

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD September 8, 2014

This Regular Council Meeting was called to order by Council President Pro Tem Caryl Lecznar at 7:30 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 (who arrived at 7:45 p.m.), 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.

Council President Pro Tem Lecznar stated:

"I do want to note that Council President Barth will attend the meeting; he is just going to be a little bit late tonight."

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to accept the Minutes of the

- (1) Regular Council Meeting held July 28, 2014; and
 - (2) Special Council Meeting held August 4, 2014; and
 - (3) Special Council Meeting held August 7, 2014; and
 - (4) Special Council Meeting held September 3, 2014,
- as printed, if there is no division of the question.

Roll Call: all yea

MOTION CARRIED

CONSENT AGENDA

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 1** of September 8, 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 September 8, 2014, as printed, if there is no division of the question.

Councilman Trafis stated:

"I will be recusing myself from this vote due to a conflict regarding the Bentkowski litigation."

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

5 yea, 0 nay (Trafis recused)

MOTION CARRIED

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RESOLUTIONS OF COMMENDATION

Resolution No. 25-2014 – A RESOLUTION OF COMMENDATION TO ROSEMARY MELLIS FOR 27 YEARS OF SERVICE, CITY OF SEVEN HILLS, OHIO.

MOTION by Mrs. Ernst, seconded by Mr. Snitzky, to read Resolution No. 25-2014 in its entirety for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 25-2014 was read in its entirety by the Clerk of Council for its first and final reading.

Debbie Dvorak, Clerk of Courts, City of Seven Hills, made the following comments:

“I am a co-worker of Rosie Mellis – I’ve worked with her the last ten years. She has been nothing but a true friend -- a loyal, dedicated employee. As a Front Office person, we get a lot of irate residents – as you do, too – we are a sounding board. But Rosie has always handled them professionally and has always gone out of her way, even to answer something like ‘who is our cable provider’, and gives out various miscellaneous information. She definitely has excellent work ethics, and she will be missed. Rosie and I always used to laugh – we could write a book about the calls we get. But most of all, I think, many of her fellow employees and coworkers, past and present, will miss the genuine prayers and concern Rosie has shown every member, and every employee, when they were sick, or when a member of their family was sick. Her prayers and concerns were always there for them. May God bless her and grant her a happy and healthy retirement with her children and grandchildren. She certainly deserves it. Thank you.”

Mr. Trafis made the following comments:

“I just want to mention quickly that it has been a pleasure getting to know Rosie Mellis over the past twenty-plus years that I’ve known her. Ever since I was a kid, she was always a delight to see up here at City Hall. She was always kind to everybody, and City Hall will miss her greatly.”

Mrs. Ernst made the following comments:

“I am fairly new to this, but I have dealt with Rosie a couple of times, and she has been just a joy to work with. I’m going to miss her being up there in the Front Office.”

Mayor Dell’Aquila made the following comments:

“We all know that change is inevitable. I have been in this City since the early 1960’s and as everybody knows Rosie and I have had a number of communications here at City Hall and otherwise, so I’ve gotten to know Rosie not only as a resident but have had an opportunity to observe her service to the City and also later in my capacity on Council and now as Mayor. As I said, change is inevitable. This one, though, is particularly difficult for me.”

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Mayor Dell'Aquila continued with his comments:

"She is the sweetest, kindest, most concerned person that I can imagine. That aspect of her service to the City alone will be difficult to replace, let alone the professionalism that she always showed. Debbie mentioned some of the phone calls, etc., that we receive here at City Hall, and I'm sure some of the hearings as a Mayor's Court Clerk would also be very interesting. It's a little bit of a bittersweet meeting for me – both personally and professionally."

Mr. Lovece made the following comments:

"I echo everyone's comments up here about Rosie – Rosie is a wonderful person. It is sad to see her go. I wish her the best in her retirement."

Mr. Snitzky made the following comments:

"When I first came on Council, there were so many things I didn't know. So many stumblings and bumbings and mistakes. But one of the things I'll always remember about Rosie is her smile. I don't think she ever had a sour word to say about anybody. She was always professional, friendly, and very, very helpful – she is going to be missed."

