

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD November 10, 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 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 Ward 1 Councilman Bryda and Building Commissioner Moro.

MOTION by Mr. Barth, seconded by Mrs. Lecznar, to excuse the absence of Ward 1 Councilman Bryda from tonight's Council Meeting.

Council President Barth stated:

"Councilman Bryda called me on the way up here. He had to take his daughter to the hospital as she fell and hurt her leg."

Roll Call: all yea

MOTION CARRIED

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to accept the Minutes of the Regular Council Meeting held October 27, 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 November 10, 2014, as printed.

Roll Call: all yea

MOTION CARRIED

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 2** of November 10, 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; Ernst, yea; Fraundorf, yea; Lecznar, yea;
Snitzky, yea; Trafis (recused)

5 yea, 0 nay (Trafis recused)

MOTION CARRIED

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RESOLUTIONS OF COMMENDATION

Resolution No. 37-2014 – A RESOLUTION OF COMMENDATION TO **CHRISTOPHER MATTHEWS** FOR 10 YEARS OF SERVICE, CITY OF SEVEN HILLS, OHIO.

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to read Resolution No. 37-2014 in its entirety for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 37-2014 was read in its entirety by the Clerk of Council for its first and final reading.

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to adopt Resolution No. 37-2014 as an emergency measure.

Mr. Fraundorf made the following comments:

“As Committee Chairman of the Community Services Committee, I’d like to say, Chris, it was really a pleasure working with you on the website. I don’t know that anyone realizes, unless you really get into that, the kind of homework that has to be done. I have to say that you did the lion’s share of the work on this and you did a great job.”

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

Mrs. Lecznar made the following comments:

“Chris, it’s with a very heavy heart that we have to give this Resolution to you, because that means you’re leaving. The City is definitely going to be operating at a deficit without you. Thanks to you over the past years Home Days have gone off and have been absolutely wonderful. No one will miss you more than your Seniors who came to rely on you to help them navigate through all the systems and all the matters that they were facing. You’re going to be a hard person to replace, believe me. I wish you and Marla the best of luck in the future, and remember to use your sunscreen.”

Mrs. Ernst made the following comments:

“Chris, I’d like to say that we’ll miss you. When I took office, I came to talk to you and Kathy about what services the City was offering, and you do a lot of different things for the City – a lot of programs for our seniors. And that is going to be missed. So, good luck in Florida – and, yes, with your skin, wear lots of sunscreen.”

Mr. Trafis made the following comments:

“Chris, thank you for your service to the City and best of luck to you and your family in your future endeavors.”

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Mr. Lovece stated “Good luck to you in Florida. Save a spot for me down there!”

Mr. Snitzky made the following comments:

“When I first decided to try to do something in public service, the first person I talked to in the City was Chris. I was the former chair of the Community Services Committee and over the years I’ve worked a lot with Chris on a lot of different projects. We are taking a huge hit – the City. I’m still trying to talk you into staying. He’s going to be sorely missed. I worked with a lot of different people over the years in both the public and private sector and you are definitely in the top of the class – probably the top one or two guys I’ve worked with. You are going to be sorely missed, and I’m going to miss you on a personal level, too.”

Law Director Pignatiello made the following comments:

“Chris, it’s been a great pleasure working with you. I’ve always enjoyed our interactions. Your dedication to the seniors is admirable. I want to wish you the best of luck in all your future endeavors.”

Finance Director Johnson made the following comments:

“Chris, although I haven’t been here for a very long time, I’ve got to say it’s been a pleasure working with you as a colleague. I echo the sentiments of some of the Council Members – your dedication to the seniors is admirable. Good luck to you!”

Council President Barth made the following comments:

“Mayor Dell’Aquila, I’ll save you for last. Chris, I don’t know what to say. Of all the individuals I hoped I would never have to give a departing Resolution of Commendation to, it was you. I say that because you were the face of our City to our seniors and to those most in need. You provided for them, and for that we all owe you a great debt of gratitude. For that you were loved and respected by so many. I heard over and over again that you never refused assistance to anyone, even if it had nothing to do with the City. You took it beyond just being an employee – you were a lifeline to so many. You brought our senior interaction and senior activities to another level. You coordinated Home Days and all the other events that are part of the fabric of our City and did a great job working countless hours. Until recently you acted as our part-time Mayor’s Assistant. In short, you stepped in wherever you were needed. Chris, I know I’m going to miss you, and the City will miss you, especially our seniors and the less fortunate of our City. They will not only miss you as an employee in Seven Hills and what you did for them, but they will miss Chris Matthews the person. Chris Matthews the person being a caring, compassionate human being. The City was fortunate to have you. Thank you, Chris.”

