

# City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 25, 2013

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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, Assistant Director of Law DiChiro, 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 November 11, 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 both 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 25, 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 25, 2013, as printed.

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.

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## **REPORTS OF COMMITTEES**

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

Planning, Zoning, and Economic Development Committee Chairman Trafis stated that the Committee last met on Monday evening, November 18, 2013, and the minutes from that meeting are on file with the Clerk of Council. Mr Trafis said that the Planning, Zoning, and Economic Development Committee will hold its next regular meeting on Monday evening, December 16, 2013.

### **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 would not be present. Mr. Bentkowski said he would leave it for the new Council members to schedule their first 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, December 16, 2013.

### **Parks and Recreation**

Parks and Recreation Committee Chairman Tripi stated that the Committee last met on Monday evening, November 18, 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, 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 18, 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, December 2, 2013.

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## **APPOINTMENTS AND CONFIRMATIONS**

There were no appointments or confirmations.

## **COMMUNICATIONS, PETITIONS, AND CLAIMS**

Council President Barth recognized Mayor Dell'Aquila.

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

This evening we will be honoring an invaluable member of the City of Seven Hills Police Department. K-9 Rocky will be retiring and I hope that later on in the evening once the agenda item is reached, that Council will be authorizing the sale of Rocky to his handler after so many years of loyal service to the City. We have Rocky and Sergeant Dan Kappus in the audience this evening. I would like to extend to them a Mayoral Proclamation which, with your permission, I would like to read into the record, as it also contains some of the history of Rocky's work on behalf of the City of Seven Hills.

### **PROCLAMATION FROM THE MAYOR – K-9 ROCKY:**

*WHEREAS, K-9 ROCKY has been a loyal and dedicated member of the Seven Hills Police Department for over nine years and has earned the esteem and gratitude of the entire City for his invaluable service and now, the right to a happy and comfortable retirement; and*

*WHEREAS, the City of Seven Hills considers it right and proper to recognize and thank Rocky for his years of service to the City. During his time with the Police Department, Rocky participated in several notable events, including working in April of 2005 with his handler, Sergeant Daniel Kappus, and other area police departments along with the U.S. Secret Service in a security detail for a visit from President George W. Bush, and again in July of 2012 with a visit from President Barack Obama; and*

*WHEREAS, K-9 ROCKY was instrumental in almost 200 narcotics searches of buildings and vehicles, dozens of trackings, other searches and criminal apprehensions, resulting in 46 criminal charges. Always popular with our residents, especially children, Rocky served as the City's 'Good Will Ambassador' with Sergeant Kappus, participating in over 100 public relations events and demonstrations at home and in other local communities; and*

*WHEREAS, in June of 2005 Rocky assisted in the investigation of a dangerous local methamphetamine lab, resulting in a conviction on charges of illegal manufacturing of drugs. He also located numerous marijuana plants growing in a local wooded area. In a 2008 vehicle stop, Rocky found several bags of drugs hidden in the vehicle's heater vent. The driver was charged with trafficking in drugs. In August of 2007, Rocky assisted the North Royalton Police in the arrest of bank robbery suspects in a wooded area near the bank and found the stolen money hidden in a bag under a fence; and*

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*WHEREAS, the most important function of a City is the protecting of the safety of our residents. We have all watched with pride and admiration the unique partnership formed between Rocky and Sergeant Kappus in the performance of their duties. Now Rocky will spend his time in retirement, living with the Kappus family, sharing the bonds and love that have grown between them over the years. A grateful City of Seven Hills thanks Rocky and Sergeant Kappus for all their years of service together as a team, and we wish Rocky a happy and well deserved retirement.*

*Now, therefore, I, Richard P. Dell'Aquila, by virtue of the authority vested in me as Mayor of the City of Seven Hills, Ohio, and on behalf of Seven Hills City Council and a grateful City, do hereby deem it an honor and privilege to express our thanks to Rocky and Sergeant Kappus for all their years of faithful service together as a team, and we wish Rocky a happy and well-deserved retirement; and*

*I, therefore, extend this Mayoral Proclamation, Confirming and Declaring all our Best Wishes for a Well Deserved Retirement for K-9 Rocky.*

*Dated this 25<sup>th</sup> Day of November,  
In the Year of Our Lord, Two Thousand Thirteen*

