

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD October 14, 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 22, 2014, as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 1** of October 14, 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 October 14, 2014, as printed, if there is no division of the question.

Council President Barth stated:

“Councilman Trafis will be recusing himself 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

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 3** of October 14, 2014, as printed.

Mr. Fraundorf stated:

“I’d like to say that having looked at Article III of our Charter and the Powers of Council, there is a Subsection (f) of Section 9 that states:

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Mr. Fraundorf (continued):

“The power to authorize all contracts and make the necessary appropriations therefor, and no contract shall be made on behalf of the City unless first authorized by Council, and no contract shall be binding upon the City until it has been authorized or approved and the necessary money has been appropriated.”

I have to respectfully disagree with my colleagues. I believe that the Police Chief or his designate overstepped their authority by verbally agreeing – **verbally agreeing** – to an additional expenditure without first bringing the matter to Council. And I will cite the purchase requisition that was sent to Council for one set of 5,000 Uniform Traffic Tickets at \$3,084.50, a Consent Agenda that approved \$3,084.50, and then a purchase order that was amended – Chief Durkin signed it on 8/14/14 – amending it from \$3,084.50 to \$3,478.42. Again I have an issue with this. Again, I believe that Council was not informed of the overage until after the fact, after we received the tickets, and after they shipped us an extra 500 which we did not order. So, having said that, I will be voting ‘no’ on Consent Agenda No. 3.”

Mr. Trafis stated:

“I have to echo what Councilman Fraundorf said, and actually to add insult to injury, we are actually paying more per ticket for the overruns than what were ordered. By doing some simple math, it is 28% more of a cost for the 500 tickets that we didn’t even want. The vendor certainly should have been able to control the number of tickets that were printed. They’ve been in business for forty-three years. They are in three major cities, and they are a multi-million dollar company. It’s absolutely illogical that an overrun that we didn’t ask for is charged at 28% more than the base order. I can’t logically support this, and certainly won’t be voting for this.”

Mrs. Ernst stated:

“I had initially said because we had a verbal contract that I would vote ‘yes’ for this, but with what Councilman Fraundorf has said today about the way it is written, I agree now that he should vote ‘no’. So, I am going to be voting ‘no’.”

Council President Barth stated:

“All I’m going to say is there was an overrun of tickets. Some say that happens often in the printing business. Some say just the opposite. That aside, I’m going to vote for this because we are paying for what we received. We are paying more, but we are also receiving more tickets.”

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Council President Barth (continued):

“More than likely over the long run we will save money because in two or three years when we run out of these extra tickets the cost of the tickets will likely be higher.”

Mr. Snitzky stated:

“Some of these rumblings about this Consent Agenda No. 3, I see as being somewhat ridiculous. The jest of these rumblings is that I’m some type of spendthrift who is loose with the City’s money. As Chairman of the Police Committee, let me set the record straight. I’m very frugal in both my personal finances and I treat the citizens’ money with the same due diligence. The basis of this foolishness is that there was a cost overrun of approximately \$400.00 for 5,000 traffic tickets printed for the Police Department. The final run was 5,500 tickets. The total bill was \$3,478.42 -- \$393.92 over the initial authorization. Members of Council indicated that we’ve had some experience in the printing industry and could not agree if this was a reasonable overrun or if this was some type of other contract. The facts are this. In the past the Police Department has allowed a slight overage of approximately 10% in the production of their uniform traffic tickets. It has been an expected practice – it is a precedent. We received the tickets, the Chief signed for the overage, and we will use them. Having accepted this we made it clear to Lieutenant Salloum in our last Caucus Meeting that in the future overages should be minimized and the overages should also be stipulated in the purchase agreements. When you consider that we’re running a \$20 million a year organization the tempest in a teapot over this very slight overage to me is just an example of pettiness. That’s all.”

Council President Barth added:

“Before we take a vote, I’m going to ask the Law Director if it’s four or five votes for a Consent Agenda motion approval. We’ve never had this before.”

Law Director Pignatiello stated:

“It’s five votes – because you are passing it on an emergency measure, and one reading.”

Council President Barth said “Okay, that’s fine.” Mr. Barth asked the Clerk to call the roll.

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

1 yea, 6 nay

MOTION DEFEATED

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RESOLUTIONS OF COMMENDATION

Resolution No. 29-2014 – A RESOLUTION OF COMMENDATION TO **TIM HANIGOSKY** FOR SERVING ON THE CITY OF SEVEN HILLS COUNCIL'S DEER COMMITTEE.