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Mayor Dell'Aquila made the following comments:

“Thank you, Mr. President. I would certainly echo everything that I’ve just heard on the dais here. I’m going to be offering a Proclamation to Chris Matthews here, along with the commendation from Council, and I’d like to read from that, although it is somewhat formal. It does illustrate at least some of the contributions that Chris made to the City during the ten years he’s been here. I think, Chris, you know how I feel about you personally. And we’re going to miss you greatly here. I wish there was some way we could change your mind, but that’s not possible.”

Mayor Dell'Aquila read the Proclamation from the Office of the Mayor, as follows:

“CHRISTOPHER MATTHEWS of Strongsville, Ohio, is being honored this day Monday, November 10, 2014, for his commitment to the Residents and specifically the Senior Residents of the City of Seven Hills, Ohio.

WHEREAS, CHRISTOPHER MATTHEWS, Director of Senior and Community Services for the City of Seven Hills, Ohio, is a graduate of Padua High School and is a veteran of the United States Navy. He and his wife Marla are proud parents of Taylor. They are relocating to Florida; and

WHEREAS, CHRISTOPHER MATTHEWS, throughout his tenure has created many of the programs that serve the Senior residents of Seven Hills including Senior Luncheons, Senior Breakfast and Bingo, Senior Discount Snowplowing, as well as programs that benefit all residents such as Meals on Wheels, Lock Boxes, the Food Pantry, Veteran's Memorial Wall and Park, Newsletter, Website, and Home Days Entertainment that have been instrumental in promoting the health, wellness, and vibrancy of the City of Seven Hills; and

WHEREAS, CHRISTOPHER MATTHEWS, recognizes the importance of community as he is active in many organizations including RIBBS, Yuletide Hunger, Adopt-a-Family, and the Salvation Army Bell Ringing; and

WHEREAS, CHRISTOPHER MATTHEWS, has earned the respect of all with whom he has come into contact. His dedication to the Residents of Seven Hills is evident in his ongoing commitment to them. As Director of Senior and Community Services he has demonstrated a remarkable level of effort and effectiveness during his tenure with the City of Seven Hills; and

WHEREAS, CHRISTOPHER MATTHEWS, is today being honored by the City of Seven Hills, we are pleased to join with his many good friends, colleagues, and relatives in extending our best wishes on this occasion; and

NOW, THEREFORE, I, RICHARD P. DELL'AQUILA, Mayor of the City of Seven Hills, Ohio, together with the City Officials and the residents of Seven Hills do hereby extend our thanks to CHRISTOPHER MATTHEWS, and offer our warmest wishes for the future for him and his family.

*Dated this 10th Day of November, In the Year of Our Lord, Two Thousand Fourteen.
Honorable Richard P. Dell'Aquila, Mayor, City of Seven Hills, Ohio”*

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The reading of the Mayor's Proclamation drew a hearty round of applause from everyone present.

At this point in the meeting, Council President Barth and Mayor Dell'Aquila left the dais and proceeded into the audience to present Christopher Matthews with the Resolution of Commendation and the Mayor's Proclamation. Mr. Matthews was invited to speak at the podium if he so wished.

Christopher Matthews made the following comments:

"Well, that was very nice – and certainly unexpected. I'm not going to take a lot of time. It was a great privilege to get a Proclamation and a Resolution of Commendation, but I can remember when I was a little kid, I went to St. Anthony of Padua, and right across the street was Mount Alverna Nursing Home. My mother was an aid there. And I never really realized it at that time, but after school I would go across the street to Mount Alverna and I would have lunch, and I would socialize with all the residents there, and just walk room to room and talk with the residents. I never really put that together as a career choice for myself. When I was fortunate enough to be appointed by Mayor Bentkowski, it wasn't long after I was appointed where I was kind of thrust into the responsibility of learning more about the senior services – or lack of senior services at that time. I can actually remember saying 'I don't know anything about seniors'. And he said 'Well, you go to this meeting and tomorrow you'll know more than you did today.' So I did. And shortly it became a real passion to me, and I put all my heart and ownership into this position. I will be forever thankful for the opportunity given to me by Mayor Bentkowski and then the faith to continue on and be reappointed with Mayor Dell'Aquila – I really appreciate that. I feel like this job, this career, has been a big part of my life – and I feel like it has made me a better man. So thank you for the opportunity. And anybody that I've worked with in the past, even if I just talked with you on the phone, know that I always worked from my heart, and I appreciate all of you, and I'll miss all of you. Thank you."