*Honorable Richard Dell'Aquila  
Mayor, City of Seven Hills, Ohio*

*Upon the completion of the reading of Mayor Dell'Aquila's Proclamation, K-9 Rocky and Sergeant Dan Kappus received a hearty round of applause from Council, the Administration, and everyone in attendance. Sergeant Kappus and Rocky received the Proclamation from Mayor Dell'Aquila with his congratulations and best wishes.*

**Council President Barth:**

Thank you, Mayor. Sergeant, as you know, we have an Ordinance on at the end of the agenda this evening which will authorize you to buy Rocky for one dollar. I know you don't want to stick around that long, so I'm going to invite Council to make some remarks now if they so choose.

**Mr. Bentkowski:**

Most importantly, we want to thank Dan for his help in getting Rocky. It was all his doing. He came to me when I was Mayor and said 'I want to get a dog – I want to get a lot of stuff donated for it'. So it was Sergeant Kappus that did all the grunt work in making it happen.

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**Mr. Bentkowski** (continued):

If it wasn't for Sergeant Kappus, we would have never found the dog and we would have never got the dog, so he deserves all the credit for it. He's been awesome with the dog. It's a huge loss to the City not to have Rocky. And based on all the words you all said, obviously I trust that you will all work on getting us a new dog. Because after those glowing commendations, wouldn't we all sound silly if we said we suddenly don't need a dog. So, congratulations to Dan and congratulations to Rocky. I'm very grateful that we were able to bring Rocky here nine years ago.

**Mr. Trafis:**

I just want to thank Sergeant Kappus and Rocky for all the work you guys have done over the years for our City. It has certainly been a benefit to our safety and also to our public relations. A lot of kids and groups have enjoyed demonstrations and many other things that you have done. I also want to take a moment to thank the entire Police Department – all the guys and women that are working in the department – who may not be as visible as Rocky may have been. Everyone has been doing a terrific job for this City, and we are a safe City because of you guys and ladies, and we appreciate it.

**Mr. DiChiro:**

I would also like to extend congratulations to Rocky on his retirement and thank Sergeant Kappus for his work. No one realizes how many times Sergeant Kappus gets called in with the dog when he's not on shift -- all hours of the night, all times of day. One of my favorite memories is he assisted in finding a meth lab in our City, which wasn't on your Proclamation, Mr. Mayor, but he's done an exemplary job with the dog from day one. At the end, when you pass the Ordinance allowing Sergeant Kappus to purchase the dog, I would like to donate the dollar to buy the dog for Dan.

**Mrs. Lecznar:**

Sergeant Kappus, I'd like to thank you and Rocky for your dedicated service. I'd also like to thank your family, too. Because, as Mr. DiChiro said, you get called in at all hours of the night and your family, I'm sure, is very important to the dog, too. So thank you very much to them also. I hope Rocky enjoys his retirement.

**Mr. Draganic:**

Sergeant Kappus, I recall when Rocky was new on the department – I remember it. I think you were throwing a tennis ball for him down the hallway here at City Hall. It seems like it wasn't that long ago. It's hard to believe that he's already at retirement age. Thinking about the fact that – and I know you have to buy the dog – but I'm sure you're willing to pay any price to keep Rocky as part of your family. It shows that Rocky is more than just a work dog, as I see the term thrown about, or just a piece of equipment for the Police Department.

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**Mr. Draganic** (continued):

He's something special to you and he's become special to us. I'm sure that's a very strong bond and I'm sure he has some very good years left with you and your family.

**Council President Barth:**

I just want to build on something that Pete said. I know our ordinances say that Seven Hills has been the owner of Rocky and that's the reason for the ordinance – selling him to you. But as the owner of three dogs, I can tell you that in the eyes of Rocky you're his real owner. And that's why it is so gratifying to me, and I'm sure to all of us, that he's going into retirement with the only owner that he's ever known – and that's you. No question, I think Rocky is going to get the type of treatment that he deserves. I just want to thank you and 'The Rock' for all the contributions you've made to Seven Hills.

*Council President Barth invited Sergeant Kappus to the podium to say a few words.*

**Sergeant Dan Kappus:**

I really don't have a long speech or anything too in depth to say, but I just want to thank you, Mayor, for this Proclamation. It's an honor to receive this. Thank you, Council, for all your kind words. It's been an honor and privilege to serve as a K-9 handler, as well as a Police Officer here in the City. It's been great working with Rocky. I couldn't have asked for a better partner. Thank you all.