Resolution No. 30-2014 – A RESOLUTION OF COMMENDATION TO **DIANE KOSKI** FOR SERVING ON THE CITY OF SEVEN HILLS COUNCIL'S DEER COMMITTEE.

Resolution No. 31-2014 – A RESOLUTION OF COMMENDATION TO **BARB KUNKEL** FOR SERVING ON THE CITY OF SEVEN HILLS COUNCIL'S DEER COMMITTEE.

Resolution No. 32-2014 – A RESOLUTION OF COMMENDATION TO **THERESA SCHAFFER** FOR SERVING ON THE CITY OF SEVEN HILLS COUNCIL'S DEER COMMITTEE.

Resolution No. 33-2014 – A RESOLUTION OF COMMENDATION TO **JOANNE TUCKY** FOR SERVING ON THE CITY OF SEVEN HILLS COUNCIL'S DEER COMMITTEE.

Resolution No. 34-2014 – A RESOLUTION OF COMMENDATION TO **BILL VON ALT** FOR SERVING ON THE CITY OF SEVEN HILLS COUNCIL'S DEER COMMITTEE.

Resolution No. 35-2014 – A RESOLUTION OF COMMENDATION TO **MIKE WISE** FOR SERVING ON THE CITY OF SEVEN HILLS COUNCIL'S DEER COMMITTEE.

Resolution No. 36-2014 – A RESOLUTION OF COMMENDATION TO **COUNCILWOMAN-AT-LARGE CARYL LECZNAR** FOR SERVING ON THE CITY OF SEVEN HILLS COUNCIL'S DEER COMMITTEE.

MOTION by Mrs. Lecznar, seconded by Mr. Barth, to read Resolution No. 29-2014, Resolution No. 30-2014, Resolution No. 31-2014, Resolution No. 32-2014, Resolution No. 33-2014, Resolution No. 34-2014, Resolution No. 35-2014, and Resolution No. 36-2014 in their entirety for their first and final readings.

Roll Call: all yea

MOTION CARRIED

Resolution No. 29-2014, Resolution No. 30-2014, Resolution No. 31-2014, Resolution No. 32-2014, Resolution No. 33-2014, Resolution No. 34-2014, Resolution No. 35-2014, and Resolution No. 36-2014 were read in their entirety by the Clerk of Council for their first and final readings.

MOTION by Mrs. Lecznar, seconded by Mr. Barth, to adopt Resolution No. 29-2014, Resolution No. 30-2014, Resolution No. 31-2014, Resolution No. 32-2014, Resolution No. 33-2014, Resolution No. 34-2014, Resolution No. 35-2014, and Resolution No. 36-2014 as emergency measures.

Mrs. Lecznar made the following comments:

“Can I have my members come forward, please – the members of Council's Deer Committee who are present this evening – to accept your Resolutions of Commendation.”

Committee Members Tim Hanigosky, Joanne Tucky, Bill Von Alt, and Mike Wise approached the dais.

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Mrs. Lecznar continued:

“I just want to personally thank you all for your time and dedication that you did put forth for the committee. You all did a lot of research, which was evident by all the discussions that went on, regardless of what most people say. We did have some very good, lively discussions. We put up with a lot, and we did have our very own Town Hall Meeting. I really want to thank you all for your time and dedication.”

Committee Members Tim Hanigosky, Joanne Tucky, Bill Von Alt, and Mike Wise were presented their Resolutions of Commendation.

Council President Barth made the following comments:

“I would like to say to volunteer your time for a cause is special. To volunteer your time for public service like this is extra special. Why? Because you are giving back to your community and I and everyone on this dais thank you for your efforts in trying to resolve very difficult and emotional issues. You can’t tell it by tonight, but people rarely attend these meetings, and it struck me last week when a number of residents did attend to voice their displeasure with something that affected them when one resident stood up and told everyone that they should attend more meetings to learn what was going on in the community. One resident shouted back he wanted to get paid. You people are the antithesis of that. You did not serve to get paid or be recognized. You served to make your community better, and I thank you for that.”

Committee Members Tim Hanigosky, Joanne Tucky, Bill Von Alt, Mike Wise, and Councilwoman Caryl Lecznar, along with Committee Members Diane Koski, Barb Kunkel and Theresa Schaffer who were not able to be in attendance, received a hearty round of applause from the audience and from everyone present.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 29-2014, RESOLUTION NO. 30-2014, RESOLUTION NO. 31-2014, RESOLUTION NO. 32-2014, RESOLUTION NO. 33-2014, RESOLUTION NO. 34-2014, RESOLUTION NO. 35-2014, AND RESOLUTION NO. 36-2014 ARE DECLARED ADOPTED.

