

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD July 22, 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 Bentkowski, 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 Snitzky and Building Commissioner Moro.

Council President Barth stated, for the record, that he would like to excuse Councilman-at-Large Snitzky from the meeting this evening. Mr. Barth said that Councilman Snitzky called him this afternoon, was quite ill, and was seeing his doctor.

READING AND DISPOSAL OF JOURNAL

MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to accept the Minutes of the Regular Council Meeting held July 8, 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 July 22, 2013, if there is no division of the question, by removing Motion No. 1 and Motion No. 2 in their entirety.

Roll Call: all yea

MOTION CARRIED

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to accept the Amended Consent Agenda of July 22, 2013, as revised by omitting Motion Nos. 1 and 2, if there is no division of the question.

Mr. Bentkowski stated:

“I will be voting ‘yes’ based on the assurances that none of those bills on the Consent Agenda relate to him, including Motion No. 3 which is from Squire Sanders.”

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, July 15, 2013, and the minutes from that meeting will be filed with the Clerk of Council this week. Mr. Trafis stated that the Planning, Zoning, and Economic Development Committee will hold its next regular meeting on Monday evening, September 16, 2013.

Public Works

Public Works Committee Chairman Bentkowski stated that the Committee last met in Special Session on Monday evening, July 15, 2013. Chairman Bentkowski stated they were able to pass some important items at the request of Engineer Papke before the August break. He said the minutes from that special meeting are on file with the Clerk of Council. Mr. Bentkowski said that the Public Works Committee will hold its next regular meeting when they return in September, on Tuesday evening, September 3, 2013.

Community Services

Council President Barth stated that Community Services Chairman Snitzky was not present. Mr. Barth stated that the Community Services Committee will hold its next regular meeting on Tuesday evening, September 3, 2013.

Police and Fire

Police and Fire Committee Chairman Draganic stated that the Committee will hold its next regular meeting on Monday evening, September 16, 2013.

Parks and Recreation

Parks and Recreation Committee Chairman Tripi stated that the Committee last met on Monday evening, July 15, 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 last met on Monday evening, July 1, 2013, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Lecznar stated that the Rules Committee will hold its next regular meeting on the first Tuesday after the break, September 3, 2013.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, July 15, 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 Tuesday evening, September 3, 2013, which is the day after Labor Day.

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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. 21-2012 – AN ORDINANCE TO AMEND TITLE NINE, BUSINESS REGULATIONS, AS CONTAINED IN PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS BY ADDING NEW CHAPTER 179 ENTITLED “MECHANICAL AMUSEMENT DEVICES AND INTERACTIVE ENTERTAINMENT AND COMPUTER SWEEPSTAKE DEVICES”; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Barth, to read Ordinance No. 21-2012 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 21-2012 was read by full title only for its final reading.

MOTION by Mr. Trafis, seconded by Mr. Barth, to pass Ordinance No. 21-2012 as an emergency measure.

Mr. Trafis stated:

“Last year when the internet cafes were an issue, or a topic of discussion rather, I introduced legislation to regulate the two existing internet cafes at the time. Now things have changed. Those internet cafes are closed and the State has done some other things with those businesses. Therefore, we no longer need this proposed ordinance.”

Mr. Bentkowski stated:

“I’m simply voting to remove this from being tabled and to get rid of it because as the Councilman indicated it is no longer relevant. This vote has nothing to do with any particular discussions about anything relating to internet cafes. This is simply to get it off the agenda from being tabled.”

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Council President Barth stated:

“I think that’s the sentiment of the whole Council. Thank you for expressing it so eloquently Councilman Bentkowski.”

Roll Call: all nay

MOTION DEFEATED

ORDINANCE NO. 21-2012 IS DECLARED DEFEATED.

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. Barth, seconded by Mr. Draganic, to read Ordinance No. 46-2013 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 46-2013 was read by full title only for its third and final reading.

MOTION

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

Mr. Bentkowski stated:

“I just want to congratulate everyone. I think this is a great thing. I have said this before at other meetings. I think you and Tom Littlepage at one point during my Administration sought to do this, and I’d like to think that probably helped start the process a little bit. But, certainly, the Mayor and his people deserve full credit for bringing it over the goal and making it come to fruition. So, I think it’s a great thing and I will be voting for it.”

Mr. Trafis stated:

“I have a prepared statement for this one. The joint effort of bringing health services into the Seven Hills Recreation Center is a good thing for our residents and for our City. A similar endeavor was pursued by Seven Hills a little over a decade ago when the Recreation Center opened, but Parma Hospital was not in the position at that time to commit to being part of the Recreation Center. Now they are. I do, however, still have reservations over the signage, which I expressed in detail in a June 3rd correspondence to all Elected Officials enumerating why I felt the signage was excessive and would possibly be counterproductive to the original objectives of the Recreation Center, such as City pride, a Seven Hills central theme, and sense of community.”

