

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD July 28, 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 Mr. Fraundorf, seconded by Mrs. Lecznar, to accept the Minutes of the
(1) Public Hearing held July 14, 2014; and
(2) Regular Council Meeting held July 14, 2014; and
(3) Special Council Meeting held July 21, 2014
as printed, if there is no division of the question.

Mr. Fraundorf stated:

"I found no errors or omissions in these minutes – I did find a lot of verbiage!"

Roll Call: all yea

MOTION CARRIED

CONSENT AGENDA

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 1** of July 28, 2014, as printed, if there is no division of the question.

Roll Call: all yea

MOTION CARRIED

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 2** of July 28, 2014, as printed, if there is no division of the question.

Council President Barth stated:

"Because of a conflict with the Bentkowski litigation, Councilman Trafis will not be voting on Consent Agenda No. 2 tonight."

Roll Call: Barth, yea; Bryda, yea; Ernst, yea; Fraundorf, yea;
Lecznar, yea; Snitzky, yea; Trafis (recused)

6 yea, 0 nay (Trafis recused)

MOTION CARRIED

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RESOLUTIONS OF COMMENDATION

There were no Resolutions of Commendation.

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, July 21, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mr. Trafis said that the Committee will hold its next regular meeting after the summer break on Monday evening, September 15, 2014.

Public Works

Public Works Committee Chairman Bryda stated that the Committee last met on Monday evening, July 7, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mr. Bryda said that the Committee will hold its next regular meeting on Tuesday evening, September 2, 2014. Chairman Bryda added that the Public Works Committee will also meet in Special Session on Monday, August 18, 2014, at 8:00 p.m. in reference to the Block Grant.

Community Services

Community Services Committee Chairman Fraundorf stated that the Committee last met on Monday evening, July 7, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mr. Fraundorf stated that the Committee will hold its next regular meeting on Tuesday evening, September 2, 2014, after the August break.

Police and Fire

Police and Fire Committee Chairman Snitzky stated that the Committee last met on Monday evening, July 21, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mr. Snitzky stated that the Committee will hold its next regular meeting on Monday evening, September 15, 2014, after the August break.

Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Parks Committee last met on Monday evening, July 21, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Lecznar stated that the Committee will hold its next regular meeting after the summer break on Monday evening, September 15, 2014.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Ernst stated that the Committee last met in Special Session on Monday evening, July 21, 2014, and the minutes from that meeting are on file with the Clerk of Council.

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Rules, Ordinances, and Ethics (continued)

Mrs. Ernst stated that the Committee will hold its next regular meeting on Tuesday evening, September 2, 2014, after the August break.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, July 21, 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, September 2, 2014.

APPOINTMENTS AND CONFIRMATIONS

Council President Barth recognized Mayor Dell'Aquila.

Mayor Dell'Aquila stated:

"It becomes necessary for us to appoint our Annual TIF Review Committee for purposes of updating the County on the status of the various TIF financing measures that are in place. The prior TIF Zone Manager was Mark Papke who is no longer with us. I do have three persons I would like to nominate. The meeting is set for August 12, 2014. It's a one-time meeting to simply update the County on the status of the TIF programs. If there is no division of the question, I would like to ask that Council appoint a new TIF Zone Manager, our Acting City Engineer, Stewart Lovece., a second member, a City resident, Helen Pekala, and a third member, also a City resident, Joe Tripi, Sr.

MOTION by Mr. Barth, seconded by Mrs. Lecznar, to confirm and accept the appointment of **Stewart Lovece, Helen Pekala, and Joe Tripi, Sr.**, as members of the **Tax Incentive Review Committee.**

Roll Call: all yea

MOTION CARRIED

The appointment of Stewart Lovece, Helen Pekala, and Joe Tripi, Sr. as members of the Tax Incentive Review Committee is hereby approved.

Mayor Dell'Aquila thanked Council for the confirmation of his appointments.

COMMUNICATIONS, PETITIONS, AND CLAIMS

The Clerk of Council stated she would like to acknowledge a communication received from Kitty and Jerry Rohr of 5672 Pinnacle Park Drive, dated July 18, 2014, in reference to the Sewer Department, as follows:

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“Hi All. I didn’t have an email for the sewer department, so I figured if I sent the email to the ones I have, the message would get to the right department. This morning we had the sewer department out because we had a blockage in the sewer this past week. The men snaking said to have the city check on the line. Hence Jack, Mike and Tim came out and looked for a cleanout. These men are truly good workers. They stuck it out until they found the line buried. They did a wonderful job of putting the dirt back where it came from. Now we have a clean out that is able to be located with the correct directions. Thank you for sending good men to do the job.”

