

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 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 Snitzky, Councilman-at-Large Trafis, Ward 1 Councilman Barth, Ward 2 Councilman Tripi, Ward 3 Councilwoman Lecznar, Ward 4 Councilman Draganic, and Director of Public Service and Properties and Acting City Engineer Lovece. 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 October 28, 2013, as printed.

Roll Call: all yea

MOTION CARRIED

CONSENT AGENDA

Council President Barth stated there are two Consent Agendas before Council this evening for approval – Consent Agenda No. 1 and Consent Agenda No. 2. Council President Barth said that Councilmen Bentkowski and Trafis will recuse themselves from Consent Agenda No. 2.

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to accept **Consent Agenda No. 1** of November 11, 2013, as printed, if there is no division of the question.

Roll Call: all yea

MOTION CARRIED

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to accept **Consent Agenda No. 2** of November 11, 2013, as printed, if there is no division of the question.

Roll Call: Barth, yea; Bentkowski (recused); Draganic, yea;
Lecznar, yea; Snitzky, yea; Trafis (recused); Tripi, yea
5 yea, 0 nay (Bentkowski and Trafis recused)

MOTION CARRIED

RESOLUTIONS OF COMMENDATION

There were no Resolutions of Commendation.

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 2013

REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

Planning, Zoning, and Economic Development Committee Chairman Trafis stated that the Committee will hold its next regular meeting on Monday evening, November 18, 2013. Mr. Trafis said that the minutes from the previous meeting held October 21, 2013 are on file with the Clerk of Council.

Public Works

Public Works Committee Chairman Bentkowski stated that the Committee will hold its next regular meeting on Monday evening, December 2, 2013, and he wasn't sure if he would be able to attend that meeting. Mr. Bentkowski said his preference would be to leave any new business for the incoming Council. Chairman Bentkowski stated if anything comes in that he would forward it to the Finance Committee or some other Caucus Meeting, and otherwise would defer and let the new Council have a crack at that meeting.

Community Services

Community Services Committee Chairman Snitzky stated that the Committee last met on Monday evening, November 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, December 2, 2013.

Police and Fire

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

Parks and Recreation

Parks and Recreation Committee Chairman Tripi stated that the Committee will also hold its next regular meeting on Monday evening, November 18, 2013.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Lecznar stated that the Committee last met on Monday evening, November 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 Committee Chairman Barth stated that the Committee last met on Monday evening, November 4, 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, November 18, 2013.

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 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.

ORDINANCES AND RESOLUTIONS

Amended Ordinance No. 109-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH COXCOM, LLC BUSINESS SERVICES OF CLEVELAND, OHIO, FOR THE PURPOSE OF SUPPLYING COX BUSINESS INTERNET AND TECHNICAL SUPPORT TO THE CITY OF SEVEN HILLS AND ITS FACILITIES, AND APPROPRIATING THE SUM NOT TO EXCEED \$311.96 PER MONTH FOR THIRTY-SIX MONTHS FOR A THREE-YEAR CONTRACT FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Draganic, seconded by Mr. Snitzky, to read Amended Ordinance No. 109-2013 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 109-2013 was read by full title only for its second and final reading.

MOTION by Mr. Draganic, seconded by Mr. Snitzky, to pass Amended Ordinance No. 109-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 109-2013 IS DECLARED PASSED.

Ordinance No. 110-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH DENISE DOWNING FOR THE PURPOSE OF PROVIDING ZUMBA CLASSES AT THE RECREATION CENTER FOR THE PERIOD COVERING JANUARY 1, 2013 THROUGH DECEMBER 31, 2013.

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 2013

Ordinance No. 110-2013 was read by full title only for its second reading.

Ordinance No. 111-2013 – AN ORDINANCE ACCEPTING THE CONSORTIUM BID OF GREAT LAKES PETROLEUM TO BE THE BEST CONSORTIUM BID THEREFORE; AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF ULTRA LOW SULFUR DIESEL PREMIUM FUEL, FOR THE PERIOD OF DECEMBER 9, 2013 THROUGH DECEMBER 8, 2014, TO BE USED BY THE SERVICE DEPARTMENT VEHICLES, FIRE DEPARTMENT VEHICLES, AND THE CITY HALL GENERATOR; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$46,000.00 FOR SAID PURCHASE.

