yea

**MOTION CARRIED**

## **RESOLUTIONS OF COMMENDATION**

There were no Resolutions of Commendation.

## **REPORTS OF COMMITTEES**

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

Planning, Zoning, and Economic Development Chairman Trafis stated that the Committee last met on Monday evening, February 18, 2013, and the minutes from that meeting are on file with the Clerk of Council. Mr. Trafis stated that the Planning, Zoning, and Economic Development Committee will hold its next regular meeting on Monday evening, March 18, 2013.

### **Public Works**

Public Works Chairman Bentkowski stated that the Committee last met on Monday evening, March 4, 2013, and the minutes from that meeting are on file with the Clerk of Council.

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Mr. Bentkowski stated the Public Works Committee will hold its next regular meeting next month on Monday evening, April 8, 2013.

## **Community Services**

Community Services Chairman Snitzky stated that the Committee last met on Monday evening, March 4, 2013, and the minutes from that meeting are on file with the Clerk of Council. Mr. Snitzky stated that the Community Services Committee will hold its next regular meeting on Monday evening, April 8, 2013.

## **Police and Fire**

Police and Fire Committee Chairman Draganic stated that the Committee will hold its next regular meeting on Monday evening, March 18, 2013.

## **Parks and Recreation**

Parks and Recreation Committee Chairman Tripi stated that the Committee will hold its next regular meeting on Monday evening, March 18, 2013, beginning at 6:00 p.m.

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

Rules, Ordinances, and Ethics Committee Chairperson Lecznar stated that the Committee last met on Monday evening, March 4, 2013, and the minutes from that meeting are on file with the Clerk of Council.

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

Finance, Civil Service, and Personnel Chairman Barth stated that the Finance Committee last met on Tuesday evening, March 4, 2013, and was chaired by Councilwoman Lecznar. Mr. Barth stated that the Finance Committee will hold its next regular meeting on Monday evening, March 18, 2013.

## **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**

There were no questions or comments from the audience.

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## **ORDINANCES AND RESOLUTIONS**

**Ordinance No. 16-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH RESOURCE INTERNATIONAL, INC., OF CLEVELAND, OHIO, FOR AN AMOUNT NOT TO EXCEED \$7,615.00 TO PERFORM A SUBSURFACE INVESTIGATION FOR THE PROPOSED PINNACLE PARK AND OLD ROCKSIDE ROAD IMPROVEMENTS IN THE CITY OF SEVEN HILLS.

**MOTION** by Mr. Draganic, seconded by Mr. Bentkowski, to table Ordinance No. 16-2013.  
Roll Call: all yea **MOTION CARRIED**

**Ordinance No. 16-2013 was tabled.**

**Ordinance No. 17-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH BURGESS & NIPLE OF PAINESVILLE, OHIO, FOR AN AMOUNT NOT TO EXCEED \$18,150.00 FOR PROFESSIONAL SERVICES TO DESIGN THE INTERSECTION TRAFFIC SIGNAL AT ROCKSIDE ROAD AND PINNACLE PARK (PINNACLE PARK/OLD ROCKSIDE ROAD TIF PROJECT) IN THE CITY OF SEVEN HILLS, OHIO.

**MOTION** by Mr. Bentkowski, seconded by Mr. Draganic, to table Ordinance No. 17-2013.  
Roll Call: all yea **MOTION CARRIED**

**Ordinance No. 17-2013 was tabled.**

**Ordinance No. 18-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH EAGLE EYE SURVEYING OF SEVEN HILLS, OHIO, FOR AN AMOUNT NOT TO EXCEED \$6,655.00 FOR SERVICES PROVIDED FOR A TOPOGRAPHIC SURVEY OF OLD ROCKSIDE ROAD AND PINNACLE PARK DRIVE (TIF PROJECT); DRAFT BASE MAPS; ATTEND MEETINGS AND ASSIST WITH PROJECT PLAN DEVELOPMENT.

**MOTION** by Mr. Snitzky, seconded by Mr. Trafis, to table Ordinance No. 18-2013.  
Roll Call: all yea **MOTION CARRIED**

**Ordinance No. 18-2013 was tabled.**

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**Ordinance No. 20-2013** – AN ORDINANCE ENACTING NEW CHAPTER 711, ENTITLED “STREET NAMES”, IN TITLE ONE, STREETS AND SIDEWALKS, OF PART SEVEN, STREETS AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REGULATING THE NAMING OF STREETS WITHIN THE CITY OF SEVEN HILLS.