The Clerk of Council stated that City Council received a copy of a letter from Charlene A. Koepke, 1700 Chestnut Road, Seven Hills, Ohio, dated July 10, 2014, addressed to Mayor Dell’Aquila, in reference to numerous deer issues in the City. Mrs. Sekerak said that a copy of this letter will be appended to these minutes as an exhibit for reference purposes.

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

Amended Ordinance No. 71-2014 – AN ORDINANCE TO AMEND SECTION 1133.05, TIME LIMIT ON LAWN, LANDSCAPE AND SIDEWALK INSTALLATION FOR RESIDENTIAL LOTS, AS CONTAINED IN CHAPTER 1133, LANDSCAPING AND LAWN SERVICES, OF TITLE THREE, LOCAL BUILDING PROVISIONS, OF PART ELEVEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, FOR THE PURPOSE OF ADDING NEW SUBSECTIONS WHICH WILL STATE GUIDELINES FOR AN UNIMPROVED LOT IN A SUBDIVISION AND INCREASE THE PENALTY FOR VIOLATION OF SECTION 1133.05.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to table Amended Ordinance No. 71-2014.

Mr. Trafis stated:

“I recommend that Amended Ordinance No. 71-2014 be tabled until our Special Council Meeting next week.”

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 71-2014 was tabled.

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Ordinance No. 108-2014 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SATURN COMMUNICATIONS LLC OF PARMA, OHIO, FOR THE PURPOSE OF PURCHASING A SURVEILLANCE SYSTEM AT THE CITY OF SEVEN HILLS RECREATION COMPLEX, WITH APPURTENANCES, FOR AN AMOUNT NOT TO EXCEED \$2,814.00.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 108-2014 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 108-2014 was read by full title only for its third and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 108-2014.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 108-2014 IS DECLARED PASSED.

Ordinance No. 109-2014 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE K COMPANY, INC., OF AKRON, OHIO, FOR THE PURPOSE OF REPLACING THE COMPRESSOR, CONTACTOR, FILTER DRIER, AND WEIGH IN 17 POUNDS OF R22 REFRIGERANT FOR THE CITY HALL RECREATION COMPLEX TRANE ROOFTOP UNIT 5, MODEL YCH300B4HGOA, WITH A SERIAL NUMBER OF 203100288D, TO INCLUDE A FIVE-YEAR EXTENDED COMPRESSOR WARRANTY, WITH APPURTENANCES, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$6,150.00.

MOTION by Mrs. Ernst, seconded by Mr. Bryda, to read Ordinance No. 109-2014 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 109-2014 was read by full title only for its third and final reading.

MOTION by Mrs. Ernst, seconded by Mr. Bryda, to pass Ordinance No. 109-2014.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 109-2014 IS DECLARED PASSED.

Amended Ordinance No. 111-2014 – AN ORDINANCE ENACTING NEW CHAPTER 966(C), ENTITLED “ELDERLY CARE DISTRICT”, AS CONTAINED IN TITLE NINE, ZONING USE DISTRICTS, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

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MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to read Amended Ordinance No. 111-2014 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 111-2014 was read by full title only for its third and final reading.

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to pass Amended Ordinance No. 111-2014.

Council President Barth stated:

“I would just like to thank Ed Foley and Mark Moro for the work they did on this Elderly Care District, and it’s another step that this City is doing in providing for the elderly of our community.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 111-2014 IS DECLARED PASSED.

Amended Ordinance No. 112-2014 – AN ORDINANCE TO PROVIDE FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SEVEN HILLS A PROPOSED REVISION TO THE ZONING MAP OF THE CITY OF SEVEN HILLS BY CHANGING THE ZONING IN A CERTAIN AREA WEST OF EAST DARTMOOR AVENUE, NORTH OF JOHN GLENN DRIVE, EAST OF WINCHESTER OVAL, AND SOUTH OF MEADVIEW DRIVE (PERMANENT PARCEL NUMBER 551-18-002) FROM FIRST RESIDENTIAL TO ELDERLY CARE DISTRICT WITH GUIDELINES FOR USE FOUND IN CHAPTER 966(C) OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS.