*Sergeant Dan Kappus and K-9 Rocky received another congratulatory round of applause from all those in attendance.*

*There was a short pause in the meeting while Sergeant Kappus and Rocky exited Council Chambers.*

Council President Barth recognized the Clerk of Council for further Communications.

The Clerk of Council stated she would like to acknowledge and read into the record a thank-you note recently received from Cindy Guilivo, addressed to the Seven Hills Police Department, as follows:

*“To whom it may concern. I would like to express my gratitude to **Patrolmen Monica Schuld and Gary Nowak**. My mother, Ann Mares, was in a car accident and was very upset. These fine officers treated her with such kindness. They reassured her that accidents do happen and that her insurance would handle everything. She had heard many stories of how elderly folks are judged and mistreated by the police. I wanted to set the record straight that these two officers are an example for all of us. With sincere gratitude.”*

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The Clerk of Council stated, for the record, that the Legal Notice for the Public Hearing in reference to the proposed Biltmore Nursing Home to be built on the corner of Rockside Road and Pinnacle Park Drive, which will be held on Monday, December 2, 2013, in Council Chambers, at 6:30 p.m., has been advertised, pursuant to Section 975.12 of the Planning and Zoning Code of the Codified Ordinances, in the Parma Sun Newspaper as required, on Thursday, November 28, 2013. Mrs. Sekerak said that the Public Hearing was, of course, open to the public.

## **COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY**

There were no questions or comments from the audience.

## **ORDINANCES AND RESOLUTIONS**

**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.

**MOTION** by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 110-2013 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 110-2013 was read by full title only for its third and final reading.

**MOTION** by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 110-2013.

Roll Call: all yea

**MOTION CARRIED**

## **ORDINANCE NO. 110-2013 IS DECLARED PASSED.**

**Amended 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; AND DECLARING AN EMERGENCY.

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**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to read Amended Ordinance No. 111-2013 by title only for its second and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Amended Ordinance No. 111-2013 was read by full title only for its second and final reading.

**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to pass Amended Ordinance No. 111-2013 as an emergency measure.  
Roll Call: all yea **MOTION CARRIED**

**AMENDED ORDINANCE NO. 111-2013 IS DECLARED PASSED.**

**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 second reading.**

**Ordinance No. 113-2013** – AN ORDINANCE TO AMEND ORDINANCE NO. 106-2013, PASSED BY COUNCIL OCTOBER 15, 2013, WHICH AUTHORIZED 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 \$6,500.00, TO ASSIST IN THE GIS INFRASTRUCTURE MAPPING PROJECT (Year 2013); AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Draganic, seconded by Mr. Bentkowski, to read Ordinance No. 113-2013 by title only for its final reading.  
Roll Call: all yea **MOTION CARRIED**  
Ordinance No. 113-2013 was read by full title only for its final reading.

**MOTION** by Mr. Draganic, seconded by Mr. Bentkowski, to pass Ordinance No. 113-2013 as an emergency measure.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 113-2013 IS DECLARED PASSED.**

**Ordinance No. 114-2013** – AN ORDINANCE AUTHORIZING THE CITY OF SEVEN HILLS TO ENTER INTO AN AGREEMENT COMMENCING DECEMBER 1, 2013 AND ENDING NOVEMBER 30, 2014, IN AN AMOUNT NOT TO EXCEED \$578,655.60, WITH MEDICAL MUTUAL OF OHIO, FOR THE FURNISHING OF HEALTH, VISION AND PRESCRIPTION

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DRUG INSURANCE BENEFITS FOR QUALIFIED FULL-TIME CITY EMPLOYEES; AUTHORIZING AND DIRECTING THE MAYOR TO SIGN, ON BEHALF OF THE CITY OF SEVEN HILLS, ANY AND ALL DOCUMENTS NECESSARY TO IMPLEMENT AND GIVE FORCE AND EFFECT TO SAID MEDICAL COVERAGES; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Bentkowski, seconded by Mr. Draganic, to read Ordinance No. 114-2013 by title only for its final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 114-2013 was read by full title only for its final reading.

