

# City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD January 13, 2014

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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, Director of Law Pignatiello, Deputy Director of Finance Hotchkiss, Councilman-at-Large Barth, Councilwoman-at-Large Lecznar, Councilman-at-Large Trafis, Ward 1 Councilman Bryda, Ward 2 Councilman Fraundorf, Ward 3 Councilman Snitzky, Ward 4 Councilwoman Ernst, and Director of Public Service and Properties and Acting City Engineer Lovece. Absentee was Building Commissioner Moro.

## **READING AND DISPOSAL OF JOURNAL**

**MOTION** by Mr. Fraundorf, seconded by Mrs. Lecznar, to accept the Minutes of the Regular Council Meeting held December 23, 2013, as printed.  
Roll Call: all yea **MOTION CARRIED**

## **CONSENT AGENDA**

**MOTION** by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 1** of January 13, 2014, as printed.  
Roll Call: all yea **MOTION CARRIED**

**MOTION** by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 2** of January 13, 2014, as printed, if there is no division of the question.

**Council President Barth** stated that Councilman Trafis would recuse himself from this vote because the items in Consent Agenda No. 2 are related to the Bentkowski litigation.

Roll Call: Barth, yea; Bryda, yea; Ernst, yea; Fraundorf, yea;  
Lecznar, yea; Snitzky, yea; Trafis (recused)  
6 yea, 0 nay (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 will hold its next regular meeting on Tuesday evening, January 21, 2014. Mr. Trafis said the Committee is not meeting on Monday, January 20<sup>th</sup> due to the Martin Luther King, Jr. Day holiday.

### **Public Works**

Public Works Committee Chairman Bryda stated that the Committee last met on Monday evening, January 6, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mr. Bryda stated that the Public Works Committee will hold its next regular meeting on Monday evening, February 3, 2014.

### **Community Services**

Community Services Committee Chairman Fraundorf stated that the Committee last met on Monday evening, January 6, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mr. Fraundorf stated that the Community Services Committee will hold its next regular meeting on Monday evening, February 3, 2014.

### **Police and Fire**

Police and Fire Committee Chairman Snitzky stated that the Committee last met on Monday evening, December 16, 2013, and the minutes from that meeting are on file with the Clerk of Council. Mr. Snitzky stated that the Police and Fire Committee will hold its next regular meeting on Tuesday evening, January 21, 2014.

### **Parks and Recreation**

Parks and Recreation Committee Chairperson Lecznar stated that the Parks Committee will hold its next regular meeting on Tuesday evening, January 21, 2014.

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

Rules, Ordinances, and Ethics Committee Chairperson Ernst stated that the Committee last met on Monday evening, January 6, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Ernst stated that the Rules Committee will hold its next regular meeting on Monday evening, February 3, 2014.

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

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, January 6, 2014, 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, January 21, 2014.

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**Council President Barth** stated he wanted to remind everyone that the next Caucus Meeting will be held on Tuesday, January 21, 2014, rescheduled from Monday, January 20, 2014, due to the Martin Luther King, Jr. Day national holiday.

## **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**

**Jimmy Matowitz, 3713 Alla Drive** made the following comments:

“Real quickly, you guys all know me as Jimmy Matowitz. I was at your first Caucus Meeting. I live at 3713 Alla Drive, and have been there ten-eleven years now. I appreciate you giving me the time last week to speak on some of my concerns. As I said you got a list this long, and mine is probably this long. I just hope you take some of those concerns I have into consideration. I know there are going to be some speed bumps along the way as far as the traffic congestion I mentioned by Hillside School. The salting issue so far has been 1000% better, and I appreciate that – I really do. What else did I bring up? The speeding and rolling through stop signs in the area.....I know we have a great police force. I know there are other priorities within the city. I do read the police report in the newsletters. If somehow someone could get creative and find a way to let people that are coming through our City – your City, Mr. Mayor – and let them know they are not going to be speeding or rolling through stop signs. I think you would get a good reputation about that, and get creative. I think that could happen, like the old days in Parma. Some of you younger people do not remember Parma, but if you drove through there, you better go the speed limit and abide by the rules, or you were ticketed. You know what I’m saying? That’s our parents’ day probably. Also, some of the landscape I brought up was a concern – I brought that up about Hillside. I know it is way, way too early to be looking into that, but again, anybody that is neglecting their property, I think we should also look into that, or you should I should say. One final note I forgot to bring up, and I know it’s a tremendous concern. I love animals, and I love deer especially. I have six grandchildren. They come to my house, and we have dozens of them in my back yard. They are beautiful animals. And I know you people have been trying to find a way to control them. I don’t have any answers. Again, it’s a safety concern – driving up and down these dark streets. Have you been looking into that at all? I know there’s a cost factor in trying to control it.”