**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to read Ordinance No. 20-2013 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 20-2013 was read by full title only for its third and final reading.

**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to pass Ordinance No. 20-2013.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 20-2013 IS DECLARED PASSED.**

**Ordinance No. 21-2013** – AN ORDINANCE TO AMEND SECTION 1125.07, CONSTRUCTION FEE SCHEDULE, AS CONTAINED IN TITLE THREE, LOCAL BUILDING PROVISIONS, OF PART ELEVEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF MODIFYING CHAPTER 1125, PLANS, PERMITS, AND FEES.

**MOTION** by Mrs. Lecznar, seconded by Mr. Tripi, to read Ordinance No. 21-2013 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 21-2013 was read by full title only for its third and final reading.

**MOTION** by Mrs. Lecznar, seconded by Mr. Tripi, to pass Ordinance No. 21-2013.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 21-2013 IS DECLARED PASSED.**

**Ordinance No. 22-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH NORTHCOAST PROMOTIONS, INC., FOR THE PURPOSE OF RECRUITING, CONTRACTING, AND MANAGEMENT OF CRAFT, ART, AND COMMERCIAL EXHIBITORS FOR THE CITY OF SEVEN HILLS HOMEDAYS 2013.

**MOTION** by Mr. Tripi, seconded by Mrs. Lecznar, to read Ordinance No. 22-2013 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

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Ordinance No. 22-2013 was read by full title only for its third and final reading.

**MOTION** by Mr. Tripi, seconded by Mrs. Lecznar, to pass Ordinance No. 22-2013.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 22-2013 IS DECLARED PASSED.**

**Ordinance No. 23-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH NORTHCOAST PROMOTIONS, INC., FOR THE PURPOSE OF RECRUITING, CONTRACTING, AND MANAGEMENT OF CRAFT, ART, AND COMMERCIAL EXHIBITORS FOR THE CITY OF SEVEN HILLS FALL FESTIVAL AND CHILI COOK-OFF CRAFT SHOW 2013.

**MOTION** by Mr. Draganic, seconded by Mr. Bentkowski, to read Ordinance No. 23-2013 by title only for its third and final reading.  
Roll Call: all yea **MOTION CARRIED**

Ordinance No. 23-2013 was read by full title only for its third and final reading.

**MOTION** by Mr. Draganic, seconded by Mr. Bentkowski, to pass Ordinance No. 23-2013.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 23-2013 IS DECLARED PASSED.**

**Ordinance No. 24-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH NORTHCOAST PROMOTIONS, INC., FOR THE PURPOSE OF RECRUITING, CONTRACTING, AND MANAGEMENT OF CRAFT, ART, AND COMMERCIAL EXHIBITORS FOR THE CITY OF SEVEN HILLS WINTER CRAFT SHOW AND VFW CHILDREN'S CHRISTMAS PARTY ON DECEMBER 8, 2013.

**MOTION** by Mr. Bentkowski, seconded by Mr. Draganic, to read Ordinance No. 24-2013 by title only for its third and final reading.  
Roll Call: all yea **MOTION CARRIED**

Ordinance No. 24-2013 was read by full title only for its third and final reading.

**MOTION** by Mr. Bentkowski, seconded by Mr. Draganic, to pass Ordinance No. 24-2013.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 24-2013 IS DECLARED PASSED.**

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**Ordinance No. 26-2013** – AN ORDINANCE TO AMEND THE APPROPRIATIONS OF THE CITY OF SEVEN HILLS, OHIO, FOR THE YEAR ENDING DECEMBER 31, 2013.

**Ordinance No. 26-2013 was read by full title only for its second reading.**

**Ordinance No. 29-2013** – AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$46,860.00 FOR A CHANGE ORDER TO AMENDED ORDINANCE NO. 40-2012, PASSED BY COUNCIL APRIL 9, 2012, WHICH AUTHORIZED AN INITIAL AMOUNT OF \$117,881.25 FOR CONSTRUCTION ADMINISTRATION SERVICES AND INSPECTION SERVICES FOR THE WEST CREEK WATERSHED SANITARY SEWER IMPROVEMENT PROJECT, PHASES II AND III, IN THE CITY OF SEVEN HILLS; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 29-2013 by title only for its final reading.  
Roll Call: Barth, yea; Bentkowski, yea; Draganic, yea; Lecznar, yea; Snitzky, yea; Trafis, nay; Tripi, yea  
6 yea, 1 nay **MOTION CARRIED**

Ordinance No. 29-2013 was read by full title only for its final reading.

