

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD October 27, 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 October 14, 2014, as printed.

Roll Call: all yea

MOTION CARRIED

CONSENT AGENDA

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept the Consent Agenda of October 27, 2014, as printed, if there is no division of the question.

Roll Call: all yea

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, October 20, 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, November 17, 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.

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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 on Monday evening, October 20, 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, November 17, 2014.

Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Committee last met on Monday evening, October 20, 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 on Monday evening, November 17, 2014.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Ernst stated that the Committee last met in Special Session on Monday evening, October 20, 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 20, 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, November 3, 2014.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

The Clerk of Council stated she would like to acknowledge a thank-you letter received from Nicki Matyas, Sprague Road, Seven Hills, dated October 14, 2014, addressed to Police Chief Gary Durkin, as follows:

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“I would like to thank you and the Seven Hills Police Department for your service to the community. I sleep better at night knowing you are out there protecting our City! A special thank you to Sean – Badge 15 for his help when my father had his checking account number stolen. He was professional, kind and courteous to my Dad who is 92 years old. When he came to our house with a picture of the thief so we might ID him, I was very impressed! Dad felt better knowing everything that could be done WAS being done. Keep up the good work!! He is truly an asset to your force. May the Good Lord always keep you safe. Thank you again! Sincerely.

P.S. I also saw him in action at PNC Bank when an elderly woman hit the front sign. Again, his interaction with her was professional and courteous. He makes the department look good!! Also you should know Theresa at the front desk was very helpful and professional and I thank her.”

Mrs. Sekerak stated that the Police Officer referred to in Ms. Matyas’ letter is **Sean Katrincsak #15**, and ‘Theresa’ is the Police Department Secretary **Theresa Francis**.

Council President Barth added, “I think it’s great to hear those kind of letters.”

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

Amended 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; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mr. Bryda, to read Amended Ordinance No. 138-2014 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 138-2014 was read by full title only for its second and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Bryda, to pass Amended Ordinance No. 138-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 138-2014 IS DECLARED PASSED.

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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 second reading.

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 second reading.

Ordinance No. 141-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH MELISSA McADAMS FOR THE PURPOSE OF PROVIDING PIYO FITNESS CLASSES AT THE RECREATION CENTER FOR THE PERIOD COVERING JANUARY 1, 2014 THROUGH DECEMBER 31, 2014; AND DECLARING AN EMERGENCY.

MOTION by Mrs. Ernst, seconded by Mr. Trafis, to read Ordinance No. 141-2014 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 141-2014 was read by full title only for its first and final reading.

MOTION by Mrs. Ernst, seconded by Mr. Trafis, to pass Ordinance No. 141-2014 as an emergency measure.

Mrs. Ernst stated:

“I’d like to say that we are passing this on a first reading. The instructor has already started teaching classes at the Recreation Center; she is a fill-in for somebody who has already left.”

Council President Barth stated:

“Thank you, Councilwoman, for that explanation.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 141-2014 IS DECLARED PASSED.

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Ordinance No. 142-2014 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH COMMERICAL INTERIOR RESOURCES OF CLEVELAND, OHIO, FOR THE PURPOSE OF PURCHASING ALL MATERIAL AND LABOR NECESSARY FOR THE INSTALLATION OF CARPETING IN THE LOCKER ROOMS, GATHERING ROOMS, AND FRONT STEPS AT THE COMMUNITY RECREATION COMPLEX, WITH APPURTENANCES, PER PLANS AND SPECIFICATIONS, IN AN AMOUNT NOT TO EXCEED \$13,452.00.

Ordinance No. 142-2014 was read by full title only for its first reading.

Ordinance No. 143-2014 – AN ORDINANCE TO APPROVE, ADOPT, AND ENACT THE OCTOBER, 2014 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; AND TO PUBLISH THE ENACTMENT OF NEW MATTER.

Ordinance No. 143-2014 was read by full title only for its first reading.

Ordinance No. 144-2014 – AN ORDINANCE TO AMEND SECTION 109.03, PROHIBITED USE OF CITY LETTERHEAD AND/OR OFFICIAL CITY SEAL, AS CONTAINED IN CHAPTER 109, CITY PROPERTY, OF TITLE ONE, GENERAL PROVISIONS, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF RESTRICTING THE USE OF CITY LETTERHEAD AND THE CITY'S OFFICIAL SEAL.

Ordinance No. 144-2014 was read by full title only for its first reading.