**MOTION** by Mr. Bentkowski, seconded by Mr. Draganic, to pass Ordinance No. 114-2013 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 114-2013 IS DECLARED PASSED.**

**Ordinance No. 115-2013** – AN ORDINANCE TO AMEND SECTION 121.011, COMPENSATION OF COUNCILPERSONS, AS CONTAINED IN CHAPTER 121, COUNCIL, OF TITLE THREE, LEGISLATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

**Ordinance No. 115-2013 was read by full title only for its first reading.**

**Ordinance No. 116-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH NICOLE BROBST FOR THE PURPOSE OF PROVIDING ZUMBA AND AQUA ZUMBA GROUP FITNESS INSTRUCTION CLASSES AT THE COMMUNITY RECREATION CENTER FOR THE PERIOD COVERING JANUARY 1, 2013 THROUGH DECEMBER 31, 2013.

**Ordinance No. 116-2013 was read by full title only for its first reading.**

**Ordinance No. 117-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH ANTHONY TOTH FOR THE PURPOSE OF PROVIDING ADULT FITNESS PROGRAMS AT THE COMMUNITY RECREATION CENTER FOR THE REMAINDER OF THE YEAR 2013.

**Ordinance No. 117-2013 was read by full title only for its first reading.**

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**Ordinance No. 118-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SEASONAL PROFESSIONAL SERVICE CONTRACT WITH RONALD ROSE, MEN’S FLAG FOOTBALL AND SOFTBALL LEAGUE COMMISSIONER, ASSOCIATED WITH THE CITY OF SEVEN HILLS RECREATION COMPLEX FLAG FOOTBALL AND SOFTBALL LEAGUE, SPRING & FALL, 2014.

**Ordinance No. 118-2013 was read by full title only for its first reading.**

**Ordinance No. 119-2013** – AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH APEX PEST CONTROL OF OAKWOOD VILLAGE, OHIO, TO PROVIDE PEST CONTROL SERVICES FOR EACH OF THE CITY’S FACILITIES (CITY HALL AND POLICE DEPARTMENT, FIRE STATION, AND SERVICE GARAGE); AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$940.00.

**Ordinance No. 119-2013 was read by full title only for its first reading.**

**Ordinance No. 120-2013** – AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH APEX PEST CONTROL OF OAKWOOD VILLAGE, OHIO, TO PROVIDE PEST CONTROL SERVICES FOR THE COMMUNITY RECREATION COMPLEX; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$480.00.

**Ordinance No. 120-2013 was read by full title only for its first reading.**

**Ordinance No. 121-2013** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CONTINENTAL FIRE & SECURITY, INC., OF INDEPENDENCE, OHIO, FOR THE PUROSE OF PREVENTATIVE MAINTENANCE FOR THE FIRE AND SPRINKLER ALARM SYSTEMS AT THE COMMUNITY RECREATION CENTER FOR ONE YEAR COMMENCING JANUARY 1, 2014 THROUGH DECEMBER 31, 2014, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$2,345.00 FOR SAID SERVICE.

**Ordinance No. 121-2013 was read by full title only for its first reading.**

**Ordinance No. 122-2013** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SYSTEM 4 OF INDEPENDENCE, OHIO, FOR THE PURPOSE OF PROVIDING COMMERCIAL CLEANING AND CUSTODIAL SERVICES FOR THE CITY OF SEVEN HILLS RECREATION AND FITNESS COMPLEX FROM JANUARY 1, 2014 THROUGH DECEMBER 31, 2014, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$21,000.00 FOR SAID SERVICE.

**Ordinance No. 122-2013 was read by full title only for its first reading.**

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**Ordinance No. 123-2013** – AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A ONE-YEAR AGREEMENT WITH REACH MEDIA NETWORK OF EDEN PRAIRIE, MAINE, FOR THE PURPOSE OF CREATING A CUSTOMIZED MOBILE APP SOLUTION FOR THE SEVEN HILLS RECREATION CENTER, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$2,349.00 FOR SAID SERVICE.

**Ordinance No. 123-2013 was read by full title only for its first reading.**

**Ordinance No. 124-2013** – AN ORDINANCE TO AMEND SECTION 159.01, COURT COSTS, OF CHAPTER 159, MAYOR’S COURT, AS CONTAINED IN TITLE SEVEN, JUDICIAL, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REMOVING SUBSECTION 159.01(f) WHICH REFERS TO THE CITY OF SEVEN HILLS K-9 UNIT; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Tripi, seconded by Mrs. Lecznar, to read Ordinance No. 124-2013 by title only for its final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 124-2013 was read by full title only for its final reading.