**MOTION** by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 29-2013 as an emergency measure.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 29-2013 IS DECLARED PASSED.**

**Ordinance No. 30-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A TECHNICAL SERVICE SUPPORT AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PHYSIO CONTROL, INC., FOR THE PURPOSE OF PERFORMING ANNUAL TECHNICAL SERVICE SUPPORT OF THE CITY OF SEVEN HILLS POLICE DEPARTMENT'S AED UNITS LOCATED IN THE POLICE DEPARTMENT AND THE POLICE VEHICLES (MODEL LIFEPAK 500 SERIAL NOS. 11798923; 31514931; 9325899) AND APPROPRIATING THE SUM NOT TO EXCEED EIGHT HUNDRED SIXTY-SEVEN DOLLARS (\$867.00) FOR SAID SERVICE.

**Ordinance No. 30-2013 was read by full title only for its first reading.**

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**Ordinance No. 31-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A TECHNICAL SERVICE SUPPORT AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PHYSIO CONTROL, INC., FOR PERFORMING ANNUAL TECHNICAL SERVICE SUPPORT OF THE CITY OF SEVEN HILLS RECREATION CENTER'S LIFEPAK 500 AED UNIT AND BATTERY SUPPORT SYSTEM (LIFEPAK 500 SERIAL NO. 30782548), LIFEPAK 1000 AED UNIT AND BATTERY SUPPORT SYSTEM (LIFEPAK 1000 SERIAL NUMBER 38749016), AND APPROPRIATING THE SUM NOT TO EXCEED SIX HUNDRED FORTY-EIGHT DOLLARS (\$648.00) FOR SAID SERVICE.

**Ordinance No. 31-2013 was read by full title only for its first reading.**

**Ordinance No. 32-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A TECHNICAL SERVICE SUPPORT AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PHYSIO CONTROL, INC., FOR PERFORMING ANNUAL TECHNICAL SERVICE SUPPORT OF THE AED UNIT LOCATED AT CITY HALL (MODEL: LIFEPAK 500 SERIAL NUMBER 31019276), AND APPROPRIATING THE SUM NOT TO EXCEED TWO HUNDRED EIGHTY-NINE DOLLARS (\$289.00) FOR SAID SERVICE.

**Ordinance No. 32-2013 was read by full title only for its first reading.**

**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to amend Resolution No. 2-2013 by removing the emergency clause in the title and in the body of the Resolution, and reverting the Resolution to its first reading.  
Roll Call: all yea **MOTION CARRIED**

**Amended Resolution No. 2-2013** – A RESOLUTION OPPOSING THE PASSAGE OF HB 5 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE.

**Amended Resolution No. 2-2013 was read by full title only for its first reading.**

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## COUNCIL OPEN TO THE AUDIENCE

### Russ Mazzola, 1032 Cherry Lane:

I just really have a comment – a question. Last Monday at the Caucus Meeting there was a ton of unproductive discussion about why the trash levy might have almost failed. Back when we got the recycle containers there was a renewal levy on the ballot at that time, which I supported and voted for. The Council at that time said we probably wouldn't have any more levies because the recycling was going to pay for it. I guess my question is, are we making any money on the recyclable things, are we losing money, or making money, or is that helping at all with our trash collection?

Council President Barth invited Mr. Mazzola to Council's meeting on Monday to ask that question. Mr. Barth said that Council just entertains comments during this portion of the meeting.

Mr. Mazzola replied he didn't need an answer right now. He said he wasn't able to speak at the Caucus Meeting.

Council President Barth stated that come Monday, Mr. Mazzola would be able to speak.

Councilman Bentkowski said that he had a direct, thorough answer for Mr. Mazzola if he wanted it.

Council President Barth said that Councilman Bentkowski could answer Mr. Mazzola on Monday.