COUNCIL OPEN TO THE AUDIENCE

Council President Barth made the following statement:

“We are now going to move on to the miscellaneous portion of our meeting. Once again, this is our business meeting, which is more formal and run differently than our Caucus Meetings where comments are made and there is dialogue with Council and the Administration. 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, November 3rd. I ask you to respect our rules. After the audience participation tonight, we will move on to Council's Miscellaneous portion of our agenda when Councilpersons can comment on anything they like or hear from you 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.”

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Tom Jaros approached the dais and presented to the Clerk of Council six (6) hard-copy pages consisting of a letter to Council President Barth dated October 27, 2014, four complaints, and a copy of an email dated October 25, 2014 addressed to various City Officials. These pages are appended to the original copy of these minutes for reference purposes.

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

“Mr. Barth, I just handed you a number of documents that need to be included in the minutes of this meeting. One of them is a copy of an email sent to you and all officials of the City on Saturday, October 25, 2014. That email again asks that you be removed from office due to your now common behavior toward constituents that denies or suppresses their civil rights and right to freedom of speech. Four of the documents are copies of complaints registered today with the Seven Hills Police Department. Document 1 speaks to your actions in denial and/or suppression of the aforementioned rights of constituents. Documents 2, 3, and 4 represent perceived violations of Seven Hills Charter law and State of Ohio law in regard to actions resulting in the placement of Issue 87 – the John Glenn property rezoning – on the November 4th ballot. The very accommodating police officer taking my complaints apprised me of the fact that none of the complaints were actionable by the Seven Hills Police Department. I do have an appointment with a Cuyahoga County Sheriff’s detective to see if that office is in agreement. As a possible violation of civil rights is in question, the opinion of a federal office will also be sought. It is regrettable that you have insisted that Issue 87 be brought to the ballot despite using questionable actions to achieve that goal. It is fortunate that in your zeal to have your way, you have shown constituents your true colors and lack of regard for them. In the event that you don’t accept accountability for your actions and resign, rest assured that every effort will be made to keep the memory of the constituent-abusing, red-faced, table-pounding Mike Barth alive in the minds of voters. Thank you.”

Council President Barth thanked Mr. Jaros for his comments.

Chris Romano, 1267 East Dartmoor made the following comments:

“I’m right across the street from the thing. So, I’m going to ask some questions. You don’t have to answer them. This is for November 3rd. Just think about them. This has nothing to do with Issue 87. I’m sure you’ll be happy about that. This has to do with property over there. As I was walking my dog over there I realized that I’m trespassing. I’ve noticed – you know in the front – you know kids usually gather around there, you know – and then they’ll go off – and they’ve been doing that ever since I’ve lived there. I noticed recently when they were there the Police are coming there, and I think they’re telling them to leave. And then I’ve seen some people parked in the back where they park their cars and then they walk to the park right there, and the Police go back there, and then the cars come back. So, you don’t have to answer it today, but maybe November 3rd, are the Police actively pursuing trespassers on there and telling people to leave it because they are trespassing?”

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Chris Romano continued with his remarks:

“The second thing is, when will the ‘no trespassing’ signs show up? I suspect probably November 5th, because you wouldn’t want to do that before the election. And I’m sure that on the southeast, where the swing sets are and stuff, I would imagine those would be removed pretty soon, because if I had a private property I wouldn’t want anybody on that private property. So it comes up to my other point is that we talked about parking for the park in the back, you know during Little League and stuff. If Issue 87 passes, again, this is all private property, where will people park while the facility is being built and all that other stuff for Little League back there and so on. Right now I think that’s private property. And technically nobody should be walking on that property. The new landowners put up ‘no trespassing’ signs, but actually put up a fence around there. And I would suspect that there is going to be a fence around there when they’re demolishing John Glenn School, because it’s actually a safety hazard. Just think about that, and November 3rd we can discuss that. Thank you.”

Council President Barth thanked Mr. Romano for his comments.

Diane Schneider, 1026 Joy Oval made the following comments:

“I’m just following up on the questions that you asked me to give you in writing at the last meeting. I still don’t have an answer. I talked to you on Friday, and then I emailed you guys again. All nine of you up there, except for the Law Director and the Finance Director, have the emails, and not one person has responded. Thank you.”

Council President Barth replied:

“Diane, I will answer you right now on that. When we did have our conversation on Friday, there was a threat of litigation – your memo from you. So, your memo will be answered from the Law Director – that’s what I’m telling you.”

Mrs. Schneider (away from the microphone/podium) commented, “I can read you right here.....you just accused me of something.....”

Council President Barth replied, “You said our lawyers think we have a good chance of overturning this if it passes.”

Mrs. Schneider commented, “I don’t have a lawyer. I never said *our* lawyers.”

Council President Barth added, “The lawyers. I’m not going to argue with you, Diane. The answer will come from the Law Department. Our answer to you will come from the Law Department.”

