

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD January 27, 2014

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 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 Mrs. Lecznar, seconded by Mr. Fraundorf, to accept the Minutes of the Regular Council Meeting held January 13, 2014, as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to accept the Consent Agenda of January 27, 2014, as printed.
Roll Call: all yea **MOTION CARRIED**

RESOLUTIONS OF COMMENDATION

Resolution No. 1-2014 – A RESOLUTION OF COMMENDATION TO BEN KAMINSKI IN OBTAINING HIS EAGLE SCOUT COURT OF HONOR.

Resolution No. 2-2014 – A RESOLUTION OF COMMENDATION TO BRENDAN O'DONNELL IN OBTAINING HIS EAGLE SCOUT COURT OF HONOR.

Resolution No. 3-2014 – A RESOLUTION OF COMMENDATION TO KIAN O'DONNELL IN OBTAINING HIS EAGLE SCOUT COURT OF HONOR.

Resolution No. 4-2014 – A RESOLUTION OF COMMENDATION TO CHRIS SAMBOR IN OBTAINING HIS EAGLE SCOUT COURT OF HONOR.

Resolution No. 5-2014 – A RESOLUTION OF COMMENDATION TO PAUL SAMBOR IN OBTAINING HIS EAGLE SCOUT COURT OF HONOR.

Resolution No. 6-2014 – A RESOLUTION OF COMMENDATION TO MATTHEW SOOS IN OBTAINING HIS EAGLE SCOUT COURT OF HONOR.

Resolution No. 7-2014 – A RESOLUTION OF COMMENDATION TO MATT SZYMANSKI IN OBTAINING HIS EAGLE SCOUT COURT OF HONOR.

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MOTION by Mrs. Lecznar, seconded by Mr. Snitzky, to read Resolution Nos. 1-2014, 2-2014, 3-2014, 4-2014, 5-2014, 6-2014, and 7-2014, by titles only for their final readings.

Roll Call: all yea

MOTION CARRIED

Resolution Nos. 1-2014, 2-2014, 3-2014, 4-2014, 5-2014, 6-2014, and 7-2014 were read by full titles only for their final readings.

MOTION by Mrs. Lecznar, seconded by Mr. Snitzky, to adopt Resolution Nos. 1-2014, 2-2014, 3-2014, 4-2014, 5-2014, 6-2014, and 7-2014 as emergency measures.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NOS. 1-2014, 2-2014, 3-2014, 4-2014, 5-2014, 6-2014, AND 7-2014 ARE DECLARED ADOPTED.

REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

Planning, Zoning, and Economic Development Committee Chairman Trafis stated that the Committee last met on Tuesday evening, January 21, 2014, and the minutes from that meeting will be filed this week with the Clerk of Council. Mr. Trafis said that the Committee will hold its next regular meeting on Monday evening, February 17, 2014.

Public Works

Public Works Committee Chairman Bryda stated that the Committee last met in Special Session earlier tonight, Monday evening, January 27, 2014, and the minutes from that meeting will be filed shortly with the Clerk of Council. Mr. Bryda stated that the regular Public Works Committee meeting scheduled on Monday evening, February 3, 2014 has been canceled.

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 Tuesday evening, January 21, 2014, 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 Monday evening, February 17, 2014.

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Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Parks Committee last met on Tuesday evening, January 21, 2014, and the minutes from that meeting are on file with the Clerk of Council.

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 Tuesday evening, January 21, 2014, and the minutes from that meeting are forthcoming. Mr. Barth stated that the Finance Committee will hold its next regular meeting on Monday evening, February 3, 2014.

Council President Barth stated, for the record, that Budget Hearings are scheduled on Saturday, February 22, 2014.

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. 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.

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MOTION by Mrs. Ernst, seconded by Mr. Snitzky, to read Ordinance No. 132-2013 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 132-2013 was read by full title only for its third and final reading.

MOTION by Mrs. Ernst, seconded by Mr. Snitzky, to pass Ordinance No. 132-2013.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 132-2013 IS DECLARED PASSED.

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; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mrs. Ernst, to read Amended Ordinance No. 2-2014 by title only for its second and final reading.

Roll Call: Barth, yea; Bryda, yea; Ernst, yea; Fraundorf, yea;
Lecznar, yea; Snitzky, yea; Trafis, nay.

6 yea, 1 nay

MOTION CARRIED

Amended Ordinance No. 2-2014 was read by full title only for its second and final reading.