Council President Barth congratulated all members of Council’s Deer Committee on behalf of the entire Council and the Administration.

The Members of the Deer Committee received another round of applause from everyone in attendance.

Council President Barth stated, “You’re all welcome to stay for the rest of the meeting, but you don’t have to. If you want to leave, feel free to do so at this time.”

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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, September 15, 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 on Monday evening, October 20, 2014.

Public Works

Public Works Committee Chairman Bryda stated that the Committee last met on Monday evening, October 6, 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, November 3, 2014.

Community Services

Community Services Committee Chairman Fraundorf stated that the Committee last met on Monday evening, October 6, 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, November 3, 2014.

Police and Fire

Police and Fire Committee Chairman Snitzky stated that the Committee last met in Special Session on Monday evening, September 22, 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, October 20, 2014.

Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Parks 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 Monday evening, October 6, 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, November 3, 2014.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, October 6, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mr. Barth stated that the Finance Committee will hold its next regular meeting on Monday evening, October 20, 2014.

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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. 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.

MOTION by Mr. Fraundorf, seconded by Mrs. Ernst, to read Ordinance No. 129-2014 by title only for its third and final reading.

Mr. Fraundorf stated:

“I would just like to say that I’ve been communicating with the County. I received an email today regarding the pending passage of this ordinance and was told that the County would immediately begin crafting the upgrade to our website. They anticipate that they would have a working model by the month of February, 2015.”

Roll Call: all yea

MOTION CARRIED

Ordinance No. 129-2014 was read by full title only for its third and final reading.

MOTION by Mr. Fraundorf, seconded by Mrs. Ernst, to pass Ordinance No. 129-2014.

Mr. Trafis stated:

“For everybody in the audience and for anybody that is going to listen to this meeting at another time, this is something that Council and the Administration have been working on for some time now. We are contracting with Cuyahoga County to develop a brand new website for Seven Hills. It’s going to be much more user friendly. It should have regular updates with pertinent information at a very affordable cost. So we’ll be getting rid of the website that we have and moving up and on to something a little bit better. So, that’s all I have on that. Thank you, Mr. President.”

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Council President Barth stated:

“I would like to thank Councilman Fraundorf, and Chris Matthews, for the work they’ve done on this. I know this was an initiative of mine and Councilman Fraundorf and I asked Councilman Fraundorf to take the lead on this for Council, and he did a yeoman’s job. Thank you very much Councilman Fraundorf.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 129-2014 IS DECLARED PASSED.

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.

MOTION by Mrs. Ernst, seconded by Mr. Bryda, to read Ordinance No. 130-2014 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 130-2014 was read by full title only for its third and final reading.

MOTION by Mrs. Ernst, seconded by Mr. Bryda, to pass Ordinance No. 130-2014.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 130-2014 IS DECLARED PASSED.

Ordinance No. 136-2014 – AN ORDINANCE AUTHORIZING THE CITY OF SEVEN HILLS TO ENTER INTO A THREE-YEAR RATE GUARANTEE AGREEMENT COMMENCING NOVEMBER 1, 2014 AND ENDING OCTOBER 31, 2017 WITH UNUM LIFE INSURANCE COMPANY OF AMERICA OF PORTLAND, MAINE, FOR THE FURNISHING OF LIFE INSURANCE FOR QUALIFIED FULL-TIME EMPLOYEES FOR AN AMOUNT NOT TO EXCEED \$.18/\$1000 LIFE (\$4.50/\$25,000 LIFE), \$.02/\$1000 AD&D (\$.50/\$25,000 AD&D), AND \$2.43/DEPENDENT LIFE; 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 LIFE INSURANCE COVERAGE; AUTHORIZING AN AMOUNT NOT TO EXCEED \$4,000.00 ANNUALLY FOR SAID COVERAGE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mrs. Ernst, to read Ordinance No. 136-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

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Ordinance No. 136-2014 was read by full title only for its first and final reading.

MOTION by Mr. Snitzky, seconded by Mrs. Ernst, to pass Ordinance No. 136-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 136-2014 IS DECLARED PASSED.