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Mrs. Schneider continued:

“The question was.....well, here we go. Let me find it. *Has the City considered the cost to defend itself should Issue 87 pass and it should become a legal matter?* That’s the question. That’s not threatening a lawsuit, Mr. Barth.”

Council President Barth said, “It came out of your mouth at the meeting. Didn’t you say.....didn’t you use the word ‘*lawyers*’? Did you or did you not?”

Mrs. Schneider replied, “I did not.”

Council President Barth said, “Then I heard something different. Your answer will come from our attorney.”

Mrs. Schneider continued, “Well my answer is to Council, just simple questions, yes or nos, if you’ve already discussed this or that. Why would you be afraid to answer those questions?”

Council President Barth replied, “And again that will come to you with his signature on it – that will come to you with his signature on it is what I’m telling you.”

Mrs. Schneider asked, “Mr. Pignatiello, when can I expect an answer?”

Law Director Pignatiello responded, “I haven’t even seen these yet, Diane – so, as soon as possible.”

Mrs. Schneider asked, “Stewart, you said -- you told me -- you were going to scan it and make sure everybody got it. Could you scan that in for Mr. Pignatiello?”

Council President Barth said, “I’ll give it to him tonight.”

Mrs. Schneider asked, “You have it?”

Council President Barth answered, “Yes, I have it.”

Mrs. Schneider said, “Okay. Within a reasonable amount of time? Before the election?”

Law Director Pignatiello replied “Yes.”

Mrs. Schneider said, “Thank you.”

Council President Barth thanked Mrs. Schneider for her remarks.

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Brenda Lehet, 1038 Joy Oval made the following comments:

“Good evening. What Mrs. Schneider just went through – it’s very, very sad to have to debate for just a simple question to be answered. It’s been astonishing living here for thirteen years, and learning what I’ve learned about the City and how it’s run within the City Council and many departments. Our very first meeting on September 2nd I had my eleven-year-old son here. My eleven-year-old son observed an awful lot that night. He saw people come so far out of character. When we the people – and I’m going to rephrase what I stated last week – when we the people have confidence, trust – vote you in office, and what do you do? The Issue 87 is devastating to our community. We simply want questions answered. And look at the debate and how things can get twisted and turned around. And it’s so wrong. And my son, eleven years old, sees how things are answered. He’s learning about government, and, boy, he’s had an eye-opening vision just coming to these meetings. What an education. And I ‘m glad he’s getting to see it – on reality of politics. And reality of power. And false reality of power. I’m going to show you a picture again. Because when you go to sleep at night, I want all of you to see this.”

Mrs. Lehet approached the dais so Council and the Administration could view a photograph of back yard landscaping on her camera phone.

Mrs. Lehet continued:

“Again – my back yard. With John Glenn Elementary School right there in my back yard. And I want you to memorize this picture and what this looks like. Look at it and look at it well. I have children. I have grandchildren. You would not want this in your back yard. Very out of sight, out of mind – that’s why you all voted on it. Didn’t come to us to ask us what we wanted. No. We weren’t even a thought. Shame on all of you. Shame on all of you. Again, we the people trusted you, voted you in office, and what did you do? This is devastating to our community.”

Mrs. Lehet’s comments drew a round of applause from the audience.

Ed Maslowski, 1035 Joy Oval made the following comments:

“I’m having a problem getting my hands around the way City Council operates. And I’m looking at the report of the City Planning Commission. And I understand – I looked at the budget and I realized that the City Planning Commission is practically a volunteer effort. These people are not being paid much. Maybe this is something that should be corrected. But when I look at this report, the sum of this report comes down to just about one sentence justifying this action. This is the recommendation. *The City Planning Commission finds that the rezoning of Parcel 551-18-002 recognizes the special nature of the needs of the elderly person. The rezoning of this area from First Residential to Elderly Care District will enable the elderly to obtain suitable safe, sanitary, and decent housing and services designed to meet the special needs in areas of the City in which the location of such housing would be in accordance with the policy of the City of Seven Hills Master Plan.*”

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Mr. Maslowski continued:

“It says nothing – nothing – about why it should be put into this area. This is merely an opinion. It’s a stretch to call it a recommendation. Again, I realize – there’s something missing here. Because I do realize these people aren’t really being paid a fortune to do this. It is, for all practical purposes, volunteer. But this is not a way – this is not a valid – recommendation of any sort. And actually the recommendation for – this is just an essay on how nice elderly care facilities are – how good they are for the City. As a matter of fact, this is virtually word for word the same recommendation made for Ordinance No. 111-2014, the rezoning. The rezoning is another problem. We’ve been led to believe that this is an extended care facility, an elderly-couple type of thing. If that were so, there would be absolutely no reason to rewrite an existing ordinance, which is 966(A) – you’re well aware of what that is – because what this ordinance does is merely change 966(A) so that they can build a 100-room, two-story facility – it’s in there. That is a nursing home – pure and simple. And we’ve been told that this is not what it is. If it weren’t, there would be absolutely, positively no reason to rewrite Ordinance 966(A) to include a nursing home. The rest of the ordinance, the ordinance describing the part that is an extended care facility, is exactly the same as the existing ordinance. I feel like I’ve been misled. The other problem, and I don’t know how – and I’m not threatening anything – but I don’t know how it can possibly be legal. There’s nobody that can readily access the document that describes the facility – what the rezoning change actually is. People are voting on absolutely no information at all. I don’t understand how that can possibly be legal. Thank you.”

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

Council President Barth thanked Mr. Maslowski for his comments.

Russ Mazzola, 1032 Cherry Lane made the following comments:

“I really wasn’t going to get into this conversation except when I listened to the audio of, I think, it was the October 20th meeting. And you can correct me here if I’m wrong on any of this stuff, but with the County records a company called Landsong Limited bought that property near Rockside and Pinnacle Park on December 6, 2012 for \$180,000.00. On April 13, 2013, four months later, they sold it for \$500,000.00 to Hamilton Health Care to put up a nursing home. Now if I’m not mistaken, is Landsong the same company that bought John Glenn School? Is that a ‘yes’?”

Several City Officials replied ‘yes’ to Mr. Mazzola.

Mr. Mazzola continued, “Okay, I just find that very coincidental. I guess that’s just a comment. I don’t know how that happened, but I think everyone should know that. The voters should actually know that’s what happened. Thank you.”

Council President Barth thanked Mr. Mazzola for his comments.

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Lucy McKernan, 755 Hillside Road made the following comments:

“It’s just a question. Did you say we could or could not discuss Resolutions? Or miscellaneous?”

Council President Barth replied, “You can make a statement.”

Mrs. McKernan continued:

“Well, I’m aware that there’s a resolution about bow hunting in Seven Hills. And I just wanted to make this statement and ask you for clarification – it’s both a statement and a question, Council President Barth. If this is based on an emergency, I would just like to know what constitutes an emergency for safety, public health, and peace of the public?”

Councilwoman Ernst responded:

“Lucy, the resolutions were only to commend – Resolutions of Commendation – for the people that served on the Deer Committee. That was all they were. And we always do those as an emergency because we only read them one time, we don’t read them three times. So it actually has nothing to do with bow hunting in the City. It is not an ordinance. It was strictly to say to them that we appreciate the fact that you served on this Committee. That is always an emergency.”

Mrs. McKernan replied, “Are you saying that in relation to Section 3 that was written on the plaque? Resolution, Section 3?”

Mrs. Ernst answered, “Yes. All of that was just a commendation.”

Mrs. McKernan said, “Okay, so none of that language in the ‘Resolution, Section 3’ that it’s an emergency in consideration to public safety, health, and welfare – none of that language will be adapted and used in any first, second, or third readings of the bow hunting ordinance?”

Mrs. Ernst replied, “No.”

Councilwoman Lecznar added, “That’s standard language on all Resolutions. Any resolutions that anyone has ever received for anything – that’s all part of it. It’s just standard language. That’s all it is.”

Mrs. McKernan continued, “I didn’t know that – I didn’t know that.”

Council President Barth added, “Lucy, it was a thank you for your service. That’s all it was.”

Mrs. Lecznar added, “It doesn’t mean anything other than – it’s standard. People have done years of service, they get the same exact language.”

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Mrs. McKernan continued:

“Okay. Well, I guess I didn’t know. Okay. And that was my question. But my clarification is I would hope that this would not be an ordinance that would be read based on some kind of an emergency perceived cultural carry and capacity versus biological carry and capacity emergency.”

Council President Barth said, “It was a simple thank you. It was a simple thank you to the people that served on the Committee. Thank you, Lucy. That’s all it was.”

Mrs. McKernan continued:

“Please let me finish, Council President, please let me finish. I appreciate it. Thank you for your patience with me. Just one more statement. I want to clarify that this is not an emergency. There is no threat to public safety or health, okay. I just wanted to clarify that.”

Council President Barth thanked Mrs. McKernan for her comments.