MOTION by Mr. Bryda, seconded by Mrs. Ernst, to read Amended Ordinance No. 112-2014 by title only for its third and final reading

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 112-2014 was read by full title only for its third and final reading.

MOTION by Mr. Bryda, seconded by Mrs. Ernst to pass Amended Ordinance No. 112-2014.

Council President Barth stated:

“I would just like to say a special thank you to our attorney, Chris Tobin, who worked on this. We had a time crunch in getting these ordinances on the ballot, and Chris did an awful lot of research and found a way to combine them and get them both on the ballot at the same time. Without her efforts, we would not be sitting here tonight approving it. So, thank you Chris.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 112-2014 IS DECLARED PASSED.

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Ordinance No. 114-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SHARED SERVICE AGREEMENT WITH THE CITY OF BROADVIEW HEIGHTS, OHIO, TO ALLOW THE CITY OF SEVEN HILLS TO SHARE PERSONNEL SERVICE RESOURCES WITH THE CITY OF BROADVIEW HEIGHTS.

Ordinance No. 114-2014 was read by full title only for its second reading.

Ordinance No. 115-2014 – AN ORDINANCE TO AMEND SECTION 143.08(e), DIVISION OF ENGINEERING – ENGINEERING TECHNICIAN, AS CONTAINED IN CHAPTER 143, DIVISION OF ENGINEERING, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADJUSTING THE COMPENSATION RATES FOR THE ENGINEERING TECHNICIAN.

Ordinance No. 115-2014 was read by full title only for its second reading.

Ordinance No. 116-2014 – AN ORDINANCE TO AMEND SECTION 151.091, COMPENSATION OF EMPLOYEES GENERALLY, AS CONTAINED IN CHAPTER 151, EMPLOYEES GENERALLY, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, FOR THE PURPOSE OF ADJUSTING COMPENSATION RATES FOR THE PART-TIME DEPUTY FINANCE DIRECTOR EFFECTIVE JANUARY 1, 2014.

MOTION by Mr. Barth, seconded by Mr. Fraundorf, to table Ordinance No. 116-2014.
Roll Call: all yea **MOTION CARRIED**

Ordinance No. 116-2014 was tabled.

Amended Ordinance No. 117-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE SEVEN HILLS FIREFIGHTERS ASSOCIATION, FOR THE PURPOSE OF MEMORIALIZING WAGE NEGOTIATIONS WITH VARIOUS FIRE DEPARTMENT EMPLOYEES; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to read Amended Ordinance No. 117-2014 by title only for its second and final reading.
Roll Call: all yea **MOTION CARRIED**
Amended Ordinance No. 117-2014 was read by full title only for its second and final reading.

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MOTION by Mr. Snitzky, seconded by Mr. Trafis, to pass Amended Ordinance No. 117-2014 as an emergency measure.

Council President Barth stated:

“I’ll be recusing myself from the vote because I participated in the negotiations on behalf of the City.”

Roll Call: Barth (recused); Bryda, yea; Ernst, yea; Fraundorf, yea;
Lecznar, yea; Snitzky, yea; Trafis, yea.

6 yea, 0 nay (Barth recused)

MOTION CARRIED

AMENDED ORDINANCE NO. 117-2014 IS DECLARED PASSED.

Ordinance No. 118-2014 – AN ORDINANCE AUTHORIZING THE PURCHASE OF ROAD SALT THROUGH THE JOINT MUNICIPAL IMPROVEMENT CONSORTIUM AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$300,000.00 FOR THE PERIOD OF NOVEMBER 1, 2014 THROUGH OCTOBER 31, 2015.

Ordinance No. 118-2014 was read by full title only for its second reading.

Ordinance No. 120-2014 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BARCOL DOOR OF CLEVELAND, OHIO, FOR THE PURPOSE OF FURNISHING AND INSTALLING TWO (2) ADAEZ PRO PLUS SERIES HANDICAP ACCESSIBLE DOOR OPERATORS WITH INTERIOR AND EXTERIOR WIRELESS CONTROLS ON THE TWO EXISTING ALUMINUM FRAME DOOR SYSTEMS, WITH APPURTENANCES, AT THE CITY’S RECREATION COMPLEX; AUTHORIZING AN AMOUNT NOT TO EXCEED \$5,790.00 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to read Ordinance No. 120-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 120-2014 was read by full title only for its first and final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to pass Ordinance No. 120-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 120-2014 IS DECLARED PASSED.