Christopher Matthews received another hearty, lengthy round of applause from everyone in attendance.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 37-2014 IS DECLARED ADOPTED.

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.

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Public Works

Public Works Committee Chairman Bryda was not present. There was no report from Mr. Bryda's Public Works Committee.

Community Services

Community Services Committee Chairman Fraundorf stated that the Committee last met on Monday evening, November 3, 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, December 1, 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 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 on Monday evening, November 3, 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, December 1, 2014.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, November 3, 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 17, 2014.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

The Clerk of Council stated she would like to acknowledge an email received from Kevin L. Futryk, of Columbus, Ohio, dated October 30, 2014, addressed to the Mayor's Office, as follows:

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*“I am writing to express my thanks for the assistance the Police Department gave to my mother this evening. Her name is Olga Futryk and she lives at 772 Hillside Road. I live in Columbus, Ohio. About 5:00 p.m. this evening, my mother called me on my cell phone to tell me her medical alert system was going off. Unfortunately, I was not able to pick up her call and she left me a voicemail. When I tried calling her back a few minutes later the phone rang busy, and continued to do so as I tried to call. I contacted the alarm company who informed me that her medical alert base unit was malfunctioning, consistently dialing out, causing the busy signal. I couldn't get a hold of my brother so I called the Police Department to see if they could send an officer to her home to have her call me on her cell phone so I could explain what she needed to do. About 15 minutes later, I received a call from Officer Mike who said he was with my mom, she was OK, and he can hear the alert trying to dial out. I explained to him that I contacted the alarm company and my brother or nephew were on their way. He stayed with my mom till my nephew arrived and my nephew was able to call the alarm company to get the system reset. Officer Mike, and the Police Dispatcher, went above and beyond to help my mother and our family out. I just wanted to convey my 'Thanks' and appreciation to them, and recognize them for this outstanding service. I was a City Councilman in Seven Hills from 1977-1981, and I know how important the Police and Fire Departments are to the residents. It is service like what Officer Mike gave to my 92-year-old mother this evening that exemplifies why she has remained in Seven Hills for 60 years. Regards.
Kevin L. Futryk, Partner, Government Advantage Group, LLP, 100 E. Gay Street, Suite 701, Columbus, Ohio 43215 (614) 223-9580”*

Mrs. Sekerak stated that the Police Officer referred to in Mr. Futryk's email is **Officer Mike Greer**.

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

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.

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MOTION by Mr. Snitzky, seconded by Mrs. Ernst, to read Ordinance No. 139-2014 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 139-2014 was read by full title only for its third and final reading.

MOTION by Mr. Snitzky, seconded by Mrs. Ernst, to pass Ordinance No. 139-2014.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 139-2014 IS DECLARED PASSED.

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.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Ordinance No. 140-2014 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 140-2014 was read by full title only for its third and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to pass Ordinance No. 140-2014.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 140-2014 IS DECLARED PASSED.

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 second 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 second reading.

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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 second reading.

Ordinance No. 145-2014 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PRO CONSTRUCTION OF CLEVELAND, OHIO; APPROPRIATING AN AMOUNT NOT TO EXCEED \$37,000.00 (INCLUDING CONTINGENCIES) FOR THE “CATCH BASIN RECONSTRUCTION PROJECT” (33 Catch Basins) THROUGHOUT THE CITY OF SEVEN HILLS; AND DECLARING AN EMERGENCY.

MOTION by Mrs. Ernst, seconded by Mr. Barth, to read Ordinance No. 145-2014 by title only for its first and final reading.

Mrs. Ernst stated:

“We’re passing this on first reading so we can get these done before the weather turns against us and we can’t do concrete work. This is to repair 33 catch basins that are in poor repair in the City.”

Council President Barth stated:

“Thank you, Councilwoman, for that explanation.”

Roll Call: all yea

MOTION CARRIED

Ordinance No. 145-2014 was read by full title only for its first and final reading.

MOTION by Mrs. Ernst, seconded by Mr. Barth, to pass Ordinance No. 145-2014 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 145-2014 IS DECLARED PASSED.

Ordinance No. 146-2014 – AN ORDINANCE ACCEPTING THE CONSORTIUM BID OF GREAT LAKES PETROLEUM OF CLEVELAND, OHIO, TO BE THE BEST CONSORTIUM BID THEREFORE; AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF SAID ULTRA LOW SULFUR DIESEL SUPREME FUEL FOR THE PERIOD COVERING DECEMBER 9, 2014 THROUGH DECEMBER 8, 2015 TO BE USED FOR THE SERVICE DEPARTMENT VEHICLES, FIRE DEPARTMENT VEHICLES, AND THE CITY HALL GENERATOR; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$65,000.00 FOR SAID PURCHASE.