Derran Kebbel, 1279 East Dartmoor made the following comments:

“I just want to thank you for this time. Some of this stuff is review. But I would just like to input this one more time. Unless they are planning on transplanting a whole lot of mature, forty-foot trees to the property, or some really tall bushes, there is no adequate visual buffer, nor will there ever be enough natural buffering visually, auditory, or otherwise. For the residents living in front, like myself, and all those along the main neighborhood access streets, there is no way to buffer the street traffic, environmental pollution, or noise pollution. The loud diesel engines, private ambulances, and RTA transport buses taking residents to scheduled weekly medical appointments, and other places on a daily basis, day and night, not to mention increased traffic and loud diesel delivery trucks, employees coming and going for morning and late-night shifts, starting at possibly 6:00 a.m., or beginning and ending at 11:00 p.m. The claim of effective natural buffering for the existing neighborhood Seven Hills residents is impossible. Neighborhood children just wanting to be kids walking along East Dartmoor as they do now, or riding their bikes or skateboards in the streets by John Glenn property will now be competing with traffic that belongs on a main commercial street like Rockside or Broadview. Not our neighborhood streets. Employees of this new business will become our new neighbors and will come to work from all areas of the Northeastern Ohio area, and they will come and go through our once quiet neighborhood at all hours of the day and night. I just want to verify for those that maybe don’t know this that have not been here, so this is review for some of us. We found out that the elderly care parcel referred to encroaches upon the park when we were told the park would not be affected. The proposed elderly care parcel cuts through the baseball bleacher area and directly through the basketball and tennis courts. Why did no one either not know the truth, or even worse, choose to hide the truth from us? No one on Council or from the other departments present knew what the maximum height of the school structure was.”

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Mr. Kebbel continued:

“It was suggested that it should be acceptable to us to accept a forty-foot tall commercial structure into our family neighborhood because it was similar to the height of the school, and the map verifies that the school was 20.3 feet tall, which is very close to what my neighbor and I measured. This is two times taller than the school gym. This will tower over the highest home in our neighborhood by approximately twelve feet. This is just not supporting your family neighborhood like we had hoped the Council and the leadership of Seven Hills were going to do for us. When you told us we could not build as many homes on the property because of a gas easement, we did the research and found out that the easement appeared to be no longer there. Only after we found out the truth did one of you suddenly agree that you thought the easement was going through thus making room for more family residential homes. I asked all of you why did you hide the facts, and there was nothing but silence. No one could answer. For the sake of preserving our Seven Hills neighborhoods, and for what they have been and are supposed to remain, not businesses, but quiet, safe places where thousands of young families with kids, which some of you have or have had, and already existing home-owning elderly residents where they can relax and enjoy their years in peaceful, neighborhood homes they have spent a lifetime building.”

Mr. Kebbel continued:

“I suggest to any listeners, I suggest to the Seven Hills voters – to not buy this car without knowing what dark, little secrets still hide under the hood. For all our elderly residents and all Seven Hills residents, young and old, we’re asking for a ‘no’ vote on Issue 87. We are asking that you please help us save our neighborhood of families with young children, as well as the elderly trying to enjoy much-deserved retirement in a now quiet neighborhood, to help us save our neighborhood from becoming a business. And finally I would say, with respect, that as a family man who moved from a neighborhood to an upgrade for me, a nicer Seven Hills neighborhood, which is potentially about to become a business district for all intents and purposes. I’ve said this before, but if there is anybody in leadership who feels their heart being tugged by some of the things that these hundreds of residents have been saying to you, if you feel like maybe you made a mistake and didn’t do all the research, rushed into it, didn’t know the heart and the soul of the people that you have promised to serve, if any of you feel that tug, it’s not too late. We all make mistakes. If a Savior who forgives us of all the things we make mistakes on – all of us – there’s always a new start. There’s always a chance to start things new from today. One week from tomorrow is the election. We could use a lot of help to help us save our neighborhood. And if even one of you came and admitted that you felt it was a mistake, you could help us keep our neighborhood the way it is. Thank you for listening.”

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

Council President Barth thanked Mr. Kebbel for his comments.

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MISCELLANEOUS

Mr. Bryda:

I just want to say that I won't support removing Mike Barth as Council President at this time. Thank you.

Mr. Trafis:

Last week, last Friday, we had a Town Hall Meeting regarding the upcoming Police Levy, and it was made very clear to City Council – and it has on a number of other occasions as well – that we have an immediate need for two additional police cruisers. About six months ago or so we purchased two cars that haven't come in yet, but they will be very soon, but there is definitely a need for two more. Now, of course, one of the questions that everybody has is how are we going to pay for them. We have budget issues. We all understand that. But sometimes when running a City there are certain things that you absolutely have to have – and having police cruisers, I believe, is something that we have to have – cruisers and cars that are safe for our officers and for everybody else driving on the road. Although it may not be budgeted right now this year, I think it's important to move forward on purchasing these two cars, and as was mentioned in the other room, how are you going to pay for them? If it's not budgeted, we still have about \$3.5 million in our General Fund, and if we don't buy the cars now, if we don't buy the cars in six weeks, eight weeks, we're going to have to buy the cars at some point. So, with that, I'm going to make a floor motion.