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Ordinance No. 121-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH SAINT COLUMBKILLE SCHOOL OF PARMA, OHIO, IN AN AMOUNT NOT TO EXCEED \$2,700.00 FOR THE PURPOSE OF ADVERTISING (GOLD PACKAGE) THE CITY OF SEVEN HILLS RECREATION COMPLEX FOR TWO YEARS IN THEIR SCHOOL YEAR ADVERTISEMENT BOOKLET (2014-2015 AND 2015-2016); AND DECLARING AN EMERGENCY.

MOTION by Mrs. Ernst, seconded by Mr. Bryda, to read Ordinance No. 121-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 121-2014 was read by full title only for its first and final reading.

MOTION by Mrs. Ernst, seconded by Mr. Bryda, to pass Ordinance No. 121-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 121-2014 IS DECLARED PASSED.

Ordinance No. 122-2014 – AN ORDINANCE TO AMEND SECTION 997.01(b), PERMIT REQUIRED, AS CONTAINED IN CHAPTER 997, FENCES, OF TITLE ELEVEN, PROVISIONS AFFECTING USE, STRUCTURE AND AREA, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF INCREASING THE YEARS REQUIRED FOR THE PERFORMANCE OF A BOUNDARY SURVEY PRIOR TO INSTALLATION OF A WALL, FENCE, TRELIS, OR OTHER SUCH TYPE STRUCTURE.

Ordinance No. 122-2014 was read by full title only for its first reading.

Amended Resolution No. 23-2014 – A RESOLUTION DETERMINING TO PROCEED TO SUBMIT TO THE ELECTORS OF THE CITY OF SEVEN HILLS THE QUESTION OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, OTHER EQUIPMENT, BUILDINGS AND SITES FOR SUCH BUILDINGS USED DIRECTLY IN THE OPERATION OF THE CITY'S POLICE DEPARTMENT AND THE PAYMENT OF SALARIES OF THE CITY'S PERMANENT POLICE PERSONNEL TO OPERATE SAME, PURSUANT TO SECTION 5705.19(J) OF THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bryda, seconded by Mrs. Ernst, to read Amended Resolution No. 23-2014 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

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Amended Resolution No. 23-2014 was read by full title only for its second and final reading.

MOTION

by Mr. Bryda, seconded by Mrs. Ernst, to adopt Amended Resolution No. 23-2014 as an emergency measure.

Mr. Trafis stated:

“I certainly recognize the need to generate additional money for our City which is a result of many different factors. We all know that I do not believe in the premise behind the Police Levy that we will be voting on momentarily. I feel that there are other options available to us that would place less of a financial burden on our residents and that would be more forthright about what the newly generated money would go toward. However, I do believe that our residents should have a chance to vote on what the majority of their Council Representatives feel is best for them. Having the residents tell us how they want us to run their City is the main reason for my vote in the affirmative. I do want to make it clear that as we pass out newsletters or speak to the media about this levy, that my ‘yes’ vote does not mean I support the premise of the levy, just that I believe that our residents should be able to make a choice. Thank you, Mr. President.”

Mr. Snitzky stated:

“Of all the duties an Elected Official exercises, spending and allocating the public’s money is the most daunting and the most critical. Of all the entities I have been involved with in my career, the City of Seven Hills is without a doubt the most frugal. Mayor Dell’Aquila, with the assistance of City Council, has managed to pull the City out of its fiscal tailspin by cutting \$1.5 million from our budget and restoring the budget surplus to over \$3 million. Seven Hills is at a crossroads. There are no more reasonable or responsible reductions to be made and the State has demanded, by cutting the local government fund, that cities like Seven Hills carry the weight of their own existence. To that end Seven Hills must increase its revenue. This Administration has struggled mightily, and with some notable successes, to increase our commercial tax base. But the ability to do that in a dramatic way sailed thirty years ago and to expect to eliminate our financial stress totally on commercial development would be disingenuous. After much introspection and in consultation with our Finance and Law Departments, members of Council have decided the most prudent action is to ask the voters to approve a 3-Mill Police Levy this Fall. The Police Department accounts for 27% of the City’s budget. The projected \$940,000 we will generate with this levy can only be used for Police funding and will alleviate that financial requirement from the General Fund allowing those resources to be used for routine daily operations.”