**MOTION** by Mr. Tripi, seconded by Mrs. Lecznar, to pass Ordinance No. 124-2013 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 124-2013 IS DECLARED PASSED.**

**Resolution No. 20-2013** – A RESOLUTION APPROVING A LOT SPLIT AND CONSOLIDATION PURSUANT TO SEVEN HILLS ORDINANCE NO. 911.002 (Permanent Parcel Nos. 551-03-001 and 551-03-096, Hamilton Healthcare Realty, LLC – proposed Biltmore Nursing Home); AND DECLARING AN EMERGENCY.

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

Roll Call: all yea

**MOTION CARRIED**

Resolution No. 20-2013 was read by full title only for its final reading.

**MOTION** by Mr. Snitzky, seconded by Mr. Trafis, to adopt Resolution No. 20-2013 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**RESOLUTION NO. 20-2013 IS DECLARED ADOPTED.**

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**Resolution No. 21-2013** – A RESOLUTION AUTHORIZING THE TRANSFER OF OWNERSHIP OF “ROCKY”, THE CITY’S CURRENT POLICE DOG, TO HIS HANDLER, SGT. DANIEL KAPPUS, FOR THE SUM OF ONE DOLLAR, PURSUANT TO SECTION 9.62 OF THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Bentkowski, seconded by Mr. Draganic, to read Resolution No. 21-2013 by title only for its final reading.

Roll Call: all yea

**MOTION CARRIED**

Resolution No. 21-2013 was read by full title only for its final reading.

**MOTION** by Mr. Bentkowski, seconded by Mr. Draganic, to adopt Resolution No. 21-2013 as an emergency measure.

**Mr. Bentkowski** stated:

“I do believe this will likely be the last piece of legislation I ever vote on or work on. I’ll be out of town for the next meeting. I couldn’t think of a better thing to end my career with. So I gladly endorse this and support this. We’ve heard about how great Rocky and Danny were for the City. So it makes me proud to make this my final piece of legislation.”

Roll Call: all yea

**MOTION CARRIED**

**RESOLUTION NO. 21-2013 IS DECLARED ADOPTED.**

## **COUNCIL OPEN TO THE AUDIENCE**

There were no questions or comments from the audience.

## **MISCELLANEOUS**

**Mrs. Lecznar:**

Since this is basically our last dais meeting, I just want to thank our outgoing Councilmen. I want to thank Joe very much. Joe has been my right-hand man, and he’s been my left-hand man, on each side. No matter which way I wanted to swing, I could get him. So I just want to thank you guys for all the years of service and wish you the best of luck. And don’t be strangers.

**Mr. Tripi** had no miscellaneous comments.

**Mr. Trafis:**

I have several variance requests from the Zoning Board of Appeals, so I beg everybody’s patience while we go through them. I just want to state that the Zoning Board of Appeals unanimously granted each of these variances, 5-0.

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**Mr. Trafis** (continued):

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

“That the Board grant Hamilton Health Care Realty, LLC, as the property owners of 819 Rockside Road, Permanent Parcel Nos. 551-03-097, 551-03-001, and 551-03-096, a variance to Ordinance No. 975.05(b), Building Height, to allow the construction of a two-story skilled nursing care facility as shown on plans submitted to the City of Seven Hills Planning Commission.

Roll Call: 5 yea, 0 nay

Motion Carried”

**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to concur with the findings of the Zoning Board of Appeals of November 6, 2013, in granting the variance request of Hamilton Health Care Realty, LLC, as the property owners of 819 Rockside Road, concerning building height.

Roll Call: all yea

**MOTION CARRIED**

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

“That the Board grant Hamilton Health Care Realty, LLC, as the property owners of 819 Rockside Road, Permanent Parcel Nos. 551-03-097, 551-03-001, and 551-03-096, variances to Ordinance No. 975.07(b), Yard and Setback Regulations:

.....a 22-foot maximum variance to the 50-foot building setback requirement for the Rockside Road R.O.W.;

.....a 4-foot maximum variance to the 40-foot building setback requirement for Other Street R.O.W.;

.....a 30-foot maximum variance to the 50-foot building setback requirement for Residential District;

.....a 50-foot maximum variance to the parking setback requirement for Rockside Road R.O.W.

as shown on plans submitted to the City of Seven Hills Zoning Board of Appeals on Wednesday evening, November 6, 2013.

