

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD September 22, 2014

This Regular Council Meeting was called to order by Council President Michael C. Barth 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, 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 September 8, 2014, as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mrs. Lecznar, seconded by Mr. Barth, to accept the Consent Agenda of September 22, 2014, as printed.
Councilman Trafis stated:
"I will be recusing myself from this vote due to a conflict regarding 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.

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, September 15, 2014, and the minutes from that meeting will be filed with the Clerk of Council prior to the next Council Meeting. Mr. Trafis said that the Committee will hold its next regular meeting on Monday evening, October 20, 2014.

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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 in Special Session this evening, September 22, 2014, at 6:45 p.m.. Mr. Snitzky stated that the Committee will hold its next regular meeting on Monday evening, October 20, 2014.

Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Parks Committee last met on Monday evening, September 15, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Lecznar said that the Committee will hold its next regular meeting on Monday evening, October 20, 2014.

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

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, September 15, 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 Monday evening, October 6, 2014.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

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COMMUNICATIONS, PETITIONS, AND CLAIMS

The Clerk of Council stated she would like to read into the record an email received from Diane Schneider, 1026 Joy Oval, dated Monday, September 22, 2014, in reference to the John Glenn School Rezoning Issue, as follows:

“Good Morning Carol and City Council. I respectfully ask that you read into the Council Meeting minutes tonight 9/22/14, that I am officially asking our Council to vote to take the rezoning of the John Glenn School/Landsong property off the ballot for now. I feel that this issue needs more input from the residents and more communication in the way of official plans from the developer before residents can make a sound decision on the issue. I have spoken to the Board of Elections, and all Council has to do is vote to take it off the ballot and send the legislation to the Board of Elections. Thank you.”

The Clerk of Council stated she would like to acknowledge a thank you note received from Mr. Joe Yako, 1040 Hillside Road, addressed to Ward 3 Councilman Snitzky, as follows:

“Councilman. I want to thank you again for your help. The Service Department did put in a storm drain and also filled in the sink hole in front of my house. With your help the work was done. Thank you again.”

Council President Barth stated:

“I usually don’t invite comment from the dais at this point, but if anyone would like to comment on Mrs. Schneider’s email I will recognize you.”

There were no comments from Council or the Administration.

Council President Barth said, “There are no comments, so we will move on.”

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

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ORDINANCES AND RESOLUTIONS

Amended 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; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Amended Ordinance No. 127-2014 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 127-2014 was read by full title only for its second and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to pass Amended Ordinance No. 127-2014 as an emergency measure.

Mr. Snitzky stated:

“In keeping with the open government regulations, I just want to note that the reason we are doing this as an emergency is because these mutual aid agreements are already in effect and occurring as we speak and we just want to get it codified and effective as quickly as possible.”

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 127-2014 IS DECLARED PASSED.

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 second 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 second reading.

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Ordinance No. 132-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH ANTHONY TERRY FOR THE PURPOSE OF PROVIDING YOUTH SPORTS PROGRAMS AT THE CITY OF SEVEN HILLS RECREATION COMPLEX FOR THE REMAINDER OF YEAR 2014; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 132-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 132-2014 was read by full title only for its first and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 132-2014 as an emergency measure.

Mr. Snitzky stated:

“This is at the request of the Recreation Director who’s programs are ongoing and continuing and she just wants to get them on the books.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 132-2014 IS DECLARED PASSED.

Ordinance No. 133-2014 – AN ORDINANCE AUTHORIZING THE CITY OF SEVEN HILLS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AMENDING THE CURRENT COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SEVEN HILLS AND THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION TO PROVIDE FOR THE SAME DENTAL BENEFIT THAT IS AVAILABLE TO THE ADMINISTRATORS COMMENCING NOVEMBER 1, 2014 AND ENDING DECEMBER 31, 2016, IN AN AMOUNT NOT TO EXCEED \$60.00 PER EMPLOYEE, PER MONTH, FOR QUALIFIED EMPLOYEES; AUTHORIZING AND DIRECTING THE MAYOR TO SIGN, ON BEHALF OF THE CITY OF SEVEN HILLS, ANY AND ALL DOCUMENTS NECESSARY TO IMPLEMENT AND GIVE FORCE AND EFFECT TO SAID DENTAL LEVEL IV CARE PLAN FOR QUALIFIED EMPLOYEES; AND DECLARING AN EMERGENCY.

MOTION by Mrs. Ernst, seconded by Mr. Bryda, to read Ordinance No. 133-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 133-2014 was read by full title only for its first and final reading.

MOTION by Mrs. Ernst, seconded by Mr. Bryda, to pass Ordinance No. 133-2014 as an emergency measure.

Mrs. Ernst stated:

“I would like to say that Ordinance Nos. 133-2014 and 134-2014 are both being passed on an emergency basis. The City currently provides dental and life

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insurance to the same employees. This is a memorandum to allow them to join the Union's plan, which is a cheaper plan for the City."

Council President Barth thanked Mrs. Ernst for the explanation.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 133-2014 IS DECLARED PASSED.