MOTION by Mr. Snitzky, seconded by Mrs. Ernst, to pass Amended Ordinance No. 2-2014 as an emergency measure.

Mr. Trafis made the following comments:

“Many residents and the media talked about how the City newsletter was used improperly for political purposes and personal agendas. Now that we are signing a contract with a new company to print the newsletter, we have an opportunity to start over and make the publication more classy and noncontroversial. I am disappointed that some of my colleagues and the Mayor will not agree to a simple check and balance by allowing a separate committee to approve the content. Councilwoman Ernst brought to our attention and the ordinance that the City of Independence has on the books that provides a solution to this problem. I have encouraged Councilwoman Ernst who chairs the Rules Committee to introduce this legislation and put it on the agenda for a vote at a future meeting. If the intent is not to be political and stick to only City-related issues, then I ask what is the hesitation? Our residents deserve better when their tax dollars are being used. I will not support this moving forward until some form of check and balance is put into place. Thank you, sir.”

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Council President Barth made the following comments:

“When the Mayor brought to us this proposal that will save the City money and time by outsourcing the sale of ads, a discussion ensued about scrutinizing the Mayor’s message. I was initially opposed because trying to determine if any message written is political is very subjective and a matter of opinion and, therefore, how would you get seven people to agree on the content or meaning of a message. I am not in favor of censorship unless something clearly crosses the line. The Mayor’s messages have been nowhere near the line. Others feel differently, and I respect that, but the question remains -- who is going to make that call? Our residents rely on the newsletter for information on our City, so to vote ‘no’ for the continuation of our newsletter is definitely not in the best interests of our residents. I would like to thank Councilwoman Ernst for bringing this before the Council and the research she did on it. I appreciated the debate, but as I said, the amount of debate simply confirmed how I felt – that you are never going to get a consensus of opinion.”

Roll Call: Barth, yea; Bryda, yea; Ernst, yea; Fraundorf, yea;
Lecznar, yea; Snitzky, yea; Trafis, nay.

6 yea, 1 nay

MOTION CARRIED

AMENDED ORDINANCE NO. 2-2014 IS DECLARED PASSED.

Ordinance No. 3-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A ONE-YEAR COMPREHENSIVE MANAGED SERVICE AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH WARWICK COMMUNICATIONS, INC., OF BROADVIEW HEIGHTS, OHIO, TO PROVIDE COMPREHENSIVE MANAGED SERVICES AND SUPPORT OF THE CITY OF SEVEN HILLS COMPUTERS IN ALL DEPARTMENTS; APPROPRIATING THE SUM NOT TO EXCEED THIRTY-ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$31,350.00) FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Bryda, to read Ordinance No. 3-2014 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 3-2014 was read by full title only for its final reading.

MOTION by Mr. Trafis, seconded by Mr. Bryda, to pass Ordinance No. 3-2014 as an emergency measure.

Council President Barth made the following comments:

“I would just like to thank all those involved in obtaining Warwick, and those -- including Councilman Fraundorf – who looked at the bids and gave their recommendations, because God knows this is long overdue.”

Roll Call: all yea

MOTION CARRIED

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ORDINANCE NO. 3-2014 IS DECLARED PASSED.

Ordinance No. 4-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A WATER POLLUTION CONTROL LOAN FUND PLANNING AND DESIGN LOAN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY AND THE OHIO WATER DEVELOPMENT AUTHORITY IN ORDER TO OBTAIN FUNDS FOR THE DESIGN OF SANITARY SEWERS WHICH WILL ELIMINATE FAILING SEPTIC TANKS IN THE CITY OF SEVEN HILLS (HEMLOCK CREEK SANITARY SEWER PROJECT – Loan Number CS390839-0003); AND DECLARING AN EMERGENCY.

MOTION by Mr. Bryda, seconded by Mr. Trafis, to read Ordinance No. 4-2014 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 4-2014 was read by full title only for its final reading.

MOTION by Mr. Bryda, seconded by Mr. Trafis, to pass Ordinance No. 4-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 4-2014 IS DECLARED PASSED.

Ordinance No. 5-2014 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SCHINDLER ELEVATOR CORPORATION OF CLEVELAND, OHIO, FOR THE PURPOSE OF MAINTAINING THE ELEVATOR EQUIPMENT AND APPURTENANCES AT THE COMMUNITY RECREATION CENTER FOR THE PERIOD COMMENCING JANUARY 1, 2014 THROUGH DECEMBER 31, 2014, IN AN AMOUNT NOT TO EXCEED \$2,910.00 FOR SAID SERVICE.