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Mr. Snitzky (continued):

“Frugal-minded Seven Hills residents have always appreciated ‘*the Levy*’ as a means of raising revenue because they are assured of where their resources are spent. Whether it is the Trash Levy, the Service Department Equipment Levy, or one of our Fire Levies, the residents KNOW that the allocated funds can only be spent for that requirement. Therefore, I support the passage of this levy. Thank you for your patience.”

Council President Barth stated:

“I don’t think anyone in this room questions the need to generate more revenues for our City in order to balance future budgets and improve our City. Over the last few years expenses have been cut by over 20% and we would have been able to provide for a balanced budget if it were not for over \$700,000.00 in cuts in State and Local funding. There are no more significant cuts to make without greatly impacting basic City services. This Administration and Council have worked diligently to increase our cash reserves to over \$3 million, but all the rabbits have been pulled out of the hat. This year a portion of that \$3 million reserve fund will be used to balance our budget, but we simply cannot continue to operate in that fashion. We have a fiduciary responsibility to balance our annual budgets. With no more cuts to make, the only solution will be an increase in revenues via some type of tax. No one in this room – including me – wants to pay more taxes, and no politician wants to have to talk about new taxes. But as Councilman Fraundorf has said, we can no longer afford to kick this can down the road. This Council has debated for months many different options for increasing revenues. We could have simply chosen to increase revenues by adjusting the way income taxes are paid. That could have been done with a simple majority vote by this Council. We chose not to do that. We even called a special meeting in the middle of Home Days to ensure that every option was looked at and vetted. Finally after all the discussion, debate, and analyzing the facts it was decided to go with the option of putting before the voters an equitable tax to be shared by all. I am not going to sit up here and discuss the dozens of other options we discussed, but in the end it was agreed to that placing a 3-Mill Police Tax Levy on the ballot was the way to go. The passage of the levy would reduce the General Fund obligation to the Police Department from 100% to about 60%, saving the General Fund about \$940,000.00 per year. The reasons and facts we chose to go with the police levy will be provided to our residents over the next few months. All I can do is ask the voters to look closely at the facts. After all the debate I am thoroughly convinced that putting a police levy on the ballot was the right thing to do. As Council President and Chairman of the Finance Committee I’m very happy the way the process played out. The debate was productive and spirited.”

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Council President Barth (continued):

“But, unfortunately, when all don’t agree some will be unhappy or uneasy with the final outcome. But in the end one must put their opinions aside, consider the facts, listen to what their colleagues have to say, and do what is best for the City, and going before the voters asking them to support this levy is the best and right thing to do. So I want to thank Councilman Trafis for his vote in putting this on the ballot. Giving our residents a vote on how their government is run is the right thing to do.”

Roll Call: all yea

MOTION CARRIED

AMENDED RESOLUTION NO. 23-2014 IS DECLARED ADOPTED.

COUNCIL OPEN TO THE AUDIENCE

There were no questions or comments from the audience.

MISCELLANEOUS

Mr. Bryda had no miscellaneous comments.

Mrs. Ernst:

I would just like to say that I thought that the Service Department and the Administration did a really nice job on Home Days this year. We were there all three days and it was really nice.

Mr. Snitzky:

I would also like to thank the Administrative people for the job on Home Days – it was nice – wet, but nice.

I was very glad to see that the upgrades to the electrical system that we discussed I think two years ago payed off – especially in the lightning storm. I was glad to see that all the power was there that we needed and we didn’t have any vendors that lost power and, therefore, lost interest in Home Days. It was a very well run and very productive three days.

Mr. Fraundorf:

I would like to also make a comment about Home Days. I felt very privileged and proud to be part of this important community – and I want to emphasize ‘community’ – event. And I’d like to thank, and I’d like to expand upon what Councilwoman Ernst said – and I would also like to thank every department, because I think everyone was involved. I saw representatives from Finance, Building, Recreation, Police and Fire – they were all there. So, I want to thank every department for their hard work and their contribution to making this a very successful event.

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Mr. Trafis:

Before I begin, Councilman Bryda asked for the floor.

Mr. Bryda:

I just wanted to express my thanks regarding the great Home Days this past weekend. I also want to thank our sponsors and make sure they get recognized – and thank the City employees and volunteers that I saw throughout the weekend.

Mr. Trafis:

I have a few variance requests from the Zoning Board of Appeals that Council discussed thoroughly – a number of times. Just a reminder to Council that the Zoning Board of Appeals voted to deny, so a ‘no’ vote on these variance requests would override the Zoning Board of Appeals, and therefore grant the variance.