Ordinance No. 134-2014 – AN ORDINANCE AUTHORIZING THE CITY OF SEVEN HILLS TO ENTER INTO A PARTICIPATION AGREEMENT BETWEEN THE CITY OF SEVEN HILLS AND THE OHIO AFSCME CARE PLAN TO PROVIDE FOR DENTAL BENEFITS FOR ALL ELIGIBLE FULL-TIME ADMINISTRATORS AND DIRECTORS EFFECTIVE NOVEMBER 1, 2014 AND ENDING DECEMBER 31, 2016, IN AN AMOUNT NOT TO EXCEED \$60.00 PER EMPLOYEE, PER MONTH, FOR QUALIFIED EMPLOYEES; AUTHORIZING AND DIRECTING THE MAYOR TO SIGN, ON BEHALF OF THE CITY OF SEVEN HILLS, ANY AND ALL DOCUMENTS NECESSARY TO IMPLEMENT AND GIVE FORCE AND EFFECT TO SAID DENTAL LEVEL IV CARE PLAN FOR ELIGIBLE FULL-TIME ADMINISTRATORS AND DIRECTORS; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bryda, seconded by Mrs. Ernst, to read Ordinance No. 134-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 134-2014 was read by full title only for its first and final reading.

MOTION by Mr. Bryda, seconded by Mrs. Ernst, to pass Ordinance No. 134-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 134-2014 IS DECLARED PASSED.

Ordinance No. 135-2014 – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$8,484.00 FOR THE PURCHASE OF SEVEN (7) HP WORKSTATIONS Z230 (3791104), SEVEN (7) DISPLAYPORT TO VGA CONVERTERS, AND SEVEN (7) MICROSOFT OFFICE PROFESSIONAL ESD 2013, WITH APPURTENANCES, FOR USE IN THE CITY OF SEVEN HILLS POLICE DEPARTMENT, SAID PURCHASE TO BE MADE FROM TAC COMPUTER OF OAKWOOD, OHIO; AND DECLARING AN EMERGENCY.

MOTION by Mr. Barth, seconded by Mr. Snitzky, to read Ordinance No. 135-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 135-2014 was read by full title only for its first and final reading.

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MOTION by Mr. Barth, seconded by Mr. Snitzky, to pass Ordinance No. 135-2014 as an emergency measure.

Council President Barth stated:

“I would like to say that this was brought to me late last week, so I would like to thank Police and Fire Committee Chairman Tom Snitzky for calling a Special Committee Meeting and Lt. Mike Salloum for appearing at the Special Meeting to answer questions from Council.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 135-2014 IS DECLARED PASSED.

Resolution No. 27-2014 – A RESOLUTION AUTHORIZING THE CITY TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE RECONSTRUCTION OF JOHN GLENN DRIVE.

Resolution No. 27-2014 was read by full title only for its first reading.

Resolution No. 28-2014 – A RESOLUTION AUTHORIZING THE CITY TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE HEMLOCK CREEK WATERSHED UTILITY IMPROVEMENT.

Resolution No. 28-2014 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.

Mr. Trafis:

I rarely use this time for personal items, but I want to mention that my little brother – who I believe just about everybody up here at City Hall knows – was married on Saturday at St. Stanislaus in Slavic Village. It went terrific and I’m very proud of both of them. I’m happy to have a new sister-in-law, Brittany Trafis. And just a heads up – there’s another Trafis running around Cleveland!

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Council President Barth commented, “Thanks for the warning, Councilman!”

Councilman Trafis replied, “You’re welcome!”

Mr. Snitzky:

Two things. I just want to note that the reason Ordinance No. 135-2014 was passed with an emergency provision was because the Police Department just found out recently – last week – that the State was no longer going to support Windows XP, so we have to update their computers. Their computers are six or seven years old and they need to be updated at this point anyway. The timing was a little quicker than we would have liked, but it probably was going to have to be done anyway.

The other item I found out today is that Deacon Ed Telepak from St. Columbkille is in the hospital. I’ve known Deacon Ed for a long time, and he is one of the most truly religious people I’ve ever met, and probably one of the few I’ll actually listen to. I admire him greatly and hope he has a speedy recovery. Our prayers go out to him.

Council President Barth added, “He will be retiring at the end of the month.”

Mrs. Ernst:

I would like to say early Happy Birthdays to Carol Sekerak and Tim Fraundorf, and to Rich Pignatiello. Law Director Pignatiello’s birthday is tomorrow, and Carol and Tim celebrate their birthdays on Wednesday. Happy Birthday.

Council President Barth commented, “Thank you for that information. We’ll sing Happy Birthday at the end of the meeting.”

Mrs. Sekerak said, “Not necessary!”

Mr. Fraundorf:

I just wanted to say that I received a phone call from a long-time neighbor of mine, Mike Marchese, and he wanted to relay a very nice story about the help that Seven Hills Firefighters provided to his family – his wife, Ann Marie. She has been suffering from chronic health issues and picked up an infection. At 1:00 in the morning the firefighters were called, and Ann Marie told Mike to please tell them that she has a bad hip – and I’m quoting – they were so kind and so gentle with her. He wanted me to please express his appreciation to the Mayor and the Fire Department for the wonderful treatment his wife received.