Ordinance No. 137-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CUSTOMER SUPPLY AGREEMENT, ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH INTERSTATE GAS SUPPLY, INC. (IGS ENERGY), IN ORDER TO RECEIVE COMPETITIVE GAS SUPPLY RATES; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Ordinance No. 137-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 137-2014 was read by full title only for its first and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to pass Ordinance No. 137-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 137-2014 IS DECLARED PASSED.

Ordinance No. 138-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH ANGELO SALVATORE EXC., OF BRECKSVILLE, OHIO, FOR AN AMOUNT NOT TO EXCEED \$13,890.00, FOR THE PURPOSE OF LOWERING THE SANITARY SEWER SERVICE CONNECTION AT 412 SKYVIEW DRIVE.

Ordinance No. 138-2014 was read by full title only for its first reading.

Ordinance No. 139-2014 – AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$15,000.00 FOR A CHANGE ORDER TO AMENDED ORDINANCE NO. 111-2013, PASSED BY COUNCIL NOVEMBER 25, 2013, WHICH AUTHORIZED AN INITIAL AMOUNT OF \$46,000.00 FOR THE PURCHASE OF ULTRA LOW SULFUR DIESEL PREMIUM FUEL FOR THE PERIOD OF DECEMBER 9, 2013 THROUGH DECEMBER 8, 2014.

Ordinance No. 139-2014 was read by full title only for its first reading.

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Ordinance No. 140-2014 – AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH CINTAS CORPORATION OF STRONGSVILLE, OHIO, FOR STANDARD UNIFORM AND SERVICE PRODUCT RENTAL TO BE USED BY THE CITY OF SEVEN HILLS; AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$4,739.78.

Ordinance No. 140-2014 was read by full title only for its first reading.

Amended 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; TO EXECUTE CONTRACTS AS REQUIRED FOR THE RECONSTRUCTION OF JOHN GLENN DRIVE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bryda, seconded by Mr. Barth, to read Amended Resolution No. 27-2014 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Resolution No. 27-2014 was read by full title only for its second and final reading.

MOTION by Mr. Bryda, seconded by Mr. Barth, to adopt Amended Resolution No. 27-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

AMENDED RESOLUTION NO. 27-2014 IS DECLARED ADOPTED.

Amended 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; TO EXECUTE CONTRACTS AS REQUIRED FOR THE HEMLOCK CREEK WATERSHED UTILITY IMPROVEMENT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mr. Barth, to read Amended Resolution No. 28-2014 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Resolution No. 28-2014 was read by full title only for its second and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Barth, to adopt Amended Resolution No. 28-2014 as an emergency measure.

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Mr. Snitzky stated:

“I would just like to thank the Administration and Stewart Lovece, in particular. This is another instance of the Administration doing everything they can to do as much capital and infrastructure improvement in the City as we can with other people’s money. So I appreciate the work on the grant applications. It’s going to be a very big project up there doing all the remaining sanitary sewers, the 305 hook-ups to be done up there North of Hillside and down Seven Hills Boulevard. I appreciate all the work, and please keep the grant process coming.”

Roll Call: all yea

MOTION CARRIED

AMENDED RESOLUTION NO. 28-2014 IS DECLARED ADOPTED.

COUNCIL OPEN TO THE AUDIENCE

Council President Barth made the following statement:

“We are now going to go on to the miscellaneous portion of our meeting. And for those of you who do not regularly attend our meetings, this is our business or voting meeting, which is more formal and is run different than last week’s Caucus Meeting where comments were made and there was a dialogue with Council and the Administration. The policies and practices of our business meetings are different than the Caucus Meetings. Our business meetings are not a time to engage Council or debate with Council. The time for that is at our Caucus Meeting, and our next Caucus Meeting will be next Monday, October 20th. After the audience participation tonight we will move on to Council’s miscellaneous portion of the agenda when Councilpersons can comment on anything they like or hear here tonight. So at this time if you wish to speak state your name and address and please limit your comments to three minutes or less. I ask everyone to be courteous and not act in a loud or boisterous way.

Bob Keller, 1051 Joy Oval, Ward 1 made the following comments:

“Tonight I have several questions for my Councilman, Jeff Bryda. I don’t know the exact way I should be stating this. I have three simple questions, but I don’t know the length of his answers, so I can’t really……”

Council President Barth interrupted Mr. Keller stating he didn’t know if Mr. Keller had listened to his remarks, but this is a time for him to make a statement. Mr. Barth said the time to ask questions will be at Council’s next meeting on October 20th. Mr. Barth said if Mr. Keller wanted to give his questions to Mr. Bryda in writing he was sure he would take them and get back to him.