### Gerald Trafis, 990 Aspenwood Drive:

Real quickly, first off, Mayor, I want to thank you for looking into that golf driving range, I don't know what else to call it. I know you will probably have some happy members doing that. I'm not a golfer any more, I can't participate in it, but I think that's the right thing to do. Thanks for looking into it so quickly.

One thing I did want to reflect on. I did have a chance to....well, Rick you and I ran into each other last Caucus Meeting, right after the Caucus Meeting, and you were asking me a little bit about the history of the \$250,000.00. I thought about that. And then I listened to the tape of the last meeting, and I wanted to address that real quickly with some facts as I remember them. When you look at the dais, the only one that was around back in 1999 when this whole thing started out, was Rich – and Rich is like me – our memories are starting to go a little bit at times. So I thought I would refresh everybody, and at least tell everyone what happened at that time, once and for all, so you have it in your record.

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**Mr. Trafis** (continued):

1989 was an election year for everybody, all the elected officials. There was really a significant outcry, or at least a desire of the people, to have a swimming pool. That was the big thing – a swimming pool, a swimming pool, a swimming pool – and it evolved into discussion on a Recreation Center. So what happened in the year 2000, probably a whole entire year, we researched what it would take to get a swimming pool, and again it evolved into a Recreation Center. At that time there was a really great chemistry between the residents, the City Officials, and everybody started working to see if this could be some kind of reality. There were a ton of different committees that were set up at that time. There was a steering committee that started it all, and it was made up of, I think, ten members. I looked in my personal calendars at some of this and I saw some names like Jeff Monteforte, Palmer, Dolores Jordan, Joanie Alexa, Audrine Finnerty, Ken Stimetz, Eric VanHorn, Doug Wagner, George Chandick, and Walter Penkal as part of this. As that group kept meeting, and they were meeting probably every other week, I think it was late Winter and early Spring. That evolved into other committees. There was a Finance Committee headed by Katzakis, and there were a few CPA's on it, there was a Marketing Committee headed by a guy named Joe Paulella, who was a master marketer and salesman, and there was a General Committee that kind of pulled everybody together, which ironically was headed by Ed Foley. All that was going on and on and on, and eventually that group felt that it was time to take it to the residents and to start communicating and see what the residents thought. So there was a series of residential meetings. I'll only be another minute, Mr. President. Again, there was a series of residential meetings that were held -- and this is what I found on my personal calendars -- May 24, 2000, September 14<sup>th</sup>, and October 19<sup>th</sup> – and I know there was one more, but I can't put my finger on it. And all of these were attended by literally hundreds of people. We had all of these rooms opened right behind us, we couldn't get another person in here, there were literally hundreds of people. In fact, we asked people that attended the first one to just send only one family representative or don't come to the next one because there were so many people. We went into little groups with the residents – people wanted handball courts, we said well, okay, we didn't know what we wanted, blah, blah, blah. A professional surveyor was then contracted by the City, and then to be able to determine what we wanted, how we wanted to build, all that kind of good stuff. Eventually this whole thing got put together, and by the summer of 2000, all the different data was submitted to everybody – everybody was holding hands – and we decided to go to the levy. And we went to the levy in November of 2000, I think it was November 7<sup>th</sup>. It obviously passed with a high percentage, which was unheard of for the first time through. What the culmination of this story is, is that's where the \$200,000 to \$250,000 potential deficit came from. What happened at that particular time, when we put the levy on the ballot, there was no operating levy, because we felt – and when we say we – I mean everybody under the sun – felt that this thing could operate at that level over the period of time that the bond was going to be out there – and not with any kind of an increase. The \$200,000 or \$250,000 would be a constant at the worst case scenario. Now you have to remember back at that time our General Fund and Income Tax balances were in the vicinity of almost \$5 million, and we had capital money also available. So, there's tons of money out there.