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Mr. Trafis (continued):

“Since that time there have been many discussions, tours, and collaborations that will hopefully result, and my concerns to be somewhat rectified, with planned new and increased signage bearing the Seven Hills name and image. Hopefully the new Seven Hills signage will compensate for the new sponsorship signage of the Parma Community Hospital so as to clearly indicate the Seven Hills Recreation Center is truly the cornerstone of our City – Seven Hills. With that, I am excited to see this endeavor come to Seven Hills and I thank the Mayor for all the work he’s done on that, and the Council President as well.”

Mr. Tripi stated:

“I would just like to say, Mr. Mayor, thank you – and everybody else who was involved that helped make this a reality. I think it’s good for the City, and it’s good for the budget. Job well done.”

Council President Barth stated:

“I would also like to congratulate the Mayor and all those involved in this agreement. It has been a long and difficult process. The process began about four years ago when then-Council President Dell’Aquila, Parks Chairman Councilman Draganic, and I visited the Brunswick Recreation Center and were made aware of a relationship between Southwest General Hospital and that recreation center. The thought was, why can’t we do something similar with Parma Community Hospital? With the blessing of Mayor Bentkowski, Rick, who was the Council President then, and I, approached the Hospital Administration who expressed an interest. We then met with them a number of times. One of the questions that came up was if we could legally enter into such a lease with the hospital. Once all the questions were answered and due diligence met, the Hospital Board needed to approve the agreement that was being negotiated. The final agreement was negotiated by Mayor Dell’Aquila and with the help of the two new Board members appointed by Mayor Dell’Aquila – Eric Moore and Nino Seritti – the agreement in front of us was subsequently passed by the Hospital Board. This becomes even more exciting and may even provide us with more opportunities with University Hospital now in the picture.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 46-2013 IS DECLARED PASSED.

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Ordinance No. 65-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A ONE-YEAR PROFESSIONAL SERVICE CONTRACT AND FACILITY LEASE AGREEMENT WITH THE INFANT SWIMMING RESOURCE OF NORTH OLMSTED, OHIO, FOR THE PURPOSE OF PROVIDING SPECIALIZED CERTIFIED SWIM INSTRUCTION FOR CHILDREN AGED 6 MONTHS TO 6 YEARS OLD AT THE CITY OF SEVEN HILLS COMMUNITY RECREATION COMPLEX.

MOTION by Mr. Bentkowski, seconded by Mr. Trafis, to read Ordinance No. 65-2013 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 65-2013 was read by full title only for its third and final reading.

MOTION by Mr. Bentkowski, seconded by Mr. Trafis, to pass Ordinance No. 65-2013.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 65-2013 IS DECLARED PASSED.

Ordinance No. 66-2013—AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SEASONAL PROFESSIONAL SERVICE CONTRACT WITH RONALD ROSE, FLAG FOOTBALL LEAGUE COMMISSIONER, ASSOCIATED WITH THE CITY OF SEVEN HILLS RECREATION COMPLEX FLAG FOOTBALL SPRING AND FALL 2013 LEAGUE.

MOTION by Mr. Draganic, seconded by Mr. Bentkowski, to read Ordinance No. 66-2013 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 66-2013 was read by full title only for its third and final reading.

MOTION by Mr. Draganic, seconded by Mr. Bentkowski, to pass Ordinance No. 66-2013.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 66-2013 IS DECLARED PASSED.

Ordinance No. 67-2013—AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH IMAGE BUILDERS MARKETING, INC., OF NORTH ROYALTON, OHIO, IN AN AMOUNT NOT TO EXCEED \$925.00, FOR THE PURPOSE OF ADVERTISING THE CITY OF SEVEN HILLS RECREATION COMPLEX IN THE 2013-2014 PARMA AREA CHAMBER OF COMMERCE BOOKLET.

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MOTION by Mr. Trafis, seconded by Mr. Barth, to read Ordinance No. 67-2013 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 67-2013 was read by full title only for its third and final reading.

MOTION by Mr. Trafis, seconded by Mr. Tripi, to pass Ordinance No. 67-2013.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 67-2013 IS DECLARED PASSED.