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Mr. Keller said yes, that's what he would do. Mr. Keller said he also had a copy for the Clerk of Council.

Council President Barth invited Mr. Keller to read his statement or questions into the record.

Mr. Keller continued:

"My questions for Jeff are in regard to his flyer that he recently sent out in the Ward. Questions are fairly simple here. You stated the rezoning of the John Glenn site -- point of reference -- will create needed revenue for the City. We have an email from the City of Seven Hills Finance Director Jack Johnson, dated October 10th, stating there was no information or analysis regarding the potential revenue stream that would result from the rezoning of the John Glenn site. My question is did you or someone else perform a revenue stream analysis on your own, or when you did your due diligence, before voting for the rezoning initiative.

You also stated in your flyer that the property has been a public facility for years, and this is a similar use with less traffic and noise than a school. My question is can you explain just how a public facility (school) on a residentially zoned site is similar to a private for profit facility on a commercially zoned site. Will you show us the study that was performed to determine the type and volume of traffic that will result from the zoning change? Note: There was no traffic problem near the John Glenn site until the school administration prohibited on-site pickups, forcing parents and cars to line up on the street. Where was the study to compare the school's use of the property to the projected use? The residences' property values adjoining the school site are currently established. As a part of your due diligence, did you evaluate the potential long-term effect on those adjoining properties? Will they rise, decline, or simply stagnate?

You stated TIF money from the project will allow the City to improve local streets and upgrade the Park, and you went on to say 'yes', that the Park stays. We acknowledge that. My question, since we have been told there are no plans yet for the site, how do you claim to know the impact of any assumed TIF funding? People don't have an understanding of TIF, which obviously is very complicated. But a TIF district is usually drawn around hundreds or even thousands of acres, usually blighted property. The new improvements, the buildings, the infrastructure, etc., anticipate the tax increases that ensue from the surrounding property. Therefore, the designation of tax incremental financing. The TIF District will increase incrementally over the 20-25 years, thereby paying off the borrowed funds.

I've attached information on here about TIF funding that I was able to procure, and just lots and lots of questions about this. I've been trying to get my hands around why this district was created. I may have found it here in the TIF money, but we look forward to your answers."

Mr. Bryda commented, "You'll get them."

Council President Barth added, "Thank you very much, Mr. Keller, and I'm sure Councilman Bryda will get back to you by the next meeting."

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Tom Jaros, 224 Crescent Ridge Drive made the following comments:

“One of these is a copy of what I said at the last meeting.”

Mr. Jaros presented to the dais a hard copy of a letter dated October 6, 2014 from himself to Council in reference to proposed Issue 87, the John Glenn property rezoning, and an additional letter dated October 14, 2014 on the same subject.

Council President Barth stated, “It was already turned in, sir, you can have it back. I have a copy.”

Mr. Jaros continued:

“I don’t need it back, that’s your copy. I’m Tom Jaros, 224 Crescent Ridge Drive. Good evening everyone. City Hall’s handling of the John Glenn rezoning issue has given rise to some observations. A minimal effort was made to inform Ward 1 residents. Ohio Revised Code 713.12 requires a first-class mailing to adjoining property owners in this instance. This wasn’t done. Mike Barth and Caryl Lecznar have both lied to residents when claiming that Issue 87 must go to voters at this point. At the September 2nd public meeting in these chambers Mike Barth dismissed constituents trying to voice their opinions on Issue 87 with a glib remark that the meeting was not scheduled. Mike Barth, at the October 6th public meeting, before hearing residents speak, said ‘We are not taking this off the ballot’. The City Finance Director was not afforded the opportunity to discharge his duties under the Charter relative to Issue 87.

At that same October 6th meeting, for the first time in my 52 years of involvement with Seven Hills, I was ashamed to be a part of Seven Hills. The cause of my shame was Mike Barth’s interrupting, antagonizing, and threatening with physical ejection 86-year-old Russ Schneider, a resident in Seven Hills.