At the July 9, 2014 Zoning Board of Appeals Meeting, the Board made the following motions regarding variance requests heard:

“That the Board grant Steve Kordas, as the owner of the property located at 500 Hillside Road:

.....a 640 square-foot variance to Ordinance No. 963.02(a)(1), Private Unattached Garages, to allow the construction of an unattached 1440 square-foot garage.

Roll Call: 1 yea, 4 nay

Motion Denied

.....a variance to Ordinance No. 963.02(a)(3), New or Existing Homes, to allow the construction of an unattached garage on a parcel that has a garage attached to the existing home.

Roll Call: 1 yea, 4 nay

Motion Denied

.....a 5’8” variance to Ordinance No. 987.02, Exceptions, First Residential Districts, to allow the construction of an unattached garage with a height of 20’8”.

Roll Call: 1 yea, 4 nay

Motion Denied”

MOTION

by Mr. Trafis, seconded by Mr. Snitzky, to concur with the findings of the Zoning Board of Appeals of July 9, 2014, in denying the variance requests of Steve Kordas, as the owner of the property located at 500 Hillside Road, concerning the construction of an unattached 1440 square-foot garage on a parcel that has a garage attached to the existing home, if there is no division of the question.

Council President Barth stated:

“I will be voting to support the decision of the Zoning Board to deny the variances. As all in here know, I have been fairly consistent in my support of the Zoning Board of Appeals because our Charter reads:

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Council President Barth (continued):

'Where difficulties and unnecessary hardships shall result from the enforcement of the zoning ordinances, the Board of Zoning Appeals shall have the power to grant variances in harmony with the general intent of the ordinance and to secure the general welfare and substantial justice in the promotion of the public health, comfort, convenience, morals, safety and general welfare of the City.'

It goes on to say that:

'Council shall have the power to approve, amend, modify or reverse any decision of the Board of Zoning Appeals if the Council finds that the decision of the Board of Zoning Appeals is contrary to the purpose and intent of the zoning ordinances.'

After reading the minutes, listening to Mr. Kordas, and his neighbor, Mr. Gaul, I can find no abuse of discretion and found no hardship to the property, therefore I believe the Board acted correctly in their decision. This is the second time this type of variance has been granted. If this Council thinks the Building Code is flawed, then we have the power to change it – and we should.”

Mrs. Lecznar stated:

“I will be voting ‘no’ to override the Board’s decision. I did feel, actually, the opposite of what you, Mr. President, felt. There was some hardship on the part of the homeowner. The garage he has now is not conducive to putting any of his vehicles into it. It didn’t seem to me, when I read the minutes, that the Board actually listened to that when the resident had mentioned it. And really they did not give any clear-cut reason why they were denying the variances. So that is my reasoning behind it.”

Mrs. Ernst stated:

“Since you brought it up, I will be bringing suggestions to do some upgrades to our Building Code. That’s the plan.”

Council President Barth commented, “That’s what we should do. That’s what we’re here for. We can’t keep doing this.”

Mrs. Ernst continued:

“We’ll be looking at, perhaps, moving into current rules as opposed to rules that were put together in the 60’s.”

Council President Barth added, “That’s what I said, Councilwoman. I appreciate it.”

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Mrs. Ernst stated, "That's already been discussed."

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

3 yea, 4 nay

MOTION DEFEATED

The motion to concur with the decision of the Zoning Board of Appeals has been defeated and the variances are, therefore, granted.

Mr. Trafis continued with his miscellaneous comments:

I also wanted to add that I thought the Home Days event was a great community function. As one of our colleagues said – I think it was Councilman Fraundorf – everybody chipped in, all of the departments. I thought the Service Department, in particular, did a terrific job, given all the rain that we had. As I was goofing around all weekend, if we are ever in a drought and we need rain, we can just plan Home Days.

Council President Barth:

I would also like to congratulate and thank our volunteers and the different organizations that participated in this year's Home Days. Those within the Administration – especially Kathy Holland and Chris Matthews – for all their hard work. This was Kathy's first Home Days, and she proved to certainly be up to the task. You certainly made a good hire there, Mr. Mayor.