Amended Ordinance No. 71-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH EXTEND TECHNOLOGIES, OF BROADVIEW HEIGHTS, OHIO, IN AN AMOUNT NOT TO EXCEED \$1,089.00, TO EVALUATE AND MAKE RECOMMENDATIONS TO IMPROVE COUNCIL CHAMBERS, “ROOM B” AND “ROOM C” SOUND SYSTEM IN CITY HALL; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bentkowski, seconded by Mr. Draganic, to read Amended Ordinance No. 71-2013 by title only for its second and final reading.

Mr. Trafis stated:

“I am friends with the owner of this company, so I will be recusing myself from this vote.”

Roll Call: all yea (Trafis recused) **MOTION CARRIED**
Amended Ordinance No. 71-2013 was read by full title only for its final reading.

MOTION by Mr. Bentkowski, seconded by Mr. Draganic, to pass Amended Ordinance No. 71-2013 as an emergency measure.

Mr. Bentkowski stated:

“Just to be clear, and that’s fine that Matt is recusing himself, but you don’t have to recuse yourself if you have a friendship with somebody. It’s a business relationship – a family relationship. I don’t want us to get into the practice where everyone feels they need to recuse themselves if they know somebody, because most of us know almost everybody that ever comes before the City. So that’s fine, and Matt can do as he wishes there. But, for the public that may be wondering, it’s not improper to vote on something where you know the person.”

Roll Call: all yea (Trafis recused) **MOTION CARRIED**

AMENDED ORDINANCE NO. 71-2013 IS DECLARED PASSED.

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Ordinance No. 75-2013 – AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND THE DEPARTMENT OF HOMELAND SECURITY (DHS) GRANT (#EMW-2012-FO-03470) ASSISTANCE TO FIREFIGHTERS GRANT – OPERATIONS AND SAFETY PROGRAM, IN THE AMOUNT OF \$73,270.00 (Federal Share 95% or \$69,607.00 of the approved amount and the City’s share 5% or \$3,663.00 of the approved amount); AND DECLARING AN EMERGENCY.

MOTION by Mrs. Lecznar, seconded by Mr. Barth, to read Ordinance No. 75-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 75-2013 was read by full title only for its final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Barth, to pass Ordinance No. 75-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 75-2013 IS DECLARED PASSED.

Ordinance No. 76-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A JOINT ECONOMIC DEVELOPMENT ZONE AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE CITY OF CLEVELAND IN ORDER TO FACILITATE NEW OR EXPANDED GROWTH FOR COMMERCIAL OR ECONOMIC DEVELOPMENT FOR THE BENEFIT OF THE CITY AND STATE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Barth, seconded by Mrs. Lecznar, to read Ordinance No. 76-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 76-2013 was read by full title only for its final reading.

MOTION by Mr. Barth, seconded by Mrs. Lecznar, to pass Ordinance No. 76-2013 as an emergency measure.

Council President Barth stated:

“My comments pertain to not only Ordinance No. 76-2013, but also Ordinance Nos. 77-2013 and 78-2013 as well since they are all related. Passage of these ordinances is particularly gratifying to me. It was back in 2008 when I first brought a former City of Cleveland colleague of mine, Water Commissioner Chris Neilson, to the Council Caucus Room to discuss an agreement between Cleveland and Seven Hills. Rick Dell’Aquila was Council President at that time and Caryl Lecznar as Council President Pro Tem are the only other ones on this dais that were on Council at that time. Most on Council and in the Administration were somewhat skeptical at first, but all kept an open mind.”

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Council President Barth (continued):

“I was finally able to broker an agreement that was green-lighted by Mayor Bentkowski and passed unanimously by the Council. I mention their names because without their support this could not have been a reality. This was an agreement that has brought Seven Hills millions of dollars in infrastructure improvements and tax revenues and there are more improvements scheduled for this year. I hesitate to think where we might be without it. Another example of taking advantage of an opportunity was the agreement we passed tonight with Parma Hospital. Not only does it provide us with additional revenues now, but also can open many doors for us in the future. I am speaking to this tonight because it is important that we, as a City, keep an open mind to each and every opportunity provided us and continue to look outside the box to enhance and improve our City.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 76-2013 IS DECLARED PASSED.

Ordinance No. 77-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ASSET TRANSFER AGREEMENT FOR DIRECT SERVICE ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE CITY OF CLEVELAND; AND DECLARING AN EMERGENCY.

MOTION by Mr. Tripi, seconded by Mr. Barth, to read Ordinance No. 77-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 77-2013 was read by full title only for its final reading.

MOTION by Mr. Tripi, seconded by Mr. Barth, to pass Ordinance No. 77-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 77-2013 IS DECLARED PASSED.

Ordinance No. 78-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE RESTATEMENT OF THE WATER SERVICE AGREEMENT FOR DIRECT SERVICE ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE CITY OF CLEVELAND; AND DECLARING AN EMERGENCY.

MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to read Ordinance No. 78-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 78-2013 was read by full title only for its final reading.

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MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to pass Ordinance No. 78-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 78-2013 IS DECLARED PASSED

Ordinance No. 79-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A RITA TAX AUTHORITY PORTAL MEMBER AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE REGIONAL INCOME TAX AGENCY OF BRECKSVILLE, OHIO, IN ORDER TO ACCESS THEIR COMPUTER APPLICATION SERVICES THAT ARE PROVIDED TO MEMBER MUNICIPALITIES; AND DECLARING AN EMERGENCY.

MOTION by Mr. Draganic, seconded by Mr. Trafis, to read Ordinance No. 79-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 79-2013 was read by full title only for its final reading.

MOTION by Mr. Draganic, seconded by Mr. Trafis, to pass Ordinance No. 79-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 79-2013 IS DECLARED PASSED.

Ordinance No. 80-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A TOLLING AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH MICHAEL J. PALAZZO, JR., TO PURSUE DISCUSSION TO DETERMINE IF A MUTUALLY ACCEPTABLE RESOLUTION OF DISPUTED CLAIMS CAN BE REACHED; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Bentkowski, to read Ordinance No. 80-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 80-2013 was read by full title only for its final reading.

MOTION by Mr. Trafis, seconded by Mr. Bentkowski, to pass Ordinance No. 80-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 80-2013 IS DECLARED PASSED.

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Ordinance No. 82-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A GROUP SALES AGREEMENT WITH THE GREAT LAKES SCIENCE MUSEUM FOR THE PURPOSE OF PROVIDING A SCHEDULED FIELD TRIP ON JULY 25, 2013 FOR THE SUMMER CAMP PROGRAM PARTICIPANTS ENROLLED AT THE CITY OF SEVEN HILLS RECREATION CENTER, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$663.00 FOR SAID SCHEDULED FIELD TRIP TO THE GREAT LAKES SCIENCE CENTER; AND DECLARING AN EMERGENCY.

MOTION by Mr. Tripi, seconded by Mr. Trafis, to read Ordinance No. 82-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 82-2013 was read by full title only for its final reading.

MOTION by Mr. Tripi, seconded by Mr. Trafis, to pass Ordinance No. 82-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 82-2013 IS DECLARED PASSED

Ordinance No. 83-2013 – 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 THE COLUMBUS, OHIO, CASINO ON AUGUST 1, 2013; AUTHORIZING AN AMOUNT NOT TO EXCEED \$1,450.00 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bentkowski, seconded by Mr. Draganic, to read Ordinance No. 83-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 83-2013 was read by full title only for its final reading.

MOTION by Mr. Bentkowski, seconded by Mr. Draganic, to pass Ordinance No. 83-2013 as an emergency measure.

Mr. Bentkowski stated:

“Whenever there’s an issue where it looks like we’re spending money to go to a casino, we always like to clarify for the residents that this is a money-in for money-out arrangement. That money is reimbursed from the people who purchase the tickets to take the bus ride, so the City is not paying for people to go to the casino.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 83-2013 IS DECLARED PASSED

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MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to amend Ordinance No. 84-2013 by adding the words “*and declaring an emergency*” to the title, and by adding the emergency clause to Section 4.
Roll Call: all yea **MOTION CARRIED**

Amended Ordinance No. 84-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH NATALIA A. HUNT FOR THE PURPOSE OF PROVIDING ADULT FITNESS PROGRAMS (CARDIO, BOOT, AND INSANITY CLASSES) AT THE COMMUNITY RECREATION CENTER FOR THE REMAINDER OF THE YEAR 2013; AND DECLARING AN EMERGENCY.

MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to read Amended Ordinance No. 84-2013 by title only for its final reading.
Roll Call: all yea **MOTION CARRIED**

Amended Ordinance No. 84-2013 was read by full title only for its final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to pass Amended Ordinance No. 84-2013 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

AMENDED ORDINANCE NO. 84-2013 IS DECLARED PASSED

Ordinance No. 85-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH HALL PUBLIC SAFETY CO., OF HARTVILLE, OHIO, FOR THE PURPOSE OF OUTFITTING A NEW CITY OF SEVEN HILLS POLICE DEPARTMENT 2013 CHEVY CAPRICE PATROL CAR, WITH APPURTENANCES, AND APPROPRIATING THE SUM NOT TO EXCEED SIX THOUSAND FIVE HUNDRED FOURTEEN DOLLARS AND SEVENTY-ONE CENTS (\$6,514.71) FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Draganic, seconded by Mr. Bentkowski, to read Ordinance No. 85-2013 by title only for its final reading.