Ordinance No. 111-2013 was read by full title only for its first reading.

Ordinance No. 112-2013 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE DISTRICT ADVISORY COUNCIL, CUYAHOGA COUNTY HEALTH DISTRICT, FOR THE PURPOSE OF PROVIDING PUBLIC HEALTH SERVICES.

Ordinance No. 112-2013 was read by full title only for its first reading.

COUNCIL OPEN TO THE AUDIENCE

Russ Mazzola, 1032 Cherry Lane, made the following comments:

“Well, actually, it’s Veterans Day, so I want to thank all the veterans for their service to the Country to preserve our freedom and democracy – if there is anybody in the room, I appreciate that. But I really came to congratulate the re-elected Councilmen – and I’ll go down the line – Caryl, and Mike, Tom and Matt – and thanks to Joe, Pete, and David for their services. We have some new people too – Jeff, Michele, and Tim. And I wish you all well. I know you have some challenges ahead of you, and it’s going to be rough for the next couple of years. On a personal note, I’m really glad I got to meet everyone, and I hope to see you all soon. I appreciate all the education I received in the last few months here. Thank you, and good luck to all of you.”

Council President Barth replied:

“Thank you, Russ, and thank you for showing up for the last couple of months. Thank you for your professional campaign, and I hope to see you here again. Thank you.”

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 2013

Aaron Lobas, 486 Justo Lane, made the following comments:

“First off I want to say congratulations to the three new Councilpersons. You guys all ran great campaigns and I wish you the best of luck. The one thing that I remember being on Council is I thought the best Council Representatives were the ones that worked the hardest, and you remember you’re there to represent the people. So if you keep that in mind, you’ll do great. Pete, I was thinking today what to say about you. I was thinking – if there was one guy stuck on a Sahara island, and he had a Reflo cup, and a Rubik’s Cube – you’re the survivor, you’d be able to figure a way out. And no matter what happens, Pete, you’re going to do great, so I wish you the best of luck. Joe, you’re the reason why I wanted to come up here tonight. And I’ll tell you, from lights shining in people’s back yards and dealing with all that, the walking around all those wards, and passing out flyers for people’s sewers, going to the Parma Schools meetings during the whole consolidation mess – it seemed liked we bonded. And I have really enjoyed every minute working with you – all the things we spoke about – I always thought you were really honest with me. I like your family, and I got to meet a lot of your family – and I wish you the best. Maybe one day I can buy you a cup of coffee. I wish you the best, Joe. I think you’re a good Councilman, and I’m sure the City will miss you.”

Council President Barth replied:

“Thank you for coming up here, Aaron.”

MISCELLANEOUS

Mrs. Lecznar:

Remember, today is Veterans Day. Freedom isn’t free. Often we pay the price, and the price is paid by our fighting men and women. Those are the people we honor today. Thank you very much for keeping the ‘US’ in the U.S.

Mr. Tripi:

Again, remember Veterans Day.

Congratulations to all the new Council people who will be joining us in about a month.

Mr. Bentkowski:

Same kind of remarks – fondly remembering all those who served.

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 2013

Mr. Bentkowski (continued):

This past election was one of the first elections I haven't been on the ballot in a while. I've actually won six elections in Seven Hills and never lost, and so I'm truly thankful to all the veterans that made that possible. My first election was back in 1995, and again our public service and our hard work up here is a sliver compared to the sacrifices that veterans have made for us, so that's greatly appreciated.

I will forever reflect fondly on some of the good things we did with our veterans over the years. Those are some of my happiest memories. The holiday party and helping get the memorial in front of City Hall built. One thing I'll never forget is how this City stepped up and how we handled the Andres tragedy. For those of you that were here and saw the Secret Service and the special forces come up to us after that event and say, '*This is the reason we serve*', and '*This is exactly the type of community that makes us want to fight and defend America*' – that is something I will carry with me forever. So, thank you to all our veterans.

