

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD May 28, 2013

This Regular Council Meeting was called to order by Council President Michael C. Barth at 8:00 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 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. Absentees were Councilman-at-Large Bentkowski and Building Commissioner Moro.

Council President Barth stated he had received a call from Councilman Bentkowski, who works on Tuesdays. Councilman Barth said because this Council Meeting was moved to Tuesday from Monday, May 27, 2013, the Memorial Day Holiday, Mr. Bentkowski was unable to attend tonight's meeting. Councilman Barth stated that Councilman Bentkowski is excused from tonight's meeting.

READING AND DISPOSAL OF JOURNAL

MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to accept the Minutes of the Regular Council Meeting held May 13, 2013, as printed.

Roll Call: all yea

MOTION CARRIED

CONSENT AGENDA

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to amend the Consent Agenda of May 28, 2013, by correcting the funding source contained in Motion No. 1 to **435.530.53002** from 101.731.58042.

Mr. Tripi stated this was just a misprint.

Roll Call: all yea

MOTION CARRIED

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to accept the amended Consent Agenda of May 28, 2013, as corrected, if there is no division of the question.

Roll Call: all yea

MOTION CARRIED

RESOLUTIONS OF COMMENDATION

There were no Resolutions of Commendation.

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REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

Planning, Zoning, and Economic Development Chairman Trafis stated that the Committee last met on Monday evening, May 20, 2013. Mr. Trafis stated that the minutes from that meeting will be filed with the Clerk of Council this week.

Mr. Trafis said the Committee will hold its next regular meeting on June 17, 2013.

Public Works

Public Works Committee Chairman Bentkowski was not present.

Council President Barth stated that the Public Works Committee will hold its next regular meeting on Monday evening, June 3, 2013. Mr. Barth stated that the minutes from the Committee's previous meeting (May 6, 2013) are on file with the Clerk of Council.

Community Services

Community Services Chairman Snitzky stated that the Committee will also hold its next regular meeting on Monday evening, June 3, 2013.

Police and Fire

Police and Fire Committee Chairman Draganic stated that the Committee will hold its next regular meeting on Monday evening, June 17, 2013.

Parks and Recreation

Parks and Recreation Committee Chairman Tripi stated that the Committee last met on Monday evening, May 20, 2013, and the minutes from that meeting are on file with the Clerk of Council.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Lecznar stated that the Committee will hold its next regular meeting on Monday evening, June 3, 2013. Mrs. Lecznar stated that the minutes from the Committee's previous meeting (May 6, 2013) 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 Monday evening, May 20, 2013, and the minutes from that meeting are on file with the Clerk of Council.

Mr. Barth stated that the Finance Committee will hold its next regular meeting on Monday evening, June 3, 2013.

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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.

ORDINANCES AND RESOLUTIONS

Ordinance No. 46-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A THREE-YEAR LEASE AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PARMA COMMUNITY GENERAL HOSPITAL IN ORDER TO LEASE 600 SQUARE FEET OF OFFICE SPACE, ALONG WITH NON-EXCLUSIVE USE OF THE PUBLIC RECREATIONAL SPACE, INCLUDING THE POOL, LOCKER ROOMS, AND COMMUNITY ROOMS, AND COMMON AREAS WITHIN THE RECREATION CENTER, AND THE COMMON AREAS AND PUBLIC PARKING AREAS ON THE PREMISES WITHIN THE SEVEN HILLS COMMUNITY RECREATION CENTER TO PARMA COMMUNITY GENERAL HOSPITAL FOR USE BY PHYSICAL THERAPY PATIENTS.

MOTION by Mr. Draganic, seconded by Mr. Barth, to table Ordinance No. 46-2013.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 46-2013 was tabled.

Ordinance No. 47-2013 – 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, 2013 THROUGH DECEMBER 31, 2013; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$2,210.00 FOR SAID SERVICE.

MOTION by Mr. Barth, seconded by Mr. Draganic, to read Ordinance No. 47-2013 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

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Ordinance No. 47-2013 was read by full title only for its third and final reading.

MOTION by Mr. Barth, seconded by Mr. Draganic, to pass Ordinance No. 47-2013.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 47-2013 IS DECLARED PASSED.

Ordinance No. 48-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ENTERTAINMENT ENTERPRISES FOR THE PURPOSE OF PROVIDING A BUNGEE TRAMPOLINE AND CLIMBING WALL RENTAL FOR THE CAMP PICNIC AT THE RECREATION CENTER AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$2,092.00 FOR SAID TRAMPOLINE AND CLIMBING WALL.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 48-2013 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 48-2013 was read by full title only for its third and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 48-2013.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 48-2013 IS DECLARED PASSED.

Ordinance No. 49-2013 – AN ORDINANCE TO AMEND CHAPTER 125, MAYOR, AS CONTAINED IN TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REPEALING SECTION 125.082, RECREATION BOARD SECRETARY.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Ordinance No. 49-2013 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 49-2013 was read by full title only for its third and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to pass Ordinance No. 49-2013.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 49-2013 IS DECLARED PASSED.