Roll Call: all yea **MOTION CARRIED**
Ordinance No. 85-2013 was read by full title only for its final reading.

MOTION by Mr. Draganic, seconded by Mr. Bentkowski, to pass Ordinance No. 85-2013 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 85-2013 IS DECLARED PASSED.

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Ordinance No. 86-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH B&B MUSIC OF CLEVELAND, OHIO, FOR THE PURPOSE OF PLACING AND MAINTAINING AN ATM MACHINE AT THE HOME DAYS FESTIVAL ON JULY 26TH THROUGH JULY 28TH, 2013; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Barth, to read Ordinance No. 86-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 86-2013 was read by full title only for its final reading.

MOTION by Mr. Trafis, seconded by Mr. Barth, to pass Ordinance No. 86-2013 as an emergency measure.

Mr. Bentkowski stated:

“This just looks like a really bad idea. Even if we had time to get the contract in place, we don’t make a dollar until after the first 100 transactions, which I don’t think would actually take place at Home Days. Hopefully we won’t waste any more staff time on this.”

Mr. Draganic stated:

“I would also like to add that I believe that this particular agreement has been rescinded, or at least effectively rescinded, and therefore we will be voting ‘no’ on this as a matter of clearing it from the agenda, but not necessarily a statement on the validity of having an ATM at Home Days.”

Roll Call: all nay

MOTION DEFEATED

ORDINANCE NO. 86-2013 IS DECLARED DEFEATED.

Ordinance No. 87-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH OSBORN ENGINEERING OF CLEVELAND, OHIO, TO PERFORM AN ENERGY ASSESSMENT OF CITY-OWNED BUILDINGS AND ASSOCIATED EXTERIOR LIGHTING IN AN AMOUNT NOT TO EXCEED \$21,000.00; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bentkowski, seconded by Mrs. Lecznar, to read Ordinance No. 87-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 87-2013 was read by full title only for its final reading.

MOTION by Mr. Bentkowski, seconded by Mrs. Lecznar, to pass Ordinance No. 87-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 87-2013 IS DECLARED PASSED.

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Ordinance No. 88-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A MERCANTILE CUSTOMER PROJECT COMMITMENT AGREEMENT, CASH REBATE OPTION, ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, FOR THE PURPOSE OF ACCEPTING A \$2,312.00 REBATE FOR ENERGY CONSERVATION IMPROVEMENTS PERFORMED AT THE FIRE DEPARTMENT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Tripi, seconded by Mr. Trafis, to read Ordinance No. 88-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 88-2013 was read by full title only for its final reading.

MOTION by Mr. Tripi, seconded by Mr. Trafis, to pass Ordinance No. 88-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 88-2013 IS DECLARED PASSED.

Ordinance No. 89-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A MERCANTILE CUSTOMER PROJECT COMMITMENT AGREEMENT, EXEMPTION OPTION, ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, FOR THE PURPOSE OF ACCEPTING ESTIMATED EXEMPTIONS FOR ENERGY CONSERVATION IMPROVEMENTS PERFORMED AT THE RECREATION COMPLEX (\$37,756.00 OVER 138 MONTHS) AND AT THE SERVICE GARAGE (\$4,479.00 OVER 150 MONTHS); AND DECLARING AN EMERGENCY.

MOTION by Mrs. Lecznar, seconded by Mr. Bentkowski, to read Ordinance No. 89-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 89-2013 was read by full title only for its final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Bentkowski, to pass Ordinance No. 89-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 89-2013 IS DECLARED PASSED.

MOTION by Mr. Draganic, seconded by Mr. Trafis, to amend Ordinance No. 90-2013 by changing a typographical error in Line 4 of the Title, from \$112.80/each month to the corrected amount of **\$112.89/each month.**

Roll Call: all yea

MOTION CARRIED

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Amended Ordinance No. 90-2013 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A 63-MONTH PRODUCT LEASE AGREEMENT WITH MAILFINANCE OF MILFORD, CT (A NEOPOST USA COMPANY), FOR THE LEASE OF ONE NEW POSTAGE METER, MODEL IN600HFWP10 IN SERIES 600, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$7,112.07 (\$112.89 EACH MONTH); AND DECLARING AN EMERGENCY.

MOTION by Mr. Draganic, seconded by Mr. Trafis, to read Amended Ordinance No. 90-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 90-2013 was read by full title only for its final reading.

MOTION by Mr. Draganic, seconded by Mr. Trafis, to pass Amended Ordinance No. 90-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 90-2013 IS DECLARED PASSED.