Roll Call: 5 yea, 0 nay

Motion Carried”

**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to concur with the findings of the Zoning Board of Appeals of November 6, 2013, in granting the variance requests of Hamilton Health Care Realty, LLC, as the property owners of 819 Rockside Road, concerning Yard and Setback Regulations.

Roll Call: all yea

**MOTION CARRIED**

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**Mr. Trafis** (continued):

In addition, at the Zoning Board of Appeals Meeting held November 6, 2013, the Board made the following motion regarding a variance request heard:

“That the Board grant Hamilton Health Care Realty, LLC, as the property owners of 819 Rockside Road, Permanent Parcel Nos. 551-03-097, 551-03-001, and 551-03-096, a variance to Ordinance No. 975.09, Off-Street Parking, to allow 82 parking spaces as shown on the plans submitted to the City of Seven Hills Zoning Board of Appeals at the meeting of Wednesday, November 6, 2013.

Roll Call: 5 yea, 0 nay

Motion Carried”

**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to concur with the findings of the Zoning Board of Appeals of November 6, 2013, in granting the variance request of Hamilton Health Care Realty, LLC, as the property owners of 819 Rockside Road, concerning Off-Street Parking.

Roll Call: all yea

**MOTION CARRIED**

The Public Hearing for the proposed nursing facility will be held on December 2, 2013, at 6:30 p.m. immediately following our committee meetings which will start at 6:00 p.m., and we'll continue our Caucus after that. Once again, like I stated the last time, this is a great project and will be a really good thing for the City.

**Mr. Snitzky** had no miscellaneous comments.

**Mr. Bentkowski**:

I have a brief two-minute statement that I would like to read. I want to make sure it's on the record. I'm submitting this in my official capacity. I have new information about an issue I brought up previously, and I ask that I not be interrupted.

For well over a year I have been advising Council that they should look into the issue that the Mayor and Law Director are business partners that have overlapped regarding their duties. The Mayor twice publicly dismissed my concerns by stating that he received an opinion from the Ohio Ethics Commission stating it was okay. I have secured that opinion, and although it does say there is no general provision against two business associates holding office in the City, it is quite clear that there are many, many scenarios where it would be improper if the parties were acting in any way to help their business or individual interests.

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**Mr. Bentkowski** (continued):

As an elected official, it is my legal obligation to raise matters of legal concern and I again urge Council to do their fiduciary responsibility and take these matters seriously. For example, during the election many expressed concern over the Mayor using the City newsletter to advocate for certain candidates. Normally in that situation a legal inquiry about the appropriateness of his actions would go to a City Law Director -- in this case his business partner. You can see the problem here. I'm also troubled that the very Council members who should be looking into these matters were the same Council members during the election that benefitted from the Mayor campaigning for them with endorsements, robo calls, and sign locations. You also happen to be the same Council members authorizing \$60,000.00 of additional legal counsel outside of that provided by City insurance regarding my litigation for the Mayor and Law Director. I am once again encouraging Council members to take their oaths and duties responsible and realize their actions could have serious repercussions for them as individuals. You have once again been put on notice.

**Mr. Draganic** had no miscellaneous comments.

**Council President Barth:**

Two people talked about the Public Hearing that we're going to have, and I just want to make an announcement that immediately following that hearing there will be a Special Meeting to vote on the development.

I'd also like to wish everybody a Happy Thanksgiving.

**REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS**

**Director of Finance Johnson** had no formal report.

**Assistant Director of Law DiChiro:**

First of all I'd like to offer my condolences to Lieutenant Gezymalla on the loss of his mother, especially at the holiday season.

On another note, I'd like to wish a Happy Thanksgiving to all.

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**Director of Public Service and Properties and Acting City Engineer Lovece** had no formal report.

**Building Commissioner Moro** was not present.

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

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

Our condolences also to Lieutenant Gezymalla and his family on the loss of his mom.

A safe and Happy Thanksgiving to everyone.

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

Roll Call: all yea

**MOTION CARRIED**

**The November 25, 2013 Council Meeting was adjourned at 8:45 p.m.**

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Michael C. Barth, President of Council

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

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