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**Mr. Trafis** (continued):

So, the \$200,000 to \$250,000 was out there by itself knowing that with the proper operation it would decrease all the time or just eventually go away. Obviously, we matched the revenue to the expenses, so that was the whole theory of the whole thing. We also at that time besides not looking at CPI or present values or anything, it included corporate memberships, it included forecasted non-residents, because eventually we thought if we needed more money we could open up to non-residents, etc. And I think that's about it. Everybody is absolutely right – that there is no ordinance that documents that – it's the levy, that it was a capital levy. And I have a few other notes, but I think that's the majority of it. There were files, literally a drawer and a half of stuff, I know when I left office it was in the Mayor's Office in that file room that's attached to your office, Rick, off to the side. And I know the Finance Department had all the stuff regarding the financial forecast. And that's it. I'm not looking for a debate. I just thought that I'd tell you what I remember and what I found. Thank you very much.

Council President Barth said that Mr. Trafis was not going to get a debate. Mr. Barth thanked Mr. Trafis for his comments. Mr. Barth said, as a former Mayor, Mr. Trafis certainly earned the right to exceed the three minutes. Mr. Barth again thanked Mr. Trafis for his comments – very much.

**Tom Jaros, 224 Crescent Ridge Drive:**

As most of you probably realize I have been attending here for a few weeks now. The Charter Review Committee intrigued me. I saw the Mayor lay out basic rules to these guys at the first meeting. He suggested they find somebody to keep minutes, and then they declined to do that for some reason. They didn't think they needed to keep minutes because it was a public meeting. The Mayor didn't correct them at that point in time. Mayor, did you actually keep minutes today for those guys?

Mayor Dell'Aquila answered that he was not a member of that Commission.

Mr. Jaros continued:

Well I thought they said that you were recording it – I'm sorry. My understanding is there should be recorded minutes of any public meeting, and I certainly hope somebody will get back to them. The other problem I have is, as I read the Charter, it specifies that the Commission is supposed to be made up of electors. I'm not sure exactly what definition applies to this particular committee, but it seems like the Charter anytime it talks about administrative or legislative positions, that it talks about electors, it follows behind it with a modification that those people won't hold any other office of the City. Even without that modification, I think that the description for Councilmen would say that Mr. Barth needs to not be a part of that committee. I'd like to see that happen. A few minutes ago I heard Mr. Bentkowski say he didn't think input into that Committee at this point in time is appropriate. It just reinforces my thought.

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**Mr. Jaros** (continued):

I don't see why Council needs to have input into that particular Committee at this point in time. I think it's unethical. I guess you guys can do what you want with that. Thank you very much for your time.

Council President Barth thanked Mr. Jaros for his comments.

**MISCELLANEOUS**

**Mr. Trafis:**

I just want to comment real quickly on Ordinance No. 20-2013 that we passed tonight regarding the street names. I'm very happy that the Council and the Administration worked together on this to get it done. This initiated when Father Mikhail and his son approached myself and then subsequently City Council about making an honorary designation to a portion of McCreary Road in honor of the late His Holiness Pope Shenouda III. I just want to say that it's great that this is done and I look forward to watching this process continue when Father Mikhail approaches Seven Hills on making this happen.

**Mr. Snitzky:**

The only comment I wanted to make tonight is to you personally, Mr. President. I'm sorry for the loss you recently had – your family loss. It's tough. We all get to that certain age when those things happen, and I'm sorry to hear about it.

**Mr. Bentkowski:**

A couple of things. We have the appropriations before us, and we're trying to come up with various new ideas to generate new money for the City. Coming up this year will really be the first year that the Broadview Streetscape has been implemented – and finished, if you will. One thing I always push for, and I think it's time for us to revisit it and hopefully it will generate us some money, is I would like to market and possibly sell the old City Hall property. Years ago we secured an appraisal for it, although it seemed kind of low at the time. I would like to revisit that. I've been talking about it for the last year. So, again, if we just dust that off, and get an update. If we can generate a couple hundred thousand dollars in the sale and then also some money from any new business that goes there, that certainly would be beneficial, especially now that Broadview is humming and the streetscape is finished and it looks so nice and there's some business activity there.

Next up, for the resident, I have a full analysis and review of the recycling carts. I've answered this question a couple of times. We've done a ton of research on it. You can call me – or I'm happy to give it to you at the next meeting per Councilman Barth's request. But, I know that issue like the back of my hand, so I'm happy to share that with you.