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Ordinance No. 50-2013 – AN ORDINANCE TO AMEND TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REPEALING CHAPTER 149, ENTITLED “RECREATION BOARD”.

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to read Ordinance No. 50-2013 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 50-2013 was read by full title only for its third and final reading.

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to pass Ordinance No. 50-2013.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 50-2013 IS DECLARED PASSED.

MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to amend Ordinance No. 54-2013 by removing the emergency clause in the title and in the body of the Ordinance, and reverting the Ordinance to its first reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 54-2013 – AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT TO ASSIGN LEASE AND SUCCESSOR LEASE RENTS AND A MARKETING AND SERVICES AGREEMENT WITH AP WIRELESS INVESTMENTS I, LLC.

Amended Ordinance No. 54-2013 was read by full title only for its first reading.

Ordinance No. 55-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH MOUNT ALVERNA VILLAGE OF PARMA, OHIO, FOR THE PURPOSE OF RECRUITING, CONTRACTING AND MANAGEMENT OF THE SEVEN HILLS SENIOR HEALTH AND FITNESS FAIR BEING HELD WEDNESDAY, MAY 29, 2013; AND DECLARING AN EMERGENCY.

MOTION by Mr. Draganic, seconded by Mr. Barth, to read Ordinance No. 55-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 55-2013 was read by full title only for its final reading.

MOTION by Mr. Draganic, seconded by Mr. Barth, to pass Ordinance No. 55-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 55-2013 IS DECLARED PASSED.

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Ordinance No. 56-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE REGIONAL INCOME TAX AGENCY OF BRECKSVILLE, OHIO, IN AN AMOUNT NOT TO EXCEED \$7,500.00, TO PARTICIPATE IN THE SUBPOENA DELINQUENT TAXPAYER PROGRAM WITH RITA AT A COST OF \$8.00 PER SUBPOENA MAILED; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 56-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 56-2013 was read by full title only for its final reading.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 56-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 56-2013 IS DECLARED PASSED.

Ordinance No. 57-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH COURTVIEW JUSTICE SOLUTIONS OF NORTH CANTON, OHIO, FOR THE PURPOSE OF PERFORMING ANNUAL MAINTENANCE AND SUPPORT OF THE MAYOR'S COURT GBS SOFTWARE AND THE RIGHT-TO-USE LICENSE AND APPROPRIATING THE SUM NOT TO EXCEED ONE THOUSAND EIGHT HUNDRED NINETY DOLLARS (\$1,890.00) FOR SAID SERVICE.

Ordinance No. 57-2013 was read by full title only for its first reading.

Ordinance No. 58-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH LAKEFRONT LINES, INC./HOPKINS, OF CLEVELAND, OHIO, TO PROVIDE TRANSPORTATION FOR A BUS TRIP TO ERIE, PENNSYLVANIA (PRESQUE ISLE DOWNS & CASINO), ON JUNE 13, 2013, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$1,512.00 FOR SAID SERVICE.

Ordinance No. 58-2013 was read by full title only for its first reading.

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Ordinance No. 59-2013 – AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SEVEN HILLS, OHIO, A CERTAIN CHARTER AMENDMENT PURSUANT TO ARTICLE X OF THE CHARTER OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING ARTICLE III, THE COUNCIL, SECTION 3, QUALIFICATIONS.

Ordinance No. 59-2013 was read by full title only for its first reading.

Ordinance No. 60-2013—AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SEVEN HILLS, OHIO, A CERTAIN CHARTER AMENDMENT PURSUANT TO ARTICLE X OF THE CHARTER OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING ARTICLE III, THE COUNCIL, SECTION 4, SALARIES AND BONDS.

Ordinance No. 60-2013 was read by full title only for its first reading.

Ordinance No. 61-2013 – AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SEVEN HILLS, OHIO, CERTAIN CHARTER AMENDMENTS PURSUANT TO ARTICLE X OF THE CHARTER OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING ARTICLE V, ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS, SECTION 9, RECREATION BOARD.

Ordinance No. 61-2013 was read by full title only for its first reading.

Resolution No. 7-2013 – A RESOLUTION AMENDING AND/OR RESTATING THE OHIO POLICE AND FIRE PENSION FUND PICK-UP RESOLUTION OF THE COUNCIL OF THE CITY OF SEVEN HILLS, OHIO, OF CUYAHOGA COUNTY; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Resolution No. 7-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 7-2013 was read by full title only for its final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to adopt Resolution No. 7-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 7-2013 IS DECLARED ADOPTED.

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Resolution No. 8-2013 – A RESOLUTION APPROVING THE PROPOSED TAX BUDGET FOR THE CITY OF SEVEN HILLS, OHIO, FOR THE FISCAL YEAR 2014.

Resolution No. 8-2013 was read by full title only for its first reading.

COUNCIL OPEN TO THE AUDIENCE

There were no questions or comments from the audience.