Ordinance No. 5-2014 was read by full title only for its first reading.

Ordinance No. 6-2014 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WESTLAND HEATING AND AIR CONDITIONING OF WESTLAKE, OHIO, FOR THE PURPOSE OF MAINTAINING THE HVAC EQUIPMENT FOR ONE (1) YEAR AT THE CITY OF SEVEN HILLS RECREATION CENTER FOR AN AMOUNT NOT TO EXCEED \$2,950.00 FOR SAID SERVICE.

Ordinance No. 6-2014 was read by full title only for its first reading.

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Ordinance No. 7-2014 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR PREVENTATIVE MAINTENANCE AGREEMENT WITH THE K COMPANY, INC., OF AKRON, OHIO, FOR THE DECTRON/BOILER AND POOL BOILER AT THE COMMUNITY RECREATION CENTER COMPLEX, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$3,480.00 FOR SAID SERVICE.

Ordinance No. 7-2014 was read by full title only for its first reading.

Resolution No. 8-2014 – A RESOLUTION DETERMINING TO PROCEED TO SUBMIT TO THE ELECTORS OF THE CITY OF SEVEN HILLS THE QUESTION OF THE RENEWAL OF THE CITY'S EXISTING 0.5 MILL TAX LEVY FOR THE PURPOSE OF ACQUIRING MOTORIZED VEHICLES AND EQUIPMENT, INCLUDING A STREET SWEEPER, A TRACTOR WITH FRONT-END LOADER AND BACKHOE, A MOWER, DUMP TRUCKS, PICK-UP TRUCKS, AND SNOW PLOW ASSEMBLIES, SALT SPREADERS AND OTHER RELATED EQUIPMENT THEREFOR, FOR USE IN CARRYING OUT FUNCTIONS OF THE DEPARTMENT OF PUBLIC SERVICE PURSUANT TO SECTIONS 5705.19(F) AND 5705.191 OF THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Fraundorf, seconded by Mrs. Ernst, to read Resolution No. 8-2014 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 8-2014 was read by full title only for its final reading.

MOTION by Mr. Fraundorf, seconded by Mrs. Ernst, to adopt Resolution No. 8-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 8-2014 IS DECLARED ADOPTED.

MOTION by Mr. Snitzky, seconded by Mrs. Lecznar, to amend Resolution No. 9-2014 by removing the emergency clause in the title and in the body of the Resolution, and reverting the Resolution to its first reading.

Roll Call: all yea

MOTION CARRIED

Amended Resolution No. 9-2014 – A RESOLUTION OF THE CITY OF SEVEN HILLS, OHIO, EXPRESSING THE MAYOR'S AND COUNCIL'S APPROVAL AND SUPPORT OF THE PROPOSED 2014-2018 CAPITAL BUDGET.

Amended Resolution No. 9-2014 was read by full title only for its first reading.

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COUNCIL OPEN TO THE AUDIENCE

There were no questions or comments from the audience.

MISCELLANEOUS

Mr. Bryda had no miscellaneous comments.

Mr. Trafis:

Yesterday many of us attended the Eagle Scout Court of Honor for a number of young men in Seven Hills who attained that award. It was a terrific ceremony, and I was honored to be a part of that.

I also want to mention, and I don't recall if I did in a previous meeting, but for our residents' knowledge, our former Finance Director, Jim Haggerty, passed away on Christmas Day last year. He served our City very well.

Also, so everybody knows, John Miller, our former Service Director, Finance Director, and Councilman, had a massive stroke Saturday morning. He's pretty close to critical condition, paralyzed on one side. Please keep him in your thoughts and prayers.

Council President Barth replied, "I don't want to say thanks for that news, but that is sad. I know John personally. He's in my ward, and he's done wonders for this City. John is a good man, and so is his wife. My prayers and sympathies are with them, and I'll make sure I give her a call."

Mrs. Ernst had no miscellaneous comments.

Mr. Snitzky:

I just wanted to comment on the Eagle Scout Court of Honor yesterday. It was a wonderful ceremony. It was really a feather in the City's cap to have that many young men be that dedicated to public service at this time, to go all the way through to Eagle Scout. I have a soft spot in my heart for Eagles, as my son was one, and I was almost one. Congratulations to them, and good luck.