Mrs. Lecznar made the following comments:

"Rosie has that very distinctive voice. When she would answer the phone you would always know it was Rosie. It was always such a pleasant voice, and you always knew she was smiling. The first person you talk to on the phone can always make a big impression on the caller, and it can turn that caller into either a very sour person or a very happy person. It was always nice to know that Rosie had that very bright, smiling disposition, and she always made sure that it came through over the phone."

MOTION by Mrs. Ernst, seconded by Mr. Trafis, to adopt Resolution No. 25-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 25-2014 IS DECLARED ADOPTED.

Council President Pro Tem Lecznar stated that the Resolution of Commendation will be forwarded to Mrs. Mellis, who was not able to be here at the meeting this evening.

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

Public Works

Public Works Committee Chairman Bryda stated that the Committee last met on Tuesday evening, September 2, 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 Monday evening, October 6, 2014.

Community Services

Community Services Committee Chairman Fraundorf stated that the Committee last met on Tuesday evening, September 2, 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 Monday evening, October 6, 2014.

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 September 15, 2014.

Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Parks Committee will hold its next regular meeting Monday evening, September 15, 2014. Mrs. Lecznar stated that the minutes from the July 21, 2014 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 Tuesday evening, September 2, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Ernst stated that the Committee will hold its next regular meeting on Monday evening, October 6, 2014.

Finance, Civil Service, and Personnel

Mrs. Lecznar stated that Chairman Barth's Finance, Civil Service, and Personnel Committee last met on Tuesday evening, September 2, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Lecznar stated that the Finance Committee will hold its next regular meeting on Monday evening, September 15, 2014.

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APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

The Clerk of Council stated she would like to acknowledge a communication received from Carol Paladin to Councilwoman Ernst, dated September 3, 2014, as follows:

“I want to thank you and the City of Seven Hills decision makers I have contacted for your kind attention to the matter of the decades old lack of maintenance of the broken field tile thus causing erosion to our property. However negotiations with the owner took place and whatever meetings were necessary to rectify this problem. The longstanding problem is being addressed as I write you this email. I am very pleased with the two men who are hard at work – their names are Mike and Jeff. Not only are they exceptional in their efficient use of materials and work, they are efficient with their time, they work well together and both have been most respectful to me. I thanked them and let them know I appreciate their hard work at the request of the field owner. These two men are worthy of every praise I could offer but that would take an excessively long email. Suffice it to say that I believe these two men deserve appreciation and recognition. The exceptional work they are doing is expected to make a huge difference to the conservation of the land. I do hope that the field owners will consider all my years of care to the area and continue to permit me to care for the land in the ‘buffer zone’ to the fence on my side of the yard. Thank you again.”

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

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.

MOTION by Mr. Bryda, seconded by Mrs. Ernst, to read Ordinance No. 118-2014 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

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Ordinance No. 118-2014 was read by full title only for its third and final reading.

MOTION by Mr. Bryda, seconded by Mrs. Ernst, to pass Ordinance No. 118-2014.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 118-2014 IS DECLARED PASSED.

Ordinance No. 125-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PROVIDER AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS WITH COMMUNITY INSURANCE COMPANY, dba ANTHEM BLUE CROSS AND BLUE SHIELD, IN ORDER TO CONTINUE TO RECEIVE INSURANCE PAYMENTS FOR AMBULANCE BILLING CHARGES; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Ordinance No. 125-2014 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**

Ordinance No. 125-2014 was read by full title only for its first and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to pass Ordinance No. 125-2014 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 125-2014 IS DECLARED PASSED.