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Mr. Matowitz continued with his remarks:

“Again, I’m not one for brutally killing the animals, and I know they tried that in Solon, Ohio. Again, it’s a safety issue driving up and down Hillside, and even my own street between Laura Lee and Alla Drive. Have you looked into that? Is it a big cost factor to do anything? I do respect the animal rights people, so it’s just a question I have now. Have you looked into anything possible – any kind of depth in controlling the deer?”

**Council President Barth** invited Mr. Matowitz to come to the next Caucus Meeting; he said there would be more discussion on that issue. Mr. Barth stated that Councilwoman Lecznar has been looking into it.

Mr. Matowitz concluded:

“That’s great. I wish there were more people here. It reminds me of my union meetings. All right – thank you.”

Council President Barth thanked Mr. Matowitz for his comments.

## **ORDINANCES AND RESOLUTIONS**

**Ordinance No. 126-2013** – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$4,388.00 FOR A ONE-YEAR SILVER PLAN MAINTENANCE SERVICE AGREEMENT (2014) FOR THE TELRAD 400 PHONE SYSTEM USED BY THE CITY OF SEVEN HILLS COMMUNITY COMPLEX (CITY HALL), SAID AGREEMENT TO BE ENTERED INTO WITH RAYTEC SYSTEMS OF STOW, OHIO.

**MOTION** by Mrs. Ernst, seconded by Mr. Bryda, to read Ordinance No. 126-2013 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 126-2013 was read by full title only for its third and final reading.

**MOTION** by Mrs. Ernst, seconded by Mr. Bryda, to pass Ordinance No. 126-2013.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 126-2013 IS DECLARED PASSED.**

**Ordinance No. 127-2013** – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$696.00 FOR THE ANNUAL MAINTENANCE AGREEMENT (2014) FOR THE FIRE STATION NORTEL PHONE SYSTEM USED BY THE CITY OF SEVEN HILLS FIRE DEPARTMENT, SAID AGREEMENT TO BE ENTERED INTO WITH RAYTEC SYSTEMS OF STOW, OHIO.

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**MOTION** by Mr. Bryda, seconded by Mrs. Ernst, to read Ordinance No. 127-2013 by title only for its third and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Ordinance No. 127-2013 was read by full title only for its third and final reading.

**MOTION** by Mr. Bryda, seconded by Mrs. Ernst, to pass Ordinance No. 127-2013.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 127-2013 IS DECLARED PASSED.**

**Ordinance No. 128-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT, FOR THE PURPOSE OF WORKING WITH THE CITY OF SEVEN HILLS FOR EFFECTIVE COLLABORATION IN CARRYING OUT MANDATED RESPONSIBILITIES, ESPECIALLY RELATED TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM RULES; AND APPROPRIATING THE SUM NOT TO EXCEED FOUR THOUSAND DOLLARS (\$4,000.00) FOR SAID SERVICE.

**MOTION** by Mr. Snitzky, seconded by Mr. Fraundorf, to read Ordinance No. 128-2013 by title only for its third and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Ordinance No. 128-2013 was read by full title only for its third and final reading.

**MOTION** by Mr. Snitzky, seconded by Mr. Fraundorf, to pass Ordinance No. 128-2013.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 128-2013 IS DECLARED PASSED.**

**Ordinance No. 132-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH THE PART-TIME PROGRAM INSTRUCTOR(S) AT THE CITY OF SEVEN HILLS COMMUNITY RECREATION COMPLEX FOR THE PURPOSE OF PROVIDING VARIOUS CLASSES AT THE CITY OF SEVEN HILLS RECREATION CENTER FOR THE PERIOD COVERING JANUARY 1, 2014 THROUGH DECEMBER 31, 2014.

**Ordinance No. 132-2013 was read by full title only for its second reading.**

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**Ordinance No. 1-2014** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH SIGNAL SERVICE COMPANY OF WARRENSVILLE HEIGHTS, OHIO, FOR THE PURPOSE OF MAINTAINING THE TRAFFIC SIGNALS THROUGHOUT THE CITY OF SEVEN HILLS FOR THE PERIOD COVERING JANUARY 1, 2014 THROUGH DECEMBER 31, 2014; APPROPRIATING AN AMOUNT NOT TO EXCEED \$5,000.00 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

**MOTION** by Mrs. Lecznar, seconded by Mr. Bryda, to read Ordinance No. 1-2014 by title only for its final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 1-2014 was read by full title only for its final reading.