MISCELLANEOUS

Mrs. Lecznar had no miscellaneous comments.

Mr. Tripi:

First off, I'd like to say it's always a pleasure to have residents in the audience. We should have more of them. Sometimes you hear they have complaints and you go about getting your petitions signed, so I tell them to come up here where the action is. They should come and speak their peace.

Secondly, I have been at a couple of events and talking to people. Deer still seems to be one of the biggest issues. I would encourage everybody, and anybody who might read these minutes, that there are surveys – both at the Recreation Center and at City Hall – to get a hold of one, fill it out, and return it. It will be most helpful in trying to come up with a solution.

Mr. Trafis:

I have a couple variance requests. I have to apologize to my colleagues for not bringing it up in the Caucus meeting – it slipped my mind. But, we did talk about it at the last Caucus meeting last week. They are regarding Sean and Jade Needham at 446 Simich Drive.

At the May 8, 2013 Zoning Board of Appeals Meeting, the Board made the following motion regarding a variance request heard:

“That the Board vote whether the applicants, Sean T. and Jade A. Needham, property owners of 446 Simich Drive, should be granted a variance to Ordinance No. 1106.02(c), Driveway Construction, to allow the homeowners to place a driveway 2.5 feet from the side yard lot line.

Roll Call: 4 Yea, 0 Nay

Motion Carried
Variance Granted”

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MOTION by Mr. Trafis, seconded by Mr. Snitzky, to concur with the findings of the Zoning Board of Appeals of May 8, 2013, in granting the variance request of Sean and Jade Needham of 446 Simich Drive, to allow the replacement of the existing driveway to be 2.5 feet from the side yard lot line.
Roll Call: all yea **MOTION CARRIED**

Motion to Grant Subject Variance to the Needham Family is Approved

At the May 8, 2013 Zoning Board of Appeals Meeting, the Board made the following additional motion regarding a variance request heard:

“That the Board vote whether the applicants, Sean T. and Jade A. Needham, property owners of 446 Simich Drive, should be granted a variance to Ordinance No. 1106.02(d), Driveway Construction, to allow the existing replacement driveway to remain without the “vee” and/or the installation of a curb at least 4” wide and 4” high on the edge of the driveway to direct the flow of water.

Roll Call: 0 Yea, 4 Nay

Motion Defeated
Variance Denied”

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to concur with the findings of the Zoning Board of Appeals of May 8, 2013, in denying the variance request of Sean and Jade Needham of 446 Simich Drive, to allow the replacement driveway to remain without the “vee” and/or the installation of a curb at least 4” wide and 4” high on the edge of the driveway to direct the flow of water.
Roll Call: all yea **MOTION CARRIED**

Motion to Grant Subject Variance to the Needham Family is Denied

(For record purposes, Sean and Jade Needham have agreed to put the curb on the driveway.)

Monday, June 3rd is the deadline for senior citizens and permanently disabled to qualify for the 2013 Homestead Exemption. That’s a credit, or exemption, on the first \$25,000.00 of home valuation, so anybody that is listening to this meeting or reading the minutes, that’s the deadline.

Council President Barth asked what the age requirement was.

Mr. Trafis answered “sixty-five years”.

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Mr. Trafis (continued):

Finally, on a more somber note, a few weeks ago, one of our former part-time police officers, John Babroski, passed away of liver cancer. He was diagnosed just a couple of months ago, and it didn't last very long. Our sympathies to his family.

Mr. Snitzky:

I just wanted to say that once again I was pleased and very touched to be at the Memorial Day celebration for the City. It gets to me every year when we do this. It always makes me think of my father and my father-in-law. They did a wonderful job again. Everybody that was involved should be commended – the Administration, Chris Matthews, and all the Service Department and Engineering Department people. I saw Mr. Papke out there pulling down yellow tape after the parade, in the rain. I just wanted to thank the City for continuing to do this. It was a wonderful service.

Mr. Draganic had no miscellaneous comments.

Council President Barth:

I would also like to congratulate the Mayor and the VFW for such a successful Memorial Day Parade and Veterans Memorial Park Dedication. The ceremony was well done, very moving, and a great tribute to those that served. Mayor, your words yesterday about our veterans and our nation were particularly meaningful – particularly meaningful. Once again, a job well done.

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 had no formal report.

City 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:

Just very briefly. I just want to thank all of our staff, directors, employees, everybody on the dais, involved in the Memorial Day observation yesterday. It was a truly moving and emotional observation for me, personally, and I believe that we did Seven Hills proud. I just want to thank everybody for everything that you did – the contributions that you all made. The Memorial Garden and Memorial Wall will be there for generations on rendering the kind of dignity, solemnity, and honor that we certainly owe to those who sacrificed their lives for our freedoms.

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

Roll Call: all yea

MOTION CARRIED

The May 28, 2013 Council Meeting was adjourned at 8:29 p.m.

Michael C. Barth, President of Council

Attest: _____

Carol L. Sekerak, Clerk of Council

Date: _____