As for Chris Matthews, it is not only the outstanding job he does for our Home Days, I sometimes think that we all take his other responsibilities for granted. At our last Caucus Meeting, in an effort to cut costs, it was recommended that we do away with his position. I believe, as do the seniors I talk to, that Chris Matthews is one of the most valuable individuals within this Administration and I will go on the record right now and say that I will never support getting rid of someone who provides so much help and support for our seniors and to those most in need in our City. We are fortunate to have Chris. He exemplifies a public servant.

Mrs. Lecznar:

I, too, would like to thank everyone who helped at Home Days. Chris and Kathy did a wonderful job organizing everybody. All the departments did cooperate. The only department that didn't was the Big Guy upstairs. Next year I think maybe we should have a prayer service beforehand.

Council President Barth commented, "I wouldn't mess with Him, Caryl!"

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Mrs. Lecznar concluded:

Let's just ask if possibly He could give us some good weather – at least one year out of all of them. But they did a wonderful job, and everyone had a wonderful time. Thank you, and thank them, very much!

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:

It was a pleasure working with Building Commissioner Moro and Building Inspector Rich Vittardi. The Service Department assisted in installing the underground electrical system upgrade behind City Hall.

A special thanks to Chuck and Councilwoman Michele Ernst for their volunteer work – especially cleaning up after Home Days.

Council President Barth added, “I didn’t know that – thank you very much, Councilwoman Ernst!”

Building Commissioner Moro was not present.

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell’Aquila made the following remarks:

Thank you, Mr. President. Let me first begin with a little bit about the passage of the proposed levy.

Council speaks through its vote. Tonight after almost two years of debate, Seven Hills City Council has voted unanimously to pass Amended Resolution No. 23-2014 to place a police levy on the November ballot. I want to first acknowledge all of Council for making this very difficult decision and to confirm my support for this levy as the most viable alternative to meet the City’s financial needs.

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Mayor Dell'Aquila (continued):

I want to also thank Finance Director Jack Johnson and his staff for their responsiveness to all the many Council member inquiries, hours of time taken in his department to provide information on all the various proposed alternatives. I don't know what we would do here without Jack.

Even after all the many budget cuts, almost \$2 million per year, practical elimination of almost \$0.5 million in the annual Recreation Center losses, and increasing the General Fund balance from about \$1.5 million to around \$3.7 million – everyone on this dais recognizes that Seven Hills simply cannot continue to deficit spend forever. All of us here, and all of us in the audience, and all of us who will read these minutes, we are all taxpaying residents, and no one enjoys paying taxes. Without more money some very painful cuts will be necessary in 2015 and later.

It's important again to be reminded that only about 12% of existing regular real estate taxes – about 12 cents on the dollar – goes to the City of Seven Hills. Most actually goes to the schools and to the County. What is needed now is a consensus among City leaders to clearly and fairly explain this issue and the need for more money to our residents. We begin this evening by acknowledging, yet again, that this police levy will clearly reduce pressure on the General Fund. That goes without saying – all levies do that. If passed, all police levy money generated by this measure can only be used for police purposes – it goes into a dedicated fund and cannot be used for anything else. If passed, the police levy will allow us to hire another police officer to fill a currently vacant position there, and to replace our police vehicles on a regular and sustained schedule. Presently we are getting by with different colors and types of police vehicles, some in need of substantial repairs.

Our residents must understand that this decision was not taken lightly, but only after months of deliberation and study of all the details by this Council. And I want to commend Council for all your efforts as this was not an easy decision to make – you grappled with a lot of alternatives and I think you made the most prudent choice, and I support your decision.

Home Days – we had a very successful Home Days, and but for the rain, probably more successful. I don't know offhand, but just visually it seemed like we set some sort of record on Friday night. I heard that actually some of our food vendors had run out of food. So that's all good news. The fireworks, however, on both evenings had to be moved up about one-half hour on each night to accommodate the rain. We were successful, though, in getting that off. I want to single out, though, for special recognition, Chris Matthews and Kathy Holland, all our employees, volunteers, and sponsors that made all of this possible. Without them, none of this could have occurred.

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Mayor Dell'Aquila (continued):

I certainly want to echo the comments made by Stewart Lovece. As you are probably aware we put on a full court press this year to try to obtain as many volunteers as we possibly could to offset some of the expenses. And Councilwoman Michele Ernst and her husband, Chuck, went above and beyond the call of duty. They were actually out there today assisting in removing the fences around the baseball infield in all that mud and water and helping with clean up. So, Michele, wonderful – thank you, thank you!