MOTION

by Mr. Trafis, seconded by Mr. Fraundorf, to appropriate up to \$50,000.00 for the purpose of purchasing two (2) new police cruisers from funds at the discretion of the Director of Finance.

Mr. Fraundorf stated:

"I'd also like to make a comment. As we discussed in our Caucus meeting previously, and I have to respectfully disagree with my colleagues, I listened to what I would call some pretty horrific descriptions of the type of vehicle that our police have to drive. And I also heard a comment made that these are hard miles, these are not miles that you would put on your family vehicle. We have vehicles that are approximately 150,000 miles on the odometer. And the condition of those cars are such that I wouldn't want to drive them. My concern is that the Police Chief was very, very clear on the condition of these vehicles and the need for replacement – and it's going to happen, it's going to happen – we're going to have to do it. You just can't compromise the safety of our law enforcement officials. So, having said that, I have seconded this motion, Matt."

Mr. Trafis said "thank you."

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Mrs. Lecznar stated:

“Although I do agree with you, Matt, we need the police vehicles. At this point in time in the budget the money is not there. It is something we do know we need to have to purchase. Making this floor motion at this time is out of line actually. It is something that we need to do, but we need to wait a little bit longer before we do make that big of a purchase. Hopefully the levy will pass and we can proceed at Tom’s next Police Meeting. Hopefully he can get the Chief to come and talk to us all and we can discuss it more in depth at that time. But, at this point I cannot support that motion.”

Mrs. Ernst stated:

“As I said in the Caucus Meeting, I think there is a process that we need to go through. The Chief came to us earlier in the year and we turned him down at that point. I agree that our cars are bad, but we purchased two cars and I don’t think doing this as an emergency measure as a floor motion are the proper steps to take at this time. I think we should go through the process, and yes, I do want to wait to see if the police levy passes before we spend another large sum of money on cars and also looking for new furniture for the police department. So I will not support this at this time.”

Mr. Snitzky stated:

“The condition of the equipment in the Police Station and the condition of the cars is something that we have known for a while. We bought cars recently. It’s certainly something that we’re going to do again. It’s not proper to try to ram this through now all of a sudden. We’ve seen first hand in a public forum what the officers need. This is something that Council has been aware of for a while. There’s a budgetary process, there’s a committee process, and I’d like to hear from the Chief as to what his priorities are. I have to say that a couple of weeks back we were beaten up about a \$300.00 to \$400.00 overage on tickets for the Police Department, and now all of a sudden you want to do a floor motion for \$50,000.00, before the levy is passed or not passed, for this money when the proper venue for it is to go through committees and the budget hearings and do it the way we’ve always done it. It just boggles my mind that a week or two ago we were beating people up about \$400.00, and now we’re going to do a floor motion for \$50,000.00. Thank you.”

Mr. Bryda stated:

“I want to echo Michele’s concerns with this particular floor motion, as well as it’s probably more like \$60,000.00, more than that. To just do it on a floor motion on a whim, I just can’t agree with that.”

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Council President Barth stated:

“It is totally irresponsible to try and pass and spend \$50,000.00 on an emergency without going through the process. And I think we all know this is political grandstanding because Matt has come out against the levy. We have budget hearings in March. Chief Durkin sat there. He said if he got two cars this year, which we gave him, he would settle for two cars in 2015. Back in June we put a five-year capital improvement plan together. Chief Durkin was there. He signed off on the plan. So, I’m not saying they don’t need the cars – they do need the cars. I’ll be the first to admit it. The people of Seven Hills deserve better than used police cars from Orange Village. And we want to get them the cars. But there is a process and I cannot support spending \$50,000.00 on an emergency – absolutely not.”

Mr. Trafis stated:

“Budget hearings were brought up. Budget hearings are conducted in March. That’s five months from now. Once a City Council passes the appropriation for cars, it takes at least another six months to get the cars. The cars that we have are in no condition to stay on the road for another year. Thank you.”

Council President Barth added:

“Once again, we are getting two brand new police cars – we got one last year and we’re getting two more this year, so we will have three brand new police cars on the road.”