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Mr. Fraundorf (continued):

I'd also like to say Happy Birthday to Rich – I know it's tomorrow – and Carol – yours is on the 24th!

Mrs. Sekerak said, "As is yours – Happy Birthday to you!"

Council President Barth added, "September is a good month – I got married in September."

Mrs. Lecznar:

Happy Birthday goes out to all of those on the dais celebrating this week!

Council President Barth:

I just want to thank all of my colleagues for taking time out of your busy schedules to attend both the Public Hearing and the Joint Council Meeting with the City of Independence regarding the Rockside Road Master Plan. As I stated at that joint meeting, the plan is so important to the futures of our cities, and we are very excited about it. But I think just as noteworthy is the fact that two City Councils came together for a project that will not only benefit our cities, but an entire region. The consultant said it was the first time he had ever experienced two cities collaborating the way Seven Hills and Independence did. Recently the media has been advocating cities working together for the common good. That's exactly what Seven Hills and Independence did.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson:

In addition to the folks here on the podium – Law Director Pignatiello, Council Clerk Sekerak, and Councilman Fraundorf – I'd like to wish you all Happy Birthday – but in addition to that I'd like to wish Helen Pekala and Charmagne Cimaglia in the Finance Department happy birthdays, as they are also having birthdays this week.

Council President Barth asked, "Law Director Pignatiello – would you like to wish yourself a Happy Birthday?"

Director of Law Pignatiello:

I already got Helen, but Happy Birthday, Carol and Tim. I have no formal report.

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

Happy Birthday to everyone previously mentioned!

Building Commissioner Moro was not present.

Council President Barth added, “Well, I missed it, so Happy Birthday to everyone on the dais. And congratulations to my wife – we just celebrated our 33rd Wedding Anniversary. She’s been a saint for putting up with me for 33 years. That’s for sure – that’s for sure!”

Mrs. Lecznar commented, “I second that! We should take a vote on that one. Call the roll on that!”

Council President Barth concluded, “All my friends tell me I hit the lotto when I found her.”

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell’Aquila made the following remarks:

Thank you, Mr. President. I just want to echo your comments regarding the meeting last Tuesday night, September 16th, the joint meeting with the City of Independence at the Holiday Inn, and the experts we’ve engaged to take a look at the potential of our Rockside Corridor. I also want to congratulate you all for your parts in bringing this to fruition. I think without our focus on that road and that area and the potential that we have – we face the potential, the possibility, that we will continue the drift in our finances – so this opportunity is one that I don’t believe that we should allow to pass us by, and once again I congratulate you all for participating in that. I think and I hope and I expect that you have all been impressed with the process as I have been. We look forward to continued collaboration with the experts and the City of Independence to our mutual benefit. I’m very excited about the potential and the possibility that this opens up for us going forward.

I want to also thank Council for their consideration of Resolution No. 27-2014. As you know from engaging in the engineering process in the study of our streets a few weeks ago, you understand that John Glenn, and a couple of other streets, are one of the most critical – in fact it is rated critical according to engineering standards – roads that we have. One of the things that we’ve been talking about in the event that the nursing home project on the former John Glenn site would go forward, we discussed the possibility of TIF financing and using that money to improve the area to include as much of John Glenn as we potentially could include. However, without the passage of the rezoning the nursing home obviously does not happen. So this is an opportunity to seek some money and direct and focus that on one of the most critical streets in the City according to engineering studies. I want to thank you for getting that quickly on the agenda.

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Mayor Dell'Aquila (continued):

I attended a performance last night of the Georgia Preachers featuring our own Georgia Kostyack, former Mayor George Chandick's granddaughter. I want to say it was at the Wing Warehouse, the former BW3 – she was excellent. She has a bright future ahead of her. I want to congratulate her, and express – I think on behalf of all of us – our best wishes – to her and former Mayor George Chandick – for a bright future for Georgia.

I want to echo Councilman Fraundorf's remarks concerning our EMS. I don't think there are any better EMS techs that I have personally been involved with over the years than the ones we have here in Seven Hills. I've had the unfortunate experience of seeing their performance firsthand in my mom's and my aunt's situation, and I can tell you in the middle of winter, in knee-high snow, it felt as though I had just put the phone down before a half-dozen or more – five at least – EMS people were at the door and had her out and on the way to the hospital within no more than five minutes. Very impressive, very considerate – we have some wonderful people working in our Fire Department.

And last, but not least – Happy Birthday to everyone!

Council President Barth stated he had one last item:

“I think I would be remiss if I didn't mention the residents from Seven Hills who showed up at the public hearing. There were probably about 180 people that showed up, and I was told that 80% of them were from Seven Hills. They provided a great amount of input. It was an orderly meeting, and I was proud of our residents. We look forward to working with them as we move forward.”

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

Roll Call: all yea

MOTION CARRIED

The September 22, 2014 Council Meeting was adjourned at 8:02 p.m.

Michael C. Barth, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____