Ordinance No. 91-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH JACKSON, DIEKEN & ASSOCIATES, OF WESTLAKE, OHIO, THROUGH NAUTILUS INSURANCE COMPANY, FOR THE PURCHASE OF FIREWORKS INSURANCE COVERAGE (\$850.00) AND TERRORISM INSURANCE COVERAGE (\$125.00); APPROPRIATING A SUM NOT TO EXCEED \$975.00 FOR THE FURNISHING OF SAID COVERAGES; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bentkowski, seconded by Mr. Draganic, to read Ordinance No. 91-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 91-2013 was read by full title only for its final reading.

MOTION by Mr. Bentkowski, seconded by Mr. Draganic, to pass Ordinance No. 91-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 91-2013 IS DECLARED PASSED.

MOTION by Mr. Draganic, seconded by Mrs. Lecznar, to amend Ordinance No. 92-2013, as follows:

- (1) **Replace** attached drawing, **Exhibit A-1**, in its entirety;
- (2) Amend Line 3, Page 1, of Exhibit A, from 4.4242 acres of land to **1.4242 acres of land**;

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- (3) Add the date of **July 21, 2013** in Section 2, Line 4, of Exhibit A, Page 2; and
- (4) Delete the words "*owned by Plaintiff*" in Section 2(c), Line 3, of Exhibit A, Page 2.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 92-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN THE AGREED JUDGMENT ENTRY (CUYAHOGA COUNTY COURT OF COMMON PLEAS CASE NUMBER 793243, Daisy Investment Co. vs. City of Seven Hills) ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO; AND DECLARING AN EMERGENCY.

MOTION by Mr. Draganic, seconded by Mrs. Lecznar, to read Amended Ordinance No. 92-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 92-2013 was read by full title only for its final reading.

MOTION by Mr. Draganic, seconded by Mrs. Lecznar, to pass Amended Ordinance No. 92-2013 as an emergency measure.

Roll Call: Barth, yea; Bentkowski, yea; Draganic, yea; Lecznar, yea;
Trafis, yea; Tripi, nay

5 yea, 1 nay

MOTION CARRIED

AMENDED ORDINANCE NO. 92-2013 IS DECLARED PASSED.

COUNCIL OPEN TO THE AUDIENCE

There were no questions or comments from the audience.

MISCELLANEOUS

Mrs. Lecznar:

I don't have any miscellaneous comments. I do, however, hope to see everyone at Home Days this weekend.

Mr. Tripi:

I'd like to wish everybody on the dais a nice month off – enjoy the five weeks. I hope to see everybody up at the festival.

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Mr. Trafis:

At the July 10, 2013 Zoning Board of Appeals Meeting, the Board made the following motion regarding a variance request heard:

“To vote whether applicants Salvatore DiMassa, Trustee, property owners of 6640 Karen Drive (Permanent Parcel No. 551-35-088), should be granted a variance to Ordinance No. 989.06, Width of Lot in any Residence District, to allow the property owner two parcels of land with a frontage of approximately 60 feet.

Roll Call: 5 yea, 0 nay

Motion Carried”

MOTION

by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of July 10, 2013, in granting the variance request of Salvatore DiMassa, Trustee, DiMassa Family Trust, as the owners of the property located at 6640 Karen Drive, a variance to Ordinance No. 989.06, Width of Lot in any Residence District, to allow the property owners two parcels of land with a frontage of approximately 60 feet.

Roll Call: all yea

MOTION CARRIED

Motion to allow a variance for Salvatore DiMassa of 6640 Karen Drive has been granted.

I just want to clarify the reason for my recusal on Ordinance No. 71-2013. At a prior Caucus Meeting I mentioned that I am friends with the owner of the company. The Law Director advised that I recuse myself, and that quite possibly could have been one of the meetings where Councilman Bentkowski was absent, so he may not have known about that. I know there have been a number of those meetings lately.

Mr. Bentkowski asked to be recognized from Council President Barth.

Council President Barth said, “You’ll get your turn.”

Mr. Bentkowski:

If Mr. Trafis wants to recuse himself.....

Council President Barth interrupted Mr. Bentkowski, saying “Let’s refrain from attacking each other. Make your statement like he made his statement.”

Well, I’m not attacking him. He just attacked me, and you sit there and do nothing.

Council President Barth said, “No, he did not. Make your remarks. Make your miscellaneous comments or you will lose your turn.”

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Mr. Bentkowski (continued):

He just made a snide remark about how I supposedly missed some meetings. If he's going to rely on bad advice from the Law Director, that's his business. So, I actually was generous and said you did have to recuse yourself. I'm clarifying it for the public. If you are that foolish to think you have to recuse yourself when you know somebody in the City, guess what? No one here is ever going to conduct business because over time we deal with every one of these people. We deal with every engineer. We deal with every land developer. We deal with every person. So the notion that you think you have to recuse yourself because you know somebody is foolish. So, what else is new with you.