Ordinance No. 146-2014 was read by full title only for its first reading.

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Ordinance No. 147-2014 – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$21,563.36 FOR THE PURCHASE OF FIVE (5) MULTIFUNCTIONAL PRINTING DEVICES (COPIERS), WITH APPURTENANCES, FOR USE IN VARIOUS DEPARTMENTS OF THE CITY OF SEVEN HILLS, SAID PURCHASE TO BE MADE FROM RICOH USA, INC., OF RICHFIELD, OHIO.

Ordinance No. 147-2014 was read by full title only for its first reading.

COUNCIL OPEN TO THE AUDIENCE

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

“After witnessing the Caucus a little bit ago -- something really interesting. Last year the Charter Review Committee – their big product was to remove the Recreation Board. I asked you guys not to do that. I asked you personally not to do that, Mike. You, Mr. Bryda, and the others decided that was a good thing to take away. So today we heard how they just spent \$15,000.00 without authorization of Council at the Recreation Center. And the Recreation Board becomes the personal plaything of the Mayor. Good job, Mayor. Good job, Mike. Convey my best to Bryda. Disgusting.”

Ed Maslowski, 1035 Joy Oval made the following comments:

“I just want to make a few comments on what transpired. I’d like to make it clear that any remarks I make are completely my own and don’t represent anybody else. Any remarks I make are entirely my own. This all started when the developer had a piece of property and because of its location and its geography he had a problem with how to handle it efficiently, what to do with it efficiently. And with the help of the Council, the Zoning Commission, the Law Director – they all got together and they came up with a solution. And it was an elegant solution, but for the builder, for the developer. It did not take into consideration the community. It did not take into consideration the neighborhood. This is something I would not like to see happen in the future, and a lot of it had to do with the fact that the laws, the procedures, were not in place. I think Seven Hills is very, very lacking. No developer in my mind, and this is just my opinion, should be able to put forward an issue like this before the Council without being very explicit in what he was going to put on this property. All that Landsong gave the Council was a map, a plat map of the area. No details, no idea what was on there. And even added to that was the fact that there was a new ordinance, which was, frankly, kind of deceptive. Because what he was planning on doing, and it became very clear when you look at it, is to put up a nursing home, something very, very, much like what is being built – very much like the Biltmore. I have no doubts that this is what he had in mind, yet he bundled it into an ordinance that added a cluster home area for the elderly, which is what was being promoted – the elderly care living – but not the nursing home aspect. He never had that in mind, and we all know that.”

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Ed Maslowski (continued):

“I think a number of steps need to be taken to prevent this from ever, ever happening in the future. The first thing is – and this is my opinion – is the, I think, the Charter – and it applies to the Charter. And that is to demand that any petitioner or the developer in this case would present full, absolute details for any issue involving rezoning. He needs to do this for a variance, and a rezoning is certainly at least equivalent to that. The other issue, and I think it’s a little more subtle, but I have a problem -- and I’m not sure that it’s really appropriate -- that a new zoning ordinance and an issue that invokes this new zoning ordinance should be passed at the very, very same Council. At a minimum the zoning ordinance should have been put into effect before, and allowed a certain number of days so people can find it and understand it. And I know what happened here. If this were done, this couldn’t have gotten on this ballot. The timing would not have been right. But I see absolutely no reason why those two things should ever happen concurrently. The third problem I have is 966(C) was apparently written in a hurry and it’s a lousy ordinance and it ought to be reviewed. That’s all I have. Thank you.”

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

Council President Barth thanked Mr. Maslowski for his comments.

Larry Masek, 930 East Decker Drive made the following comments:

“First thing I want to give you just a little historical tidbit. Today, November 10th, is the United States Marine Corps 239th Birthday. Now I can get on to my remarks.”

There was a round of applause from the audience to celebrate the Marine Corps birthday.