Mr. Trafis, your website states – and I’m quoting that website – ‘I’m fighting for you’. Everyone here would like to see you, our Council-at-Large Representative, turn that statement into an action to remove Council President Michael C. Barth from his position on Council. We would like to see that action implemented as soon as possible under the specifications of the Seven Hills Charter. We will all be watching to see how quickly this request is satisfied and who shows their support of Mike Barth’s common practice of abusive behavior toward constituents by voting against his removal from office. We will make sure that the same Council voting is fresh in the mind of voters when all councilpersons are up for reelection. We are already committed to, at the next Mayoral election, reminding voters of Mayor Dell’Aquila’s media-quoted excuse that cheap shots somehow justified Mike Barth’s abusive and threatening treatment of an 86-year-old constituent.

We would also like to see the introduction of an ordinance rescinding the one that placed Issue 87 on the ballot. This would allow residents to be properly afforded their rights under the democratic process if City Hall decides to reintroduce the issue at a future date.

Thank you for your time.”

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Mr. Jaros' comments drew a round of applause from the audience.

Council President Barth thanked Mr. Jaros for his comments.

Bob Ciofani, 1214 Glenn Drive made the following comments:

"I'd just like to say that none of you were very courteous when this issue first came to light. Never received a telephone call – never received a flyer – none of you had the courtesy to advise us what was going to happen. You can say all you want about the ex-Mayor, David Bentkowski, good or bad. But I do know he would have advised us. I would have received a letter on my driveway with a sucker in a bag. He would have told us what was going on. None of you did that. Thank you very much."

Mr. Ciofani's comments drew a round of applause from the audience.

Chris Romano, 1267 East Dartmoor, made the following comments:

"Thank you for the name tags there – that's very nice."

Council President Barth replied, "They are always at our business meeting, sir."

Mr. Romano continued:

"Yes, yes, yes. Thank you. I live across the street from John Glenn School. So 966(C) is being written for the assisted living from what I understand. And in it will be provisions for how this is all going to be built and some requirements. If this should go through – I'm looking at the Charter 941 which is the site and design plans. And in the site and design plans, this is for new structures, it states in 941.06, Review Standards, Building Standards, and in there it says building design and architecture shall relate to and be harmonious with the surrounding neighborhood with regard to texture, scale, mass, proportion, materials, and color. Buildings shall be designed in a manner that compliments existing adjacent properties, that's the residents, and provides architectural variety and detail on all sides of the building. So I would expect that this 966(C) would include this verbiage in there. Also in 970.01, which deals with retail business, and I realize this is not a retail business, but maybe some guidelines, the height max is a limit of thirty feet. In 972.03, Office Buildings, and again I realize this is not an office building, but again there could be some guidelines, the height restriction is thirty feet max. In 995.02, Multiple Dwelling Buildings, the maximum height is twenty-three feet. The maximum height in our neighborhood for a building, residential building, is around twenty-eight, twenty-seven feet, somewhere around there. So with Chapter 941 and these other ones I would expect that this two-story building, as advertised by the builder, would be under the twenty-eight feet, or at least not over twenty-eight feet. And I would expect 966(C) to have that verbiage in there as well as honoring Chapter 941, Site and Design Plans. So, again, I haven't seen 966(C). I guess you are all writing that up. But let this be on record that this verbiage should be included in there. Thank you very much."

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Mr. Romano's comments drew a round of applause from the audience.

Council President Barth thanked Mr. Romano for his remarks.

Derran Kebbel, 1279 East Dartmoor, made the following comments:

"I'd like to ask everybody at the front. If you would buy a car without starting it or looking under the hood – anybody up there do that? Okay. Would you agree that if we had less easements on the property, that we would be able to fit more homes? Anybody in the front disagree with that statement?"

Council President Barth said, "Sir, in my opening statement I said this is not a time to question Council."

Mr. Kebbel continued:

"Okay, very good. Mr. Fraundorf, you stated that we have a gas line easement on Parcel A at your last meeting. Do you recall that? Mr. Fraundorf, do you recall that?"

Council President Barth said, "Sir, one more time – I know you were working with....."

Mr. Kebbel interrupted Mr. Barth and continued:

"Mr. Fraundorf said that we have a gas line easement. I said why weren't we told about this? And he said, quote – You do the work – I'm not going to do the work for you. I've already looked into it – unquote. That's on the audio on Matt's website. On your map that I obtained from Seven Hills, which I could have obtained elsewhere, there's a statement about a partial release by the East Ohio Gas Company, recorded November 3, 1966, in Volume 11871, Page 473. Mr. Fraundorf, do you recall in your vigorous research over this matter looking into that County record? Are you able to speak tonight?"

Council President Barth said, "Sir, in my opening statement I said that if you're here to make a statement – we'll answer your questions at the next meeting. I'm trying to follow our rules of order set up for years."