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**Mr. Bentkowski (continued):**

Next up, because this is a recorded meeting and these things kind of live on in history, I always like to work to keep the record correct and accurate for any resident that may stumble upon these minutes. Just a couple of follow up points about the Recreation Center. Gerry's point is accurate, that we shouldn't have some set-in-stone belief that \$250,000 is some magical number. I just want to point out in the last eight or nine years that we've been running it, we did lead the charge to open the Center up to non-residents. When I tried to do that with some members of Council up here, there was tremendous pushback. Some of the people you mentioned that created and built the Recreation Center were the most fierce competitors against us opening it up. That's a move that has literally generated hundreds of thousands of dollars. We started the Silver Sneakers Program – that's generated hundreds of thousands of dollars. We expanded the Basketball Leagues and the other leagues – that has generated tons of money. We started the Before-and-After School Program – and that's generated a ton of money. We did the Senior Punch Card, new categories of membership, we increased fees. So, the point is, you can't look back in time and say, '*Gee, it was meant to lose \$250,000*', because the fact is, if we didn't do some of those things, God only knows what it would have lost. And during that time we had minimum wage increases, utility increases, equipment breaks, initial contracts expire for the elevator and things, and you have to renegotiate. So, the point is, it is a moving target.

One thing I do want to clarify, a statement was made that there was over \$5 million in the bank back then. I believe the Mayor and the Finance Director supplied us kind of a general fund chart that showed we had about \$2 million in 2002, and we have about \$2 million now. And everyone keeps talking about how there was this spike a few years ago, while the Finance Department explained what that spike was, and how we're still doing a good job of maintaining a healthy balance. One thing I will disagree with is the statement about there being a ton of money to do all these things. The fact is, in 2006 and in 2007, we spent \$5 million on roads. And I can flag for you about \$15 million more in roads that needs to be done yesterday. So this notion that we somehow had back then all this money to do things, I strongly disagree with. Our infrastructure is in rough shape – streets don't go bad overnight. We spent that \$5 million, which is a record amount in this City -- God only knows how we'd be if we didn't spend that money – because those were the worst streets in the City. We have \$15 million more in roads we can do, so anyone who tries to portray that we had all this money back then, I just think that's inaccurate.

**Mr. Draganic:**

I'd like to extend my condolences as well to you and your wife, Rose, on her mother's passing.

The only thing I'd like to address is Mr. Jaros, something about minutes being kept in that meeting there. It's my understanding that minutes only need to be kept for decision-making bodies.

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**Mr. Draganic (continued):**

You might want to get a clarification from the Law Director at another time, or whenever he is able to answer you, but, there is a qualification for what groups need to keep minutes and which ones don't. Again, as Councilman Bentkowski pointed out, when these things are on the record, you like to have some clarification also on the record so people don't look back over time and think that something was going on that wasn't.

Council President Barth added that minutes are being kept for the Charter Review Commission meetings.

**Mrs. Lecznar:**

I want to extend my condolences to you and your wife on your loss.

Ward One not only gained one resident this past week, but they lost one resident also. A friend of ours lost his father, a 95-year-old resident, Mr. Galacki, died – a very spry old man, a really great guy. He was a 95-year old man who still lived all by himself. The new resident that they have – it's my son, J.J. -- who moved in on Mural Drive, and is now a Ward 1 resident. So, take care of my son, Mike.

**Mr. Tripi:**

First off, condolences to you and Rose for the loss of your mother-in-law.

I do have a few things I'd like to talk about tonight. As you know, the Mayor has convened the Charter Review Committee which may lead to some suggested changes for the City to consider later this year or in the next. I've taken the time to review the current Charter and a couple of items stood out to me. I'm just going to read a sentence or two on a couple of them.

*ARTICLE V, SECTION 8(d). Determination. The Board of Zoning Appeals shall determine matters properly presented to it in writing. Where difficulties and unnecessary hardships shall result from the enforcement of the zoning ordinances, the Board of Zoning Appeals shall have the power to grant variance in harmony with the general intent of the ordinance and to secure the general welfare and substantial justice in the promotion of the public health, comfort, convenience, morals, safety and general welfare of the City. The Council shall have the power to approve, amend, modify or reverse any decision of the Board of Zoning Appeals if (and I will repeat, if) the Council finds that the decision of the Board of Zoning Appeals is contrary to the purpose and intent of the zoning ordinances.*

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**Mr. Tripi (continued):**

Secondly, I'd like to read Article XII, Section 6, Oath of Office:

*ARTICLE XII, SECTION 6, OATH OF OFFICE. Every elected official or officer of the City shall, before entering upon the duties of his office, take an oath, or affirm, that he will in all respects faithfully discharge the duties of his office, that he will profess loyalty to the Constitution of the United States of America, to the Constitution of the State of Ohio, and (importantly) that he will uphold this Charter and all of the laws of this City.*

In conclusion, the City of Seven Hills has a Charter and it has a set of Ordinances and laws that we take an oath to follow. If we find a law that is out of date, not enforceable, or not in the best interests of the City, then that is the time for Council to amend it, delete it, or repeal it. Until then, we are duty bound to follow the laws and allow the various Boards and Commissions to do their jobs. Thank you.

**Council President Barth** had no miscellaneous comments.

## **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 Lovece:**

My condolences, as well, to you Mr. President.

There will be four recycling events this year. Two of them are for the hazardous household wastes and computer round-up, and two of them are for the paper shredding. They are advertised on the City's website and in various newsletters.

**Engineer Papke** had no formal report.

**Building Commissioner Moro** was not present.

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

### **Mayor Dell'Aquila:**

First I'd like to thank former Mayor Trafis for the kind words regarding the golf room. I will take a look at it. If there's a way to improve the HVAC in there, we will certainly do our best to return it back to service.

With regard to the other numbers concerning the projected subsidy for the Recreation Center back in 2000 and 2001, etc., yes, I've heard the number \$250,000 thrown around. I've also heard as low as \$180,000, and I've heard as high as \$300,000. I thank the mayor for acknowledging that the number is not anywhere cast in concrete by way of an ordinance or any other formal adoption by this body. My point in bringing it up at the prior meeting is that the number has been asserted and was asserted again one more time prior to that meeting as some sort of cast-in-stone benchmark that the Administration is bound to meet each year because it had been adopted in some formal way prior. That we now know is not the case. In fact, I think we all know that I've had my differences with Mayor Bentkowski and we probably will have more differences in the future. However, when you take a look at the CPI's, I pointed out in that meeting, in order to have the same buying power in today's dollars, one would require in 2013 about \$320,000 to have the same purchasing power as \$250,000 had the decade earlier. The point being, again, given all the differences, given the history of the Recreation Center, given the roof repair that no one could have anticipated, the prior Administration was not that far off this supposed artificial, non-adopted benchmark. When you came in, I think, the prior year, David, your Administration came in about \$390,000 - \$380,000 - it's not that far off -- \$320,000. That's my only point of bringing it up. It should not be used as a number to bludgeon anyone. We all know the history of the Recreation Center. We all know that there were millions of dollars of unanticipated expense there. And even had that \$250,000 had legitimacy ten years earlier, no one could have predicted the history and where we find ourselves today. We should not be using that number to bludgeon the prior administration. That's my point.

I do believe we should be taking a look at marketing the land on Broadview Road. That has come up previously. I know we had an appraisal done. Obviously, that's a matter for executive session. I think we all know that I was not a supporter of the Streetscape Project. In fact whenever it came up for deliberation, as a landowner, I and the Law Director - he's also a landowner on Broadview Road affected by the project -- physically left the room so we would not be involved in any of the discussions, deliberations, decision-making, in any way regarding that project. I probably knew less about the Streetscape Project when it was voted on than the typical resident did. It is what it is. We now have some maintenance issues with it. We will address those maintenance issues as they come along. I noticed that some of the bricks have shifted in the winter. There are weeds growing between them. Some of the plates seem to be rusted. I did not think it was a good idea back then, and unfortunately we now have some maintenance issues with that.

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One final thing, I see the Parma Observer has another article out. One particular reporter there just seems to not be able to get her facts straight. I contacted the Parma Observer previously and got a retraction. There's an indication that we did have meetings with other cities regarding deer, and it was a supposed no-show. I guess if you didn't count the half-dozen or so cities that were there, it would be a no-show, but that simply was not the case. I'll be contacting the Parma Observer again for another retraction.

**MOTION** by Mrs. Lecznar, seconded by Mr. Tripi, to adjourn the meeting.  
Roll Call: all yea **MOTION CARRIED**

**The March 11, 2013 Council Meeting was adjourned at 8:49 p.m.**

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Michael C. Barth, President of Council

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

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