Mr. Masek continued:

“I’ve lived here for 49 years, and for 49 years I picked up oak leaves, at the beginning from 28 oak trees, which are now 85-foot tall and have been reduced to 18 trees that size. I pick them up with the cutter and bag them, and depending on what the Spring is as far as weather goes, have anywhere from 28 to 32 bags a year. I just wanted to say that the Seven Hills leaf pickup program is a nightmare. The reason I say this – from Northview on East Decker Drive to East Dawnwood we have the builder and the developer at the time left most of the trees standing and if the resident wanted them taken down, they took them down, but most of the trees and the oak trees are standing, so we have a lot of leaves. A lot of the neighbors take the leaves and they put them on skids and they take them out to the tree lawns, and naturally you’re going to have so many that they are overflowing into the curb area of the street. Now last year, in that area, during the leave season – and I’m talking about September 1st to December – our leaves probably stop dropping around Thanksgiving, and we’re finished around December 1st. But the whole point is that last year we had leaves piled on the tree lawn, partly in the street, for four and five weeks, and some of them never left because they were never picked up.”

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Mr. Masek (continued):

“This year there was an announcement made on the phone, a short announcement, that there will be leaf pick up, and I can’t recall the date it said it was going to start. But, we had the little thing posted there on the Seven Hills sign that said ‘*Leaf Pick Up South to North*’. No schedule of streets, no schedule of time when they would be picked up. This is not at all to blame on the Service Director, believe me – he’s got a heck of a lot more to do and a lot more on his plate than to worry about leaf pickup. And the same thing with the leaf crew. Now I only see one leaf crew when I drive around the City. I thought we used to have two. But maybe economics changed that. But the thing is I see other adjoining cities, and I know Independence has more money than they know what to do with, but they have at least three times a week pickup on their streets. Parma has twice a week. I don’t see how we wind up with even one a season. I don’t know, because there is no schedule. My recommendation would be that during this season, maybe from September 1st to December 1st, that the City hire a retired man or woman that can set out a schedule, set out a plan, that will be efficient and effective. If it’s cost prohibitive, then the other thing to do is you pick up leaves for no one. You don’t pick up leaves for the people that have them – you picked them up for years that were in their swales. I could care less about that. They can rake the same as we rake. We rake our leaves out of the swales. There’s no reason to give special attention to them like they have since I’ve lived here for 49 years. So if you can’t do it efficiently and effectively, and properly -- and get rid of them -- then don’t do it at all. Thank you.”

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

Council President Barth thanked Mr. Masek for his comments.

MISCELLANEOUS

Mr. Trafis:

Thank you, Mr. President. My comments are somewhat lengthy this evening.

I first want to spend some time talking about Issues 86 and 87, and preface my comments by saying that there is absolutely no correlation between the results of the two. The rezoning issue failed with 2,682 votes to 2,151 votes, which is a difference of 531 votes. The property tax increase issue failed with 3,210 votes to exactly 1,600 votes, which is a difference of 1,610 votes. This means that 1,079 people did not relate the two issues and voted in favor of rezoning but against the property tax increase. It is wrong to assume that the defeat of both these issues were tied together.

With the overwhelming defeat of these issues it is clear that our residents are tired of business as usual. The status quo does not work.

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Mr. Trafis continued:

For about two years I have been presenting options to generate revenue that would be less of a burden on our residents. I will continue to work toward trying to convince the Mayor and the Council that there are other options that are more friendly to our residents. I don't know if my colleagues will support my income tax proposal, but it is an option that would generate a significant amount of revenue, mainly from people who do not live in Seven Hills. I hope we all will come to terms with this and agree that this is the best option for both the City and our residents.

The rezoning ballot initiative as we know was handled very poorly from the beginning. Although the City did meet all the legal requirements for posting the notices, a lot more should have been done to inform our residents of what was happening in the neighborhood. A grassroots organization was formed to defeat the issue, and I give them a lot of credit for what they accomplished. Congratulations.

Councilman Trafis' remarks drew a round of applause from the audience.

Moving forward, I am hopeful that the developer will come up with a plan that is acceptable to the residents in that neighborhood, such as single-family housing.

There was another round of applause from the audience.

Now a little bit more about the John Glenn property. As far as I am aware, there are currently no plans for the property on which John Glenn Elementary School is located at this point in time. It is important that the building is maintained to neighborhood standards and held to the same level of accountability as any property in Seven Hills. The day following the election, Councilman Fraundorf and I went to the property and noticed what we believe are numerous potential Building Code violations. In our Caucus Meeting immediately prior to this meeting we informed the Administration of this and we will await an Inspector to visit this property. I hope to be able to provide an update in a couple of weeks with the status of that request.

Now on a separate topic. At the prior Council Meeting two weeks ago I expressed how it was relayed to us by the Mayor about how important it is to get new cars and equipment for the Police Department. I thank Councilman Fraundorf for recognizing the immediate need, and for making a second to my floor motions to purchase two new cars and office furniture. The vote failed 5 to 2.