I have no miscellaneous.

Mr. Draganic:

I'd just like to remind everyone in the audience and everyone who reads the minutes that we will be on recess for the month of August. Our next meeting will be September 3rd, which is actually a Tuesday, due to Labor Day Holiday on September 2nd.

While I'm at it, congratulations to Mr. DiMassa (*who was seated in the audience*). I watched you enjoy the entire long meeting tonight just to get your little section at the end.

Mr. DiMassa, from his seat in the audience, replied, "It was well worth it. Thank you."

Council President Barth asked, "It was?"

Mrs. Lecznar added, "Feel free to join us any time."

Council President Barth:

At this time I'm going to ask Councilman Bentkowski and Councilman Trafis to back away from the table for my floor motion.

At this point in the meeting (8:50 p.m.), Councilman Bentkowski and Councilman Trafis left Council Chambers briefly.

At this time I'd like to make a motion to authorize an expenditure, in the total amount of \$15,132.33, payable to Squire Sanders (US) LLP, of Cleveland, Ohio, for professional legal services rendered as special counsel to the City as a defendant, during the period from May 1, 2013 through May 31, 2013, in connection with the Bentkowski litigation matter, Cuyahoga County Court of Common Pleas Case No. CV13803270 (Invoice No. 8791853, dated June 25, 2013). Payment to be made from 101.731.58042. Mrs. Lecznar seconded the motion.

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It was determined the subject floor motion could not be considered by Council or formally acted upon at this meeting due to the fact that there was an insufficient number of affirmative votes present (five necessary) for passage.

Council President Barth withdrew his motion; Mrs. Lecznar withdrew her second.

Councilman Bentkowski and Councilman Trafis returned to Council Chambers at 8:52 p.m.

I guess I'm looking forward to seeing everybody at Homedays this weekend.

I would also like to congratulate my colleagues and the Administration on a very successful first half of the year despite some very trying times under some very difficult circumstances. I'd like to remind everybody not to get too complacent over the break.

Next on the agenda will be Reports from Directors. Since he has been here, I have found out that Director Johnson is not only a superb Finance Director but also a very modest and a quiet one, a true professional you are, Jack. As Chairman of the Finance Committee I have asked each of our Finance Directors to give my committee a quarterly report on the status of the General Fund and Director Johnson gave that report, along with a statement, last Monday at my committee meeting. I thought it important, especially this year, that his General Fund statement be read into the record tonight. So without further comment from me on the status of our finances, I will call on Finance Director Johnson first to give his report.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson gave the following report:

“Thank you, Mr. Chairman. To the President and Members of City Council, and to Mayor Dell’Aquila.

I am humbled by the privilege to have the opportunity to serve as Finance Director for the City of Seven Hills.

I am pleased to say that on June 30, 2013, the City of Seven Hills is on the road to financial recovery. The fiscal plan embarked upon several years ago is now showing in the positive financial results we are experiencing. I am pleased to inform you that General Fund revenue at the half-way point in the year is exactly on target.

Revenues at June 30 are \$471,000 ahead of June 30, 2012. All expenditure budgets

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Director of Finance Johnson (continued):

are at or around the 50% mark. The General Fund as a whole is at 49.07% of our budget. There are several areas that may need attention near the end of the year and I will provide a list of line items that bear watching as we progress through the balance of the year. The total of those possible amendments at this point is less than \$60,000 and are not of critical concern.

The reimbursement from the County for the energy efficiency project that was done last year in the amount of \$262,000 was \$62,000 more than we budgeted. Income tax collections are \$243,000 higher than at this point last year. None of the success we are experiencing would be possible were it not for an Administrative Team and a City Council that works very hard and very well together to insure that we provide quality services to our residents.

We received a rebate of premium from the Bureau of Worker's Compensation in the amount of \$77,000, this was not anticipated, and we've also recieved the first installment of the cell tower revenue in the amount of \$200,000. Both of these items will be posted in July.