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

2 yea, 5 nay

MOTION DEFEATED

Mr. Trafis continued:

We also discussed how equipment and furniture is needed in the Police Station. When somebody goes into the Police Station and sees it, it’s like going back into time and walking into the 1960’s. Desks are sitting up on blocks, chairs are pretty much falling apart. We run a multimillion dollar budget. What I’m proposing is that we spend \$2,500.00 to buy some chairs and some desks and other furniture at the discretion of the Chief of Police and the Administration. With that I’m going to make a floor motion.

MOTION by Mr. Trafis, seconded by Mr. Fraundorf, to appropriate up to \$2,500.00 for the purpose of purchasing office furniture and equipment for use in the Police Station from funds at the discretion of the Director of Finance.

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Mrs. Ernst stated:

“I will just reiterate what I said. There is a process that we do to approve this, and doing a floor motion – we have all known that the equipment in the Police Department is in poor shape – we have known this. The new members of Council did a tour when we took office. This is not where we decided to spend money at this time. The Chief has not come to us before this to say I need equipment now. I think doing this as a floor motion with no readings and not looking into how much money really needs to be spent on the equipment is not the right thing to do.”

Mr. Snitzky stated:

“Again, what I said earlier, I think \$2,500.00 for office equipment is at least a little bit more of a reasonable request. I think the rank and file deserve that. But this isn’t the forum or the way to do it. I’d like to get a list. I’d like to see a little more specifics from the Chief. I think they deserve the equipment. Again, it’s not \$50,000.00, so it’s a little bit more reasonable. But, again, it just boggles my mind that here we are, trying to do a floor motion on an emergency, for \$2,500.00, for the Police Department, when we were crucified for wanting to allow \$400.00 to go for an overrun on traffic tickets that were bought, purchased, and are going to be used. It just kind of boggles the mind a little bit. I think the office furniture is something that we should look at in the near future after the police levy passes.”

Mr. Fraundorf stated:

“I have a comment. You talk about the police tickets, Tom. You voted to not pay for it. And so I think that discourse amongst all of us works.”

Mr. Bryda stated:

“I did vote for the overage on the police tickets of \$400.00 after it got plenty of discussion in Council and in Caucus and in Committee. And \$2,500.00 for a floor motion just doesn’t sit well with me without doing the same thing for the tickets. Thank you.”

Mrs. Lecznar stated:

“I don’t have a problem with the \$2,500.00. I think that might not be enough. That might get one desk, and that’s not going to help us, and then they’re going to come back and want more. As it was discussed in Caucus, it was more beneficial for the Police Chief to come to us with a list of what he needed and then we can appropriate one whole sum and buy the furniture all at once, and it can all be done in the proper way by going through the voting process.”

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Council President Barth stated:

“Once again, political grandstanding, because that furniture has been like that for three years. Then all of a sudden, because Councilman Trafis opposes the police levy, he brings it up. I told him in the meeting prior that I agree we should go out and buy some furniture. But I think that’s up to the Chief to come to the Council and tell us exactly what he needs, and we will give him whatever he needs. \$2,500.00 is an arbitrary number. I don’t think it’s up to us to try and furnish the Police Department. I do agree they are back in time in the Police Department, no question about it. But we need to go through the normal process.”

Mr. Trafis stated:

“Thank you. Just a month or so ago we spent \$60,000.00 on a study for Rockside Road Development. There will be no tangible benefit to that in probably many years to come, if at all. In my opinion these are items that we absolutely have to have. I’ll leave my comments at that. Thank you.”

Council President Barth added:

“Nobody said that we don’t need them. Not one person up here said we don’t need furniture, and we need to take care of our police. I didn’t hear that come out of one person’s mouth.”

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

2 yea, 5 nay

MOTION DEFEATED

Mr. Trafis continued:

Another thing that was discussed at the Town Hall Meeting was what we’re going to be doing with the new money that would be generated from this police levy. The way this levy is working is it’s going to generate approximately \$950,000.00 -- \$940,000.00....\$960,000.00 – I can’t remember the exact number. Our police budget is over a couple million dollars. We’re going to take approximately one million bucks away from that police budget, put it into our General Fund, which is basically a checking account, and then we’re going to regenerate the Police Fund with the new taxes. I’m not convinced that if this levy passes we’re going to get one new car, one new hire, or even a new bullet with this levy money. I’ll leave that at that as well. Thank you.

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Mrs. Lecznar:

I, at this time, want to make it known that I do not support the removal of Mike Barth as Councilperson. He's doing a very wonderful job. He does look out for the citizens. One or two people that don't agree with the way he does business does not constitute removing him from office.