This does not change the need. We still need marked and unmarked cars and office furniture. Since those motions did not pass, I'm going to try a lesser amount. So, right now I'm going to make a floor motion.

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Mr. Trafis continued:

MOTION by Mr. Trafis, seconded by Mr. Fraundorf, to approve up to \$15,000.00 to be used at the discretion of the Administration for the purchase of a used, unmarked car and office furniture for the Police Department.

Council President Barth asked the Clerk of Council to call the roll. Mr. Trafis called for a point of order. Mr. Trafis stated that they were all entitled to comment regarding the pending motion. Council President Barth asked if there was any discussion.

Mr. Trafis stated:

“What I’ll say about this is that \$15,000.00 is 70% less than the motion I made at the last meeting. I can’t stress enough how urgent the need was when it was presented to us. I feel that this will be a step in the right direction to help fix a couple of safety concerns for our Police Department.”

Mr. Fraundorf stated:

“I echo Councilman Trafis’ sentiments. I believe that it was quite obvious at the polls when our Detective rolled up in a 1999 Ford Taurus with power steering that didn’t work and my comment to him was ‘*When you go under cover, you go under cover*’. There’s no way that our Officers and Detectives should be subjected to the vehicles that they are currently operating in.”

Council President Barth stated:

“I have one thing. Again, at our last Caucus Meeting, we talked about this, and everybody agreed. Councilman Snitzky agreed that he was going to have the Police Chief come in and tell us what his needs are. The last I looked Gary Durkin was the Chief of the Department. He knows what his needs are, and he agreed to come to Council to talk with us about cars and furniture.”

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

2 yea, 4 nay

MOTION DEFEATED

Mr. Trafis continued:

The purpose of making these floor motions is to continue this dialogue and I’m going to continue making these floor motions until this happens. I appreciate that Chief Durkin is coming to a meeting, but it was presented to us at the Town Hall Meeting how urgent the need is for these cars. I’ve look at these cars. I’ve talked to Officers. This needs to happen now. I’m not going to accept waiting until the Budget Hearings in March knowing that is five months from now and when you order a new car it could take six months to a year to get it.

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Mr. Trafis continued:

Separate topic. It came to my attention this morning, and Stewart Lovece mentioned this in our previous meeting, that this Wednesday, November 12th, the Cuyahoga County Council has a meeting, and on its agenda is consideration of our 2014-0273, a Resolution making awards to various communities in the amounts of \$150,000.00 each, for the Community Block Grant. The good news is that Seven Hills is on the agenda for consideration of Chatham Drive and Essex Drive. In a previous Committee Meeting it was expressed that Chatham Drive would be covered in this grant and that Seven Hills would have to contribute a large portion to complete Essex Drive. If awarded this grant, I am very grateful that Chatham will be finished, but I'm no longer convinced that we should be contributing a large amount of money to Essex given the current financial status of Seven Hills. However, if receiving this grant is contingent on the City putting money toward Essex, then we probably don't have a choice and I will maintain my support for this. I look forward to continuing this discussion in a future Public Works Meeting.

Finally, I would like to thank Stewart Lovece for all of his service to the City of Seven Hills. He recently announced that he is leaving for another position elsewhere. Stewart, you have been a terrific Engineer and Service Director. I'm going to miss you, and good luck in your future and with all the endeavors that you embark on. Thank you, Mr. President.

Mrs. Ernst:

Thank you, Mr. President. Stewart, you've been great to work with as a new Councilperson. I'm devastated that you're leaving. Any time I've come to you with a problem from a resident, you would work with me and work with the resident. It's been great, and I'm going to miss you on a personal level and also with Council problems. Good luck where you're going and do keep in touch with us.

Mr. Snitzky:

This whole Police thing keeps coming around. That's my Committee, and we're going to be meeting next week and we're going to be talking about that. It's pure politics. You have known about the condition of the cars for months. It's an issue we've had for a long time – ever since the recession. There's a process to follow. We're following it. And I wish you'd let me run my Committee.

Mr. Trafis commented, "Then, run it."

Mr. Snitzky added, "I'd wish you'd let me run my Committee."

Council President Barth called for order, saying "That's enough!"