**MOTION** by Mrs. Lecznar, seconded by Mr. Bryda, to pass Ordinance No. 1-2014 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 1-2014 IS DECLARED PASSED.**

**MOTION** by Mr. Fraundorf, seconded by Mr. Snitzky, to amend Ordinance No. 2-2014 by removing the emergency clause in the title and in the body of the Ordinance, and reverting the Ordinance to its first reading.

Roll Call: all yea

**MOTION CARRIED**

**Amended Ordinance No. 2-2014** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A TWO-YEAR AGREEMENT WITH LITURGICAL PUBLICATIONS, INC., OF CLEVELAND, OHIO, FOR QUARTERLY NEWSLETTER PUBLISHING SERVICES FOR THE CITY OF SEVEN HILLS NEWSLETTERS.

**Amended Ordinance No. 2-2014 was read by full title only for its first reading.**

## **COUNCIL OPEN TO THE AUDIENCE**

There were no questions or comments from the audience.

## **MISCELLANEOUS**

**Mr. Bryda** had no miscellaneous comments.

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**Mr. Trafis** had no miscellaneous comments.

**Mrs. Ernst** had no miscellaneous comments.

**Mr. Snitzky** has no miscellaneous comments.

**Mr. Fraundorf** had no miscellaneous comments.

**Mrs. Lecznar:**

I just want to remind everyone that when you have snow that's on the ground and your people come to plow it, please remember the mailboxes that are by the curbs. The mailmen still have to get up to the mailboxes, so they need that access.

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

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

**Deputy Director of Finance Hotchkiss** had no formal report.

**Director of Law Pignatiello** had no formal report.

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

I want to thank Jen Burger and her staff for their quick response to a pipe rupture in the kitchen ceiling at the Recreation Center. They really worked very quickly to mitigate the problem and minimize the damage. However, there are two problems with the building I wanted to mention. One, the pipe in question – and this is in accordance with the design drawings – is located in the cavity of an exterior masonry wall. This is not a good design when there are other options available. The pipe would probably not have burst in the first place. Secondly, this made things more difficult. The drawings indicated, as it should – showed branch valves in the ceiling. There wasn't one there, so what we had to do was turn the water off to the entire building, drain the plumbing, and then eventually when we restored it, refill it. So this disrupted service for at least three hours. Those two things were unnecessary.

**Council President Barth** added, "Thank you, Director. We really appreciate the work of yourself and Director Burger."

**Building Commissioner Moro** was not present.

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

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

Just very briefly.

I know a question was raised in the previous Council Meeting with regard to the cleaning of the HVAC system piping at the Recreation Center. I have asked the Recreation Director to contact some cleaning firms to try to find some way to get staff or personnel up there high enough to do the cleaning. As she expressed previously, we do have a problem with getting equipment into the gym to clean the HVAC. I thought perhaps there might be something like a rolling scaffold, or a scissor lift, or something like that. Obviously, they change the lights there.

Well, she's been having some difficulty finding a cleaning firm interested in doing it, not only because of the height of the HVAC, but it has been sealed with a substance that has a granular surface that attracts and retains dust and dirt. So of the three or four firms that she has contacted thus far, all have declined to provide a bid to the City, with the exception of one firm that is actually looking at the possibility of giving us a quote. The latest communication from them, and I just want to highlight for Council, indicates the problems with cleaning the HVAC piping in the Recreation Center. The name of the company is System 4 USA. They are attempting to find others that they can partner with to get the quote together. They indicate that the high HVAC ventilation is not geared for everyday cleaners and staff due to various heights, obscure angles, and the overall degree of difficulty.

There are MANY liabilities that come with this, so in order to keep everyone's best interests in check, we will work with our team specifically designed to handle the project and keep the costs lower. I just want everybody to be aware that we are looking at it. There are some complexities in finding a firm that is willing and able to do the work. And when we have something more, we will bring that back to Council.

### **Council President Barth added:**

I would just like to say for the record it's very troubling to me that problems related to the design and construction of this Recreation Center keep surfacing, and I think this Council has an obligation to look into some of this.

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

**The January 13, 2014 Council Meeting was adjourned at 8:25 p.m.**

\_\_\_\_\_  
Michael C. Barth, President of Council

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

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