Mr. Fraundorf:

I'd just like to echo Councilman Snitzky and Councilman Trafis regarding the Eagle Scout award banquet yesterday. It was interesting. I had a resident of Ward 2 come up to me and thank me for attending. Quite honestly, I told him that I should be thanking him for inviting me, because I thought it was just an excellent, excellent observation or view of what a community really is. It was very good to see.

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Mrs. Lecznar:

I, too, was at the Eagle Scout Court of Honor banquet, and there were actually eight Eagle Scouts in the Court of Honor yesterday. Quite a few people remarked that it was a significant number and that nobody had seen that many Eagle Scouts come from one City. They are from two different troops, but they are all from the City of Seven Hills. It was a very good feat for all those boys, and I congratulate them all on their accomplishments.

I'd like to also offer up condolences to the Firefighters from Toledo that were lost in a bad apartment fire last night. I hope everyone keeps their families in their prayers. It's not very easy to lose a fireman in the line of duty.

I also want to remind residents to uncover your hydrants. Make sure that there is no snow around the hydrants so that in case there is a fire the firemen will be able to find and access them and perform their jobs efficiently.

Council President Barth:

I have to agree with everybody else. I was there, and I really meant it when I said that was an honor to make the presentation of our Resolutions of Commendation. We heard it tonight. We hear too many people trash our City and say what's wrong with Seven Hills, and this is one of the things that is great about Seven Hills – our youth. Being a Scout myself, I was terribly proud of those guys.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson had no formal report.

Director of Law Pignatiello had no formal report.

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

I want to thank Council for passing Ordinance No. 4-2014 accepting a low interest loan from the Ohio Water Development Authority for 2.88 percent. This is a first step in minimizing the cost to the residents for the construction of the much-needed Hemlock Creek Sanitary Sewer project.

Building Commissioner Moro was not present.

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REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila:

I want to first express my great concern and my family's concern for John Miller. We've known the Miller family for a number of decades, and it is really troubling, sad news to me to hear that this has occurred to him. I have some personal experience with that particular condition, and I understand what they're dealing with. It's very difficult, and my heart goes out to the whole family.

I also want to thank everyone who voted to pass Ordinance No. 2-2014, the Liturgical Press measure that will now make our City newsletter more economically viable. I know that for a few of you it was a personally difficult decision to make, and I do appreciate your coming forward and supporting that important measure for our City. I think in a larger picture I see this kind of difficult but proper decision on your parts as a bellwether for the further and more difficult and larger issues that we will have to confront in the future together, and it gives me a lot of hope for the future and our ability to work together to make more difficult decisions for the benefit of our City.

I said during tonight's Council Caucus that I observed an apparent inconsistency in the raising of an alleged political issue regarding the newsletter, yet at the same time maintaining a provision in our City ordinances that extends favorite treatment to political organizations as a subset of what we call in our ordinances Recognized Organizations. And I appreciate the dialogue that ensued after that. I think everyone recognizes the problem. There is an obvious inconsistency in the City extending benefits to political bodies, while at the same time there is this purported dispute over politicization of our newsletter. So I look forward to that dialogue as well. Don't misunderstand me. Each of you has the right to vote, and in fact the obligation to vote, as you see fit. What I find a bit amazing is the failure to recognize the inconsistency.

I am also very encouraged by the dialogue that occurred during the Public Works Committee Meeting. I appreciate the efforts, especially of Councilman Fraundorf, to put together a very complete and thorough examination of the potential issues that might arise were the City to borrow in excess of its ability to cover payments in the future. However, as I expressed in that meeting, we do have experts on salary who have made this recommendation – both our Acting Engineer, our Finance Director, and indeed outside agencies which we have contracted in the past, particularly with respect to our debt restructuring. And as I said in there, if we don't want to rely on these experts, I guess we don't need them. But I do take the point -- that we do need to be cognizant going forward of what the ultimate impact will be of engaging the kinds of work and effort and the volume of work we're talking about if we lose sight of the ultimate financial impact upon the City.

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So, as I say, the vote today on Ordinance No. 2-2014 to me is a bellwether, and I think it's an indicator of everybody's understanding of our mutual need to work with each other for the benefit of the City, and I have a lot of hope coming out of tonight's meeting that we will indeed be able to hold hands and do what's right for the City. Thank you, Mr. President.

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

The January 27, 2014 Council Meeting was adjourned at 8:31 p.m.

Michael C. Barth, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____