Mr. Kebbel continued:

"Okay, okay, very good. Okay – feel free to email me your answer. Parcel 551-18-134 has a partial release of right-of-way – I'm sorry, October 7, 1966. If the attorney that I consulted is correct, according to how he interprets the following words – this is right from the Recorder, like I said from October 7, 1966 – Know all men by these presents, that the East Ohio Gas Company as an Ohio corporation of Cleveland, Ohio – and I'm going to skip because it will take way too long to read all this, okay – does hereby surrender, release and forever discharge from the operation of that certain right-of-way, execute and deliver to it by Emma Kuenzer, et al., on November 8, 1939, does hereby surrender – East Ohio Gas Company does hereby surrender,

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release, and forever discharge the certain right-of-way. Which according to my consultant – well, I’ll get to that in a minute. The final statement is, this release is not intended and shall not be construed as intended to surrender, limit, or impair any of the rights of the East Ohio Gas Company, in or under the aforesaid right-of-way as to any of the lands described therein and subject thereto, other than the portion of the said lands hereinabove described – which is Parcels 1, 2, and 3. And accept the portion thereof hereinabove described.”

Council President Barth interrupted Mr. Kebbel, “Sir, sir. You’ve already exceeded your three minutes. If you want to turn that in as part of the record, feel free.”

Mr. Kebbel continued:

“I only have one copy, but it’s available at the County records. I just want to state that if my consultant is correct, you admitted that if there are less easements, we could have more homes. Your argument has been if we – because of the easements – we don’t have as much room for homes. If this easement, and if my attorney is correct, there is no more easement in effect of the East Ohio Gas Company. And I’m sorry to say, but someone did not do their homework on this issue. I would invite further verification of this. And again, I just want to state I have many more things to say, but again this comes down to this. You’re asking us to buy a car called an elderly care facility across the street from our house in our back yards – to buy this car, this elderly care facility, without either telling us what’s under the hood, or you know what’s under the hood, but you’re choosing not to tell us. Which is either, number one, incompetence, or number two, deception. I am sorry to say it’s very possible – it looks that way to us. And that’s all we can say. Like I said, in the very first meeting, this is about our families. This is about our kids. This is about turning a neighborhood into a business. Even though it is an elderly care facility, and you well know from my first statements that I will work with the elderly for hours every week on an ambulance. This is not about any more than I’m against a Walgreens or a Giant Eagle – say that I’m against food or medicine – I’m not against the elderly. We are simply saying this is our neighborhood. Everybody I ask would say – I’ve asked – would you have this in your neighborhood if you had a choice? And not one person has said ‘yes’ to me yet. Please ponder these thoughts. Put yourself in this position with your family, your kids, your quiet neighborhood – that used to be a neighborhood but now is about to become a business.”

Mr. Kebbel’s comments drew a hearty round of applause from the audience.

Council President Barth thanked Mr. Kebbel for his remarks.

Ed Maslowski, 1035 Joy Oval, made the following comments:

“I would like to know why Section 713.12 of the Ohio Revised Code does not apply in this situation. And let me read part of this – this is in reference to during the public hearing.

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.....may be passed the legislative authority of the municipal corporation shall hold a public hearing thereon, and shall give at least thirty days' notice of the time and place thereof in a newspaper of general circulation in the municipal corporation....

This is what the Council said they followed. However, this continues:

.....If the ordinance, measure, or regulation intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the clerk of the legislative authority, by first class mail, at least twenty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the legislative authority....

That part – Council claimed that all they had to do is give notice in a newspaper of general circulation, which reaches a small fraction of the people. Do you want a copy of this?"

Council President Barth said, "Make that a part of the record if you'd like."

Mr. Maslowski's comments drew a round of applause from the audience.

Council President Barth thanked everyone for their remarks.

MISCELLANEOUS

Mr. Trafis:

Thank you, Mr. President – I have two things tonight.

The first thing, in the prior Caucus meeting, we had a discussion with the Seven Hills Baseball Federation. They are working on a proposal to clean up Calvin Park and work on drainage for the kids' baseball fields. They received three quotes for the project. The quote came in at about \$15,000.00. The Baseball Federation is going to chip in \$3,000.00. They are also applying for a grant from the Cleveland Indians Foundation, I believe, for \$5,000.00, and they approached the City to chip in \$7,750.00. After speaking with our Finance Director today, we have \$30,900.00 in our Park Equipment Fund, and City Council agreed in our previous meeting that we would support this proposal and authorize the Mayor to send a letter on behalf of the City to support the Federation in getting this done. So, I'm going to make a floor motion as follows.