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Mr. Snitzky continued:

Stewart! When I first came to Council right after I got elected, I had a major surgery. I basically had my foot reconstructed. I was told not to come to the meeting, but I wanted to come to the Council Meeting that night. As I was coming up the steps here, I lost my footing. And I was falling flat backwards. I was going to slam my head on the radiator – I was in a lot of trouble. Well, Mr. Lovece here saved me! He hit me like a linebacker to keep me from falling flat backwards, and basically just blocked me back to being upright. And he has been one of the people I've worked with and relied on consistently, whenever there was something going on in the City that I needed help with. I could always call him, or send him an email, or contact him about something that was going on that dealt with Service or Engineering. And he is going to be greatly missed. Unfortunately, this is another issue of somebody leaving the service because of a.....

Council President Barth interrupted Mr. Snitzky and thanked him for his comments.

Mr. Fraundorf:

Most of you out there, you don't deal on a day-to-day basis with the issues that a ward faces. I have two examples of the kind of hands-on guy that Stewart is.

One of them was this summer when we had one of our torrential downpours, and directly across the street from me is a vacant lot, and there's a catch basin that is maintained by the City. And obviously the catch basin was overflowing and our street was flooding, and I called Stewart on his cell phone and he said that he was just around the corner at Crossview, and that he would head over there. He got there and he asked me if I had any tools, as I live right across the street. He told me I had to get a post hole digger, a couple of rakes, a shovel – and the two of us were in there. I had to take my shoes off. We went down and we cleared that sewer out and obviously the street stopped flooding.

The other one was in the winter, and again, we had a horrible snow storm and it was late at night. It was dark, so it had to be 5:00 p.m. or later. I received a call from a resident on Scenic Drive who said that their street hadn't been plowed that day. So I hopped in the car and drove over to Scenic, and quite honestly the street had been plowed, but it was snowing so hard that the plows just weren't able to keep up. So I called Stewart, and Stewart was with Joe Rencz, and he said that they were only about one-quarter of a mile away. We stopped at Broadview and Scenic and talked about it. And about two minutes later a snow plow came down Broadview and did Scenic Drive. This guy was out there in the snow storms – he was out there in the rain – he was out there in the mud. He's truly a hands-on guy. Stewart, I'm going to miss you personally. Great job!

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Mrs. Lecznar:

The first thing is I have a public service announcement. A lot of people are hopefully not affected by the heroin epidemic that's been going around. No City is immune to it. I know Independence has had some talks about this themselves. Our kids are doing some very bad things with some very bad drugs and we really need to get a handle on it. There is a Judge Astrab who is going to be hosting a Community Forum at the Parma City Schools on this subject this Thursday, November 13th at 7:00 p.m. I would encourage anyone who has a child, a grandchild, to attend this meeting – it knows no age limit at this point. I'm sure it will prove to be a very informative meeting for all that attend.

I would also like to wish all our Veterans a very Happy Veterans Day. You put your lives out there for us and we are very eternally grateful to you all. Like the saying goes, some give their all – and they gave their all. So, I just want to thank all of the Veterans.

Council President Barth:

Stewart, again, I hate to see you go. In my years of municipal service, I've been around a lot of Directors. I know you and I have had a lot of disagreements, but you rank right up there with the best. I wish you well in your new job, and I will have more to say when we have you back for a Resolution of Commendation.

To all of you out there, I'd like to congratulate you and applaud you on your effort. The democratic process worked the way it was supposed to. Based on a recommendation from City Planning, Council put the issue on the ballot. The proponents of the rezoning waged their campaign, and you waged yours, and the people of Seven Hills decided. You worked hard and were rewarded for your efforts – congratulations. But what we have come to discover through all of this is that there are sections of our Planning and Zoning Code and Charter that need to be revised, and that will happen. Councilman Bryda has already brought it to the table and has requested the Law Director to look into the process. As Council President, I will soon open discussion with City Planning Commission Chairman Ed Foley and the Mayor on updating those sections of our Ordinances and Charter. In addition, I already had a short discussion with Ed Maslowski of your group who has previously looked at other cities to see what they were doing. As for the John Glenn property, we have since talked to the developer and know that they have already reached out to your group. It will be a combined effort in deciding what will be acceptable to all. Again, thank you, and congratulations on your victory.

One more thing. After attending this meeting tonight, and I know you're not going to believe this, but I have an important and interesting fact. Last year in 2013 there were 160 requests for legislation. At the end of October of this year, with two months still remaining in 2014, we already have 192 requests for legislation. So, this Council has been working hard and working well together.

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REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson:

I would just like to wish you the best, Stewart, in your new endeavor. It's been a pleasure working with you, even though it's been a short time. Good luck to you!

Director of Law Pignatiello:

Stewart, I'm going to miss you. Everything you do is exceptional – literally, everything you do. You give it your gusto and you dig in, and you've always been a producer around here. I want to wish you the best of luck.