Russ, thank you (*referring to Russ Mazzola, who was seated in the audience*) – that was probably one of the classiest things I have ever seen any candidate do in a long time. So thank you for being a gentleman and saying what you just said to everybody. That was a class act.

Mr. Snitzky:

You know, David, you took my fire. Russ, I ran against you. That was one of the classiest things I've ever seen – what you just did. Some times when you lose, you show grace. It's better than when you win, you show grace. And that was – it was really classy. I'm glad you're in my ward!

I want to thank the vets for their service. There are a couple I want to thank especially – my father who was in the 82nd Airborne, and both of my brothers-in-law who were in the Navy. My brother-in law, Pete, he served twenty-five years in the Navy on two carrier cruises at that time, so I wanted to thank those guys specifically.

I also want to congratulate all the incoming Council members, and request that they – and we -- be constructive during their tenures. I also want to thank the outgoing Council members for their contributions and their service.

Mr. Trafis:

On November 6, 2013 a Zoning Board of Appeals Meeting was held, and the Board made the following motion regarding a variance request heard:

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 2013

Mr. Trafis (continued):

“That the Board grant Richard and Antonina Knapper, of 380 Scenic Lane, a variance to Ordinance No. 997.04(d), Prohibited Fences, to allow the installation of a four-foot high welded-wire 14-gauge fence using an eight-foot heavy-duty u-post around the perimeter of the back wooded portion of the subject lot (the openings on the fence are standard two inches wide and four inches high).

Roll Call: 0 yea, 5 nay

Motion Denied”

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to concur with the findings of the Zoning Board of Appeals of November 6, 2013, in denying the variance request of Richard and Antonina Knapper of 380 Scenic Lane, concerning the installation of a four-foot high fence.

Roll Call: all yea

MOTION CARRIED

The motion to uphold the decision of the Zoning Board of Appeals in denying the Knapper fence variance request is passed.

There were also four other variance requests regarding Hamilton Health Care heard before the Zoning Board on November 6, 2013. Before Council can vote on them a Public Hearing is required, which will be scheduled soon. The residents will be made aware of the hearing and then subsequently Council will come back and vote on those variance requests. The proposed nursing home on Rockside, as I stated before, is a terrific project that will bring a lot of good things into Seven Hills – jobs, a place for seniors to move if they want to stay in Seven Hills and they can’t live on their own, along with improving the property in the area in that particular neighborhood. It’s a very good project and I’m excited for it to happen.

Congratulations to the new Council members. I look forward to working with you -- Jeff, Tim, and Michele.

Finally, Happy Veterans Day.

Mr. Draganic:

One of the bad things about being one of the last to speak up here is when we have an event and everybody mentions it, and you feel like you’re just saying the same thing. But I think Veterans Day is one of those events where you can never say enough about the thanks we give in the remembrance of our veterans and all their sacrifices and all that they do on a daily basis.

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 2013

Mr. Draganic (continued):

Beyond that I would also like to congratulate our Council-elect in the audience. Taking over in Ward 4 will be Michele Ernst – congratulations to you – you worked very hard. Mr. Fraundorf, congratulations to you as well. And Mr. Bryda, congratulations to you. Russ, congratulations to you, too. Because, as I'm sure we all know, not a whole lot of people are involved in government -- period. Except for a select few, we look at this room all the time, and it's practically an empty room. So, whenever a resident gets involved, and commits themselves, and campaigns or tries to make a difference, and give back to the community, I appreciate that and I respect that. So, win or lose, congratulations nonetheless.

Congratulations to my colleagues who will still be here. And maybe congratulations to me for getting away from the madness for a little bit of time. Thanks.

Council President Barth:

I'd also like to congratulate the winners, and especially the new Councilmen and Councilwoman. I look forward to serving with you.