I want to acknowledge everybody else who also volunteered. Everyone on this dais had a hand in this. Caryl, I know you volunteered with Michele to judge the Adorable Baby Contest and didn't have a flak jacket, so that was pretty brave of both of you.

Mrs. Lecznar stated, "It wasn't an easy task, either!"

You guys deliberated about fifteen to twenty minutes – I was counting. And I certainly want to thank everyone for all your kind words at Home Days in support of the things that we're trying to do in this City and for the work that has been accomplished thus far.

Lastly, it's important that we recognize that the fireworks would not have been possible without the two major sponsors who contributed and paid for them – Cox Communications, Ohio Loan Gals and Countrywide Mortgage – we want to again acknowledge all of their contributions to the City.

These are the kind of things that make all of the other things that we have to do as Elected Officials worth it. It sounds corny to say it, and I've said it before, community spirit is more than just a catchy phrase. It's important that we all understand that we are in the same boat and hopefully rowing in the same direction. What affects one of us affects all of us. And events such as this help to strengthen that attitude.

The rain – the rain always seems to be an issue. Matt, you may be right. We may want to contract out our services to arid areas to see if we can get some additional rain for those areas. We get a lot of comments from our residents. God Bless them. Our residents are always thinking – some of them are positive and some of them are negative – we just take it as it comes. One of the more interesting suggestions I got at Home Days was that perhaps we should think about changing the date to avoid the rain!!(?) And I'll just let it go at that.

And so with that, I thank you, Mr. President. And I thank everybody. Oh, yes, and for the first time we had the Car Show, the Classic Car Show. We had far more vehicles than I had expected. We had to actually shuffle some vehicles around.

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Mayor Dell'Aquila (continued):

We're thinking about the possibility of maybe doing another Classic Car Show later in the year, not necessarily attached to an event like Home Days. We'll take a look at that down the road.

Everybody enjoy your break, such as it is. We know we have to come back a couple of times. We'll work through the issues as they come. Thank you, Mr. President.

Council President Barth asked if there were any other closing comments from the dais since this was the last regular meeting before the break.

Mr. Trafis stated:

"One thing I forgot. I just wanted to thank Council and the Mayor again, and the Law Director, for taking time out of their schedules for the Special Meeting during Home Days. I appreciate Council President Barth calling the meeting. I thought that was a great thing for all of us to continue that discussion – so thank you everybody."

Council President Barth thanked Councilman Trafis for his remarks.

MOTION by Mrs. Lecznar, seconded by Mrs. Ernst, to adjourn the meeting.

Roll Call: all yea

MOTION CARRIED

Council President Barth concluded:

"Meeting adjourned – enjoy your six days off!"

The July 28, 2014 Council Meeting was adjourned at 8:55 p.m.

Michael C. Barth, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

cc: All Council
7/21/14

July 10, 2014

Dear Mayor,

First, let me express how deeply disappointed I am that you did not take the time to return my phone call of July 7, 2014. Your brief, form-like, prescient letter, dated July 6, was not the conversation I hoped to have with you; my household will certainly keep your unavailability in mind at the next mayoral election.

On the deer issue:

- 1) Deer are destroying property aesthetics and LOWERING property values in a city of already-aging homes. If property values were protected, rather than ravaged by deer, there would be less need to raise taxes.
- 2) Deer are dirty, dangerous, large, bold, wild animals which are vectors for disease.
- 3) Deer are multiplying at a rate that the ecosystem cannot support. This is detrimental to all wildlife.
- 4) Deer are violating private property, and you are failing, as an officer of government, to protect private property rights. Human vandals would not be treated as tolerantly as are the destructive deer.
- 5) You are discriminating against flora enthusiasts (the silent majority), in favor of fauna enthusiasts (the outspoken few).
- 6) You are shirking responsibility when you claim action can only be taken regionally, not locally. Other cities have taken local action. The buck stops here, Mayor. (Pun intended)
- 7) Money is the eternal escape clause: forego repairs at City Hall and do something to protect the real estate of your citizens, instead. Prospective homeowners in Seven Hills do not want a tour of City Hall; they want to see nicely landscaped neighborhoods.
- 8) Revenue is shrinking, and while you dither, residents are moving out and your tax base is being further eroded by the deer blight in Seven Hills.

Wake-up, sir: the problem is growing exponentially while you play politics.

Sincerely,

Charlene A. Koepke

Cc: City Council of Seven Hills
Please read into the Minutes of Council