As far as the police levy goes, I don't know where Mr. Trafis is coming up with he doesn't think that any of that money is going to go to the Police. It's a police levy. It was designed that way, that it would come just to the police, so that it could free up some money for the General Fund. That would give us more money to be able to do other things with. If the Police can't work within that budget, we'll be more than happy to give them money from the General Fund also. It's not written in stone. That money will help diminish a lot of the cost for the Police Budget which is the biggest part of our budget at this point. Thank you.

Mrs. Ernst:

I would like to say that I do not support removing Councilman Barth from Council. I think he does a good job. While he may have a temper, I don't think that's a reason to remove him from Council.

Mr. Snitzky:

I've been in business in the private sector for forty years. I worked with a lot of different managers and a lot of different owners of businesses. There aren't too many people that I've seen that have been more upright, honest, and fair than Mike Barth. He is, without a doubt, one of the square shooters and has nothing but the best interests of the City at heart. And to talk about any type of recall or removal for personality conflicts and a flair of temper is over-reaction and disingenuous. And I wouldn't support anything like that. Thank you.

Mr. Fraundorf:

I'd like to also make a statement regarding the removal of Council President Barth. I do not support that, although my reasons are different than what I've heard prior. And I'd just like to read Article III, Section 12, of the Charter, regarding Removal of a Council Member by a vote of Council. It says:

'Council may by a vote of five (5) of its members expel or remove any councilman for gross misconduct, malfeasance, nonfeasance, misfeasance.....for the conviction while in office of a crime involving moral turpitude; or for persistent failure to abide by the rules of Council; or for absence without justifiable excuse from three (3) consecutive regular meetings.'

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Mr. Fraundorf (continued):

Having said that, malfeasance – the definition of malfeasance is, *misconduct or wrongdoing, especially by a public official that causes damage*. Nonfeasance is, *the intentional failure to perform an official duty or legal requirement*. Misfeasance is, *a wrong that arises from an action; the wrong can be actual or alleged; the word is often used in law relating to the wrongful use of legal authority*. Moral turpitude is, *any base or vial conduct contrary to accepted morals that accompany a crime*.

I have to tell you it just doesn't meet the litmus test in this case.

Council President Barth:

First of all, I want to thank everybody for their support and their kind words.

Second of all, everyone might like to know that it's been 6-1 support for the police levy. Councilman Trafis was the only one that voted against the levy which would support our police.

Mr. Trafis stated, "That's not true. I voted to put it on the ballot."

Council President Barth continued:

You voted to put it on the ballot, correct. But you are against the levy. You said that many times.

I want everybody to notice that the police union met with the Mayor and I, and they are in full support of this levy as well. Thank you.

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 had no formal report.

Building Commissioner Moror 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 guess I should be encouraged that we are finally talking about the most important issue to the City of Seven Hills on this Fall's ballot, and that is Issue 86, the Police Levy. We've heard quite a bit thus far with regard to potential rezoning of the former John Glenn property and we understand where we are with respect to that particular issue. I am, however, finally encouraged to hear that we're talking about a matter of such significant importance to the financial well-being of our City. We are looking at the possibility of some dire consequences if we do not find a way to close that budget gap which we all know exists and it's particularly due to the fact that the State of Ohio over the last few years has been balancing its budget on the backs of the municipalities who no longer receive the funding that they previously did receive from the State of Ohio primarily from the sales tax that was passed in the 1930's."

"That being stated, as everyone here knows, we've done a lot of work in the last few years to balance our budget to close that gap, to add to our General Fund, to reduce expenses, and there are very few other places to look for additional cuts. Yes, we can talk about taking a look at some of the programs we offer. We can take a look at Homedays. We can take a look at what we do for the Baseball Federation, the Parks, etc., but, in the long run we will not find that roughly \$750 million that we all know that we need unless we find a significant new source of revenue. And that's why this Police Levy is absolutely so critical to our City."

"There has been this falsehood circulated that it is not truly a police levy. Well, I would just remind everyone here that this is the same thing that the City does with regard to the Fire Levy, the Service Equipment Levy, as well as the Trash Levy. These are all items that support themselves by levies, and, yes, the kernel of truth in the falsehood is that it does benefit the General Fund. It all comes out of the same kitty, whether it's in our left pocket or in our right pocket. We know that we cannot continue financially with the way we are moving forward as we stand here today. We absolutely must cover that shortfall."

"That being said I would also, although I don't have a vote in it, concur with what I've heard with respect to the performance of the Council President. I have made it perfectly clear that he has my full support. And I think, pro or con, whether you agree with him, don't agree with him, I think it's universally recognized that he is a man of honor and dedication to the City. Thank you, Mr. President."

Council President Barth thanked Mayor Dell'Aquila for his comments.

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

The October 27, 2014 Council Meeting was adjourned at 8:37 p.m.

Michael C. Barth, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____