Joe and Pete, it was a pleasure serving with you, and I want to thank you for your service to the City. But we have another meeting, and there will be more to say from me on all that.

Again, Happy Veterans Day. Thanks to all the veterans who have made us safe and secured our freedom.

At this time I'd like to make a motion to approve a moral claim.

MOTION by Mr. Barth, seconded by Mrs. Lecznar, to approve a Moral Claim to Garrett Mosback in the amount of \$568.00 for damages to his car.

The Clerk of Council brought to the Council President's attention that moral claims are generally approved by ordinance. Council President Barth asked Law Director Pignatiello if the subject moral claim could be entertained by floor motion. Law Director Pignatiello replied that he has seen it done both ways. Council President Barth asked Law Director Pignatiello if it was acceptable to proceed with a floor motion. Law Director Pignatiello stated yes.

Mr. Bentkowski stated:

“In Garrett's case, I think we all agreed a willingness to pay for it because apparently the City had prior knowledge of this particular pothole.”

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 2013

Mr. Bentkowski (continued):

“I just simply want that on the record that is the only reason we are approving this one. Certainly we don’t expect a floodgate now that every time everyone has some damage that they claim is due to us, it doesn’t create that problem for us. Historically, it’s a very high burden to prove. You’re supposed to be able to prove that the City knew of the pothole and didn’t fix it. Garrett has done that, so we are all cool with approving it for him. But I just don’t want to create a situation in the future where every resident that has any alleged damage because of us comes up here and says ‘*well you approved it for him*’. So I just want to be very clear that we’re approving it for him because he was able to demonstrate clearly that the City had knowledge.”

Council President Barth replied:

“Thanks for getting it on the record, Councilman.”

Mr. Draganic stated:

“Garrett -- and don’t take this personally at all -- I will be voting ‘*no*’ on this matter. Nothing to do with you, of course, and I don’t even disagree that you should be paid, but I just thought there was a different process by which you should do this. Based on that principle, I’ll be voting ‘*no*’ tonight.”

Mr. Tripi stated:

“I will also be voting ‘*no*’, mainly for the same reasons. I don’t have enough information yet to make a ‘*yes*’ vote.”

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

5 yea, 2 nay

MOTION CARRIED

Motion to approve a Moral Claim in the amount of \$568.00 to Garrett Mosback has been approved.

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.

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 2013

Director of Public Service and Properties and Acting City Engineer Lovece:

Briefly, congratulations to the newly elected Council people, and all the best to the departing Council people.

Regarding Veterans Day, I have quite a few relatives that are veterans, one in particular who lives down the street -- his name is Robert L. Hudson -- who was with the 82nd Airborne as well. He is very ill, and I wish him all the best.

Building Commissioner Moro was not present.

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila:

Again, I would echo everything that everybody has said here regarding Veterans Day.

Congratulations to our newly-elected Council Representatives as well as those who have served so ably, and those who ran and didn't win.

Veterans Day is a very special occasion for all Americans. When it was first created in 1919 to acknowledge the signing of the Armistice after World War I, it was first called Armistice Day. In 1954 it first became what we now recognize as Veterans Day through an act of President Eisenhower. We, in this country, have approximately 20 million living veterans among us, which means that approximately seven out of one hundred of our fellow citizens are veterans who have served. Incidentally, 1.5 to 1.6 million of those veterans happen to be female.

Those of us who have had family members who have been in the uniformed military services know that those who have served have sacrificed much, but so have those family members who have stayed home and made it possible for their loved ones to serve. I think it is also incumbent upon us today to recognize the contributions of the family members of our veterans who, indeed, made it possible for them to serve.

And so I would express on behalf of the City our recognition and thanks to everybody who has put forth so much effort to make this and keep this the wonderful country that it is.

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 11, 2013

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

Roll Call: all yea

MOTION CARRIED

The November 11, 2013 Council Meeting was adjourned at 8:30 p.m.

Michael C. Barth, President of Council

Attest: _____

Carol L. Sekerak, Clerk of Council

Date: _____