Ordinance No. 126-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT AND SIGN THE AMENDMENT TO THE URBAN COUNTY COOPERATION AGREEMENT BETWEEN THE CITY OF SEVEN HILLS AND CUYAHOGA COUNTY WHICH WAS PASSED BY THE CITY OF SEVEN HILLS ON MAY 10, 1993 (Ordinance No. 46-1993) FOR THE PURPOSE OF MAKING CLEAR THAT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS CANNOT BE TRADED OR EXCHANGED FOR OTHER FUNDS; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 126-2014 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**

Ordinance No. 126-2014 was read by full title only for its first and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 126-2014 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 126-2014 IS DECLARED PASSED.

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Ordinance No. 127-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A MUTUAL AID AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE CITY OF BROOKLYN HEIGHTS, IN ORDER TO SHARE RESOURCES, EXERCISE VARIOUS POWERS, PERFORM FUNCTIONS OR RENDER SERVICES TO EACH OTHER FOR THE BENEFIT OF THE CITIES.

Ordinance No. 127-2014 was read by full title only for its first reading.

Council President Barth entered the Council Meeting at 7:45 p.m.

MOTION by Mrs. Ernst, seconded by Mrs. Lecznar, to amend Ordinance No. 128-2014 by adding the words ‘**and declaring an emergency**’ to the title, and by adding the emergency clause to Section 3.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 128-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AFFILIATION AGREEMENT FOR JOB TRAINING EXPERIENTIAL LEARNING PROGRAM ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, AND THE PARMA CITY SCHOOL DISTRICT BOARD OF EDUCATION, PARMA, OHIO, FOR THE PURPOSE OF PROVIDING PRACTICAL COMMUNITY-BASED WORK EXPERIENCE FOR THE EDUCATIONAL BENEFIT OF THE STUDENTS IN A NATURAL WORK ENVIRONMENT; AND DECLARING AN EMERGENCY.

MOTION by Mrs. Ernst, seconded by Mrs. Lecznar, to read Amended Ordinance No. 128-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 128-2014 was read by full title only for its first and final reading.

MOTION by Mrs. Ernst, seconded by Mrs. Lecznar, to pass Amended Ordinance No. 128-2014 as an emergency measure.

Mrs. Lecznar stated:

“The emergency provision is being added to this Ordinance due to the fact that it is an agreement that will be taking effect within the next two weeks and Council wanted to get it in place before that time.”

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 128-2014 IS DECLARED PASSED.

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Ordinance No. 129-2014 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (‘AGREEMENT’) WITH CUYAHOGA COUNTY, THE DEPARTMENT OF INFORMATION TECHNOLOGY, OF CLEVELAND, OHIO, REGARDING BASIC TERMS AND CONDITIONS UPON WHICH THE COUNTY WILL PROVIDE TO THE CITY OF SEVEN HILLS A NEWLY DESIGNED AND HOSTED WEBSITE.

Ordinance No. 129-2014 was read by full title only for its first reading.

Ordinance No. 130-2014 – AN ORDINANCE TO AMEND SECTION 171.07(g), SIGNS IN RESIDENTIAL DISTRICTS, AS CONTAINED IN CHAPTER 171, SIGNS, OF TITLE NINE, BUSINESS REGULATIONS, AS CONTAINED IN PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF MODIFYING REQUIREMENTS FOR POLITICAL SIGNS.

Ordinance No. 130-2014 was read by full title only for its first reading.

Ordinance No. 131-2014 – AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$153.12 FOR THE PURCHASE OF EIGHT (8) OPTIPLEX 3020MT COMPUTERS, THREE (3) AC511 STEREO SOUNDBARS, FOUR (4) OPTIPLEX 7010MT, AND THREE (3) DELL AC511 STEREO SOUNDBARS, WITH APPURTENANCES, FOR USE IN VARIOUS DEPARTMENTS OF THE CITY OF SEVEN HILLS, SAID PURCHASE MADE FROM DELL COMPUTERS (STATE CONTRACT #40305); AND DECLARING AN EMERGENCY.

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to read Ordinance No. 131-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 131-2014 was read by full title only for its first and final reading.

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to pass Ordinance No. 131-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 131-2014 IS DECLARED PASSED.

Resolution No. 26-2014 – A RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER; AND DECLARING AN EMERGENCY.