We need to begin budgeting for long-term capital items. A five-year capital plan would allow us to plan for and prioritize capital expenditures in order of necessity. I have received requests from several departments requesting new personal computers. The computers in most departments are very old and beginning to fail. With reduced staff sizes, reliance on technology becomes more important. The roof at the Service Garage and City Hall are in desperate need of repair. We have compiled a list of the 10 worst roads that need to be repaired. That is estimated to be about 3 million dollars. There are a number of roadway improvements that will be necessary as a result of a new senior healthcare facility being built on Rockside Road at Pinnacle Park Drive. It is estimated those costs will be about \$750,000. Fortunately, TIF payments should be generated that would pay for these improvements over time, but we need to begin the process of planning for this project. We are in need of a new email system and very soon will have to replace our telephone system. Preventive maintenance on all parking lots around City Hall and the Recreation Center should be done in order to prevent costly repairs later on. We have a number of sanitary and storm sewers that need to be repaired and the list goes on and on. It is important that we begin to plan for these necessary things in order to avoid crisis management.

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Director of Finance Johnson (continued):

We continue to look for ways to save money and cut expenditures and generate new revenue but in the meantime we must still be able to operate as a City and provide services to residents. I believe we have done all we can to operate as efficiently as possible, long-term solutions to declining revenues still need to be considered in 2014.

Respectfully, Jack Johnson”

Thank you, Mr. Chairman, for listening.

Council President Barth thanked Finance Director Johnson for the good news.

Director of Law Pignatiello:

Yes, I have some comments. Mr. Trafis did, in fact, ask me if he should recuse himself from voting on the ordinance, and I said that I would – that he did not have to, but that if he felt for appearance sake that he should recuse himself, that I felt that would be fine. As far as David saying something is foolish, if we talk about what David has done that’s foolish, we’ll be here well into the wee hours of the morning. I have nothing else to say.

Councilman Bentkowski added, “And as usual, Mr. Barth says nothing in return.”

Director of Public Service and Properties Lovece:

I want to thank Council for passing Ordinance Nos. 88-2013 and 89-2013. These ordinances allow the City to accept a cash rebate and two exemption rebates from First Energy totaling over \$44,000.00 as an incentive for reducing our electrical demand. As you may recall, the City was granted \$281,671.00 last year from the Cuyahoga County Planning Commission for twelve energy efficiency projects to various city-owned properties. The resulted improvements made the rebates possible. Now we have another opportunity for funding/financing again, sponsored by the Cuyahoga County Planning Commission with a project known as Retrofits for Energy Efficiency Works – it’s called RENEW. Ordinance No. 87-2013 authorizes the City to enter into a contract with Osborn Engineering for an updated energy assessment which is the first step in the process. Some potentially viable projects have already been identified where the study will provide further clarification for eligibility, propose energy savings, and cost information.

Council President Barth commented, “Thank you, Director. Good job again!”

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City Engineer Papke had no formal report.

Building Commissioner Moro was not present.

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila:

Thank you, Mr. President – Thank you Council. I am very pleased by the report that we just received from Finance Director Johnson. As I've said before, this job and the job of turning this City around are bigger than any single person. But I think everybody on this dais deserves some modicum of credit for where we find ourselves today. Eighteen months or so ago when I first took office, we were in a much more bleak condition than we find ourselves today. And I think there's sufficient credit to go around to everyone who participated to one degree or another in bringing in the fine result that we've just heard from our Finance Director. We should all congratulate yourselves for the fine effort and work that we perform on behalf of the City.

When I first ran for office almost two years ago, the primary motivating factor for me doing so was to turn around the City I grew up in. I recognized at that time that if I did not step forward and do what I thought needed to be done to manage the finances of our town, that we would be in a very, very serious condition in the future. There's no doubt that there's a financial loss in doing this job. I did it with my eyes open – I would do it again. Tonight's result makes all we put up with worth it.

I want to also thank Council for the many agreements that you passed this evening. As we all know, the only agreements that are binding on the City are those that the Council have approved. My one complaint is that now you've left me with a number of signatures that I have to put on these documents. But without cleaning up a number of these things before our break, many of the functions of the City would be impaired until you were again in session in September. So I thank you for expediting, Mr. President and Council, those many agreements that the City will be entering this evening.

I also want to thank you for everybody's work on the Parma Community General Hospital Lease arrangement over at the Recreation Center. We now know that with the possibility of an arrangement with UH, there may be some additional opportunities that I intend to explore with them. The possibility of delivering additional medical services to the patrons of the Recreation Center, the possibility of expanding into a wellness center facility of some type, as well as the possibility – although a remote one at this point – of a possible brick and mortar addition to our Recreation Center through the sponsorship with UH. I intend to have those discussions as early as next month.

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Mayor Dell'Aquila (continued):

Lastly, we are looking forward to Homedays. And I hope to see everybody there!

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

Roll Call: all yea

MOTION CARRIED

The July 22, 2013 Council Meeting was adjourned at 9:10 p.m.

Michael C. Barth, President of Council

Attest: _____

Carol L. Sekerak, Clerk of Council

Date: _____