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MOTION by Mr. Trafis, seconded by Mr. Barth, in support of the Seven Hills Baseball Federation in applying to The Cleveland Indians Charities for financial assistance to include, but not be limited to, Baseball Diamond Improvements, and declaring an emergency.

Roll Call: all yea

MOTION CARRIED

Motion to approve a resolution to pass a grant for matching funds with the Cleveland Indians Charities has been passed.

To address Mr. Jaros tonight. He asked me to work on removing the Council President. Well, as far as I know there is nothing in our Charter that allows for Council to remove the Council President. I believe that's correct, Mr. Law Director? However, so everybody knows, the Council President is elected and reelected every year, December 10th. So you know, prior term that I was in, I did not vote for Mike Barth for Council President. But, this past year I did. In the spirit of compromise, and we were trying to create a new beginning after the Bentkowski saga ended, and we had a unanimous vote of 7-0 for Mike Barth. I'll tell everybody in the room that, and it's probably no secret, I see the City a little differently than some others. And this coming December when that vote comes up again I will not be voting for Mike Barth for President. And I'll leave it at that.

That's all I have tonight, thank you.

Council President Barth added, "Thank you, Councilman, for your support."

Mr. Bryda had no miscellaneous comments.

Mr. Fraundorf had no miscellaneous comments

Mr. Snitzky:

It was brought to my attention recently that one of our Council Members has been selected for a very prestigious position. He's been nominated to be on the Padua Franciscan Board of Trustees, and it happens to be Mike Barth. This is a very prestigious position. As somebody who has worked with Mr. Barth, it's just an indication of the integrity and the honesty with which he has always been held in many of the appointed and elected positions that he's been in over the years. I know he has a little bit of a temper – but I also know him to be a very honest, trustworthy individual, and a man of great integrity. They wouldn't put him on the Board of Trustees if they didn't think that.

Council President Mike Barth received a round of applause relative to his nomination to the Padua Franciscan Board of Trustees.

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Council President Barth commented, “That wasn’t necessary, but thank you for those words, Tom.”

Mrs. Ernst had no miscellaneous comments.

Mrs. Lecznar had no miscellaneous comments.

Council President Barth had no miscellaneous comments.

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 have four items.

In reference to Ordinance No. 137-2014 passed tonight, our gas rates will go down by using Interstate Gas Supply – 50 cents a decatherm – from 4.49 to 3.99 – which should help us save money on our four buildings.

Regarding Amended Resolution No. 27-2014 that was passed tonight – we’re going to apply for funds up to the amount of \$159,000.00 for the repaving of John Glenn.

Amended Resolution No. 28-2014, that was also passed tonight, for Hemlock Creek Sanitary Sewer, we’re going to apply for OPWC funds of \$2.4 million. We actually have a little bit of a chance of getting some of this money.

And last but not least is a project that the Law Director and I worked on in negotiating with the County – the Cuyahoga County Department of Public Works – and this goes back a few years – they’ve agreed to in writing to make certain repairs to sanitary sewers on Circleview Drive in our City. So I’m very pleased to mention that.

Building Commissioner Moro was not present.

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REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila made the following remarks:

Thank you, Mr. President. Just very briefly.

I would remind the audience, and everybody up here on Council, that it's typical in a group of this size that there are going to be political disagreements. If you have seven people, all with an equal voice, all voting, there are going to be disagreements. Not everybody is going to agree with the positions taken by their colleagues. However, when those disagreements devolve into personal attacks, that's where we must draw the line. I can tell you that I know of no reason for the removal of anybody on Council, to include either the President or any other member of Council. One of the things that I failed to hear in Mr. Trafis' statement is exactly that. That there is no reason that I am aware of to remove anybody, including the Council President, Mr. Trafis, or anyone else here. We must stop the personal attacks in this City. It's becoming an embarrassment. Thank you.

Mayor Dell'Aquila's comments drew a round of applause.

Councilwoman Lecznar added:

"One thing that I thought Mr. Lovece was going to say, since we have such a big audience, is about leaf collection. Leaf collection is going to be starting on October 27th. So, get your leaves ready.

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

Roll Call: all yea

MOTION CARRIED

The October 14, 2014 Council Meeting was adjourned at 8:36 p.m.

Michael C. Barth, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____