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MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to read Resolution No. 26-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 26-2014 was read by full title only for its first and final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to adopt Resolution No. 26-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 26-2014 IS DECLARED ADOPTED.

COUNCIL OPEN TO THE AUDIENCE

Ed Foley, 3110 Hillside Road made the following remarks:

“Our City is 95%-plus developed – we all know that. Which means the remaining moves have to be very carefully done and executed all the way through to completion. Peter Drucker said that leadership is having the wisdom and fortitude to make decisions today that impact the future. I have been very pleased with the degree of support that this body and the Planning Commission has brought the Mayor to have an opportunity for us in November to vote on something that I think is really good development for the City. I’m going to count on that continued support all the way through to election. Because it was there when the vote was taken, it’s been there in what has been spoken, it has to stay there until November so that this present decision can impact our future. Thank you.”

MISCELLANEOUS

Mr. Trafis:

As I mentioned in Caucus, I only have one item, and that is a variance request brought before the Zoning Board of Appeals at their September 3, 2014 meeting. At that meeting, the Board made the following motion regarding the variance request heard:

“That the Board grant the applicants, Daniel and Joann Moga, as the property owners of 6510 Ruth Drive, Permanent Parcel No. 551-27-054, a maximum front yard and side yard variance of fifteen (15) feet each to allow the construction of a single-family home to be built with a front and side yard setback less than fifty (50) feet, provided that there is an understanding that the address may be changed to a Kristen Court address.

Roll Call: 3 yea, 0 nay

Motion Carried”

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MOTION by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of September 3, 2014, in granting the variance request of Daniel and Joann Moga, as the owners of the property at 6510 Ruth Drive, Permanent Parcel No. 551-27-054, concerning the construction of a single-family home with a rear yard setback of less than fifty feet.

Roll Call: all yea

MOTION CARRIED

The motion to concur with the decision of the Zoning Board of Appeals to grant Daniel and Joann Moga a variance to Ordinance No. 993.01(a)(2) has been carried.

Mr. Bryda had no miscellaneous comments.

Mrs. Ernst had no miscellaneous comments.

Mr. Snitzky:

I would just like to thank Stewart, and Mark, and the Administration for this wonderful new sound system. Can you hear us back there, Ed?

Ed Foley, who was seated in the audience, answered “Loud and Clear!”

Mr. Snitzky concluded, “Good, because before you couldn’t, so this is wonderful – thank you.”

Mr. Fraundorf had no miscellaneous comments.

Mrs. Lecznar had no miscellaneous comments.

Council President Barth:

I just want to apologize to my colleagues, the Mayor, and everybody up on the dais for being late. I think I told you I might be late tonight – my apologies. It won’t happen again.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson had no formal report.

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Director of Law Pignatiello had no formal report.

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 made the following remarks:

Just very briefly, I want to remind everybody of the upcoming joint meeting with the City of Independence and our planning partners at the Holiday Inn on Rockside Road on Tuesday, September 16, 2014, at 7:00 p.m. The purpose of that meeting is to present to the public a general overview of the study and proposal we're seeking with regard to the development of the Rockside Road corridor as well as to seek public input with respect to the upcoming plan and what will be generated out of this process. We've worked long and hard with Council and the City of Independence to bring this to fruition over a time span since it was first brought to our attention so I'm grateful for the progress. I want to thank Ed Foley for all of his work and efforts on behalf of the City. I've said it before and I'll say it again – I don't know what we would do without you. Your efforts, Ed, are much appreciated. We're going to be working to get the word out – we're about to send out some flyers, and we're going to do an email blast, and we'll do a phone notice as well. It's coming out with the City newsletter as well. So let's see if we can't get a big turnout for this meeting. It's important for our future, and it's important for the development and the stability of our City.

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

Roll Call: all yea

MOTION CARRIED

The September 8, 2014 Council Meeting was adjourned at 8:05 p.m.

Caryl Lecznar, President of Council Pro Tem

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____