And Council President Barth, it's the Law Department that's preparing all that legislation! We're a little busy too!

Law Director Pignatiello's remark drew laughter from Council and the Administration.

Council President Barth commented, "Most of it, Rich – Our Council Clerk plays a big roll in that, trust me!"

Law Director Pignatiello replied, "I'm not saying she's not busy, too!"

Council President Barth answered, "Everyone's working hard!"

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

Regarding the leaf collection. When I started as Service Director probably four years ago our crew size went from 22 to 13, and we've taken on more assignments. In fact, when I started, we were only doing the uncurbed streets and the ditches. Now we do all of them. The Service crews are working six days a week, they're working overtime. There are actually two crews out there, with an occasional exception, for example a patching problem or when an emergency crops up, but there are usually two crews. They're working South to North. It is taking quite a while.

It's very difficult to prepare an estimate or to know exactly where we're going to be. If you do, then people hang onto every word, and it works against you, too. We do answer calls and give folks an approximation, but the work load changes daily. It depends on the temperature, the wind, and whether it's raining or not, as to how fast those leaves come down, and of course how fast the folks rake the leaves to the tree lawn. So I would just say to be patient with that. We are about two-thirds done with one sweep, and the way things are going, we'll probably do another two sweeps. We'll do it until Mother Nature shuts us down. That's what we did last year. To the best of my knowledge we did get every place – I thought we got every place where there were leaves. I drove around with the Foreman and saw them.

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Director Lovece continued:

Regarding my leaving, it is sad, but it's time to move on I think. I'm going back into the private sector into what they call heavy highway construction. But I enjoyed this job. I enjoyed working with everyone. Actually, just like Chris, former Mayor Bentkowski hired me, and Mayor Dell'Aquila kept me on board, and in fact even expanded my duties as Service Director and City Engineer which saved another person. I like doing more than just my job. I got involved with the Cell Tower Lease Buyout – we raised \$1.3 million – we get paid in four years from EP Wireless I think it was. We renegotiated Refuse Levy Contracts saving approximately \$150,000.00. We applied for and received grants for energy work making this building more energy efficient. We have a pretty big energy bill of \$300,000.00 a year. We got a grant for \$281,000.00. There's another energy project underway, called project RENEW, where we do more energy retrofits – we're putting new boilers in and HVAC units. Actually it's all going to be tied together with computer and will be monitored and adjusted. Also we worked with First Energy getting rebates where they reward you for being more energy efficient. We've worked on recycling grants and high water development authority loans. We negotiated new utility rates on gas, electric, and telephone which saves us tens of thousands of dollars. It's been an honor to help the folks out and try to find some smart ways to do things. The City is in a pickle with income and finances that it will work its way out of. Thank you.

Council President Barth thanked Mr. Lovece for his remarks.

Building Commissioner Moro was not present.

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

I'd first like to echo all of the remarks concerning Stewart Lovece. He has been a stalwart here in the City of Seven Hills. We would not have been able to accomplish many of the things that we've done to right our financial ship and continue to provide the services that we always provide to our residents without the good work of Stewart and all the other Directors. It makes us able to perform our functions here correctly, so we're going to miss you Stewart. We hope to see you again soon.

I also want to extend my congratulations to the residents who put together such an effective campaign with respect to knocking down Issue 87. I had just the most pleasant experience at the polls on Tuesday speaking with some of you and found that you had some legitimate points. You presented them effectively for the most part. I didn't necessarily appreciate some of the things that might have been said that I felt were a little bit out of bounds, but that's politics, especially in Seven Hills.

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Mayor Dell'Aquila continued:

I commented to one person, and I'll repeat it again, I think that the effectiveness of the campaign was primarily based upon your ability to put the normal other residents in the City in your shoes. You were able to cause others to empathize where *'There but for the grace of God, go I'*. And I think that was the very, very salient way to present your case. Irrespective of where you live in any of the wards I think people can relate to what would this mean if this was happening in my yard. I can say that I know that the procedures that were done here within the City were all done correctly. The Ordinances were followed, the Charter was followed, the meetings were posted correctly. I can say that all of that happened, but I can also say that with this particular issue that was brought to light that our procedures need some updating. Maybe quite a considerable amount of updating. So I encourage Council and I will be working with Council and the Planning Commission to take a look at all these procedures and make absolutely certain that we've done everything we can to avoid another similar situation that has transpired with Issue 87 in the future. So, again I congratulate you all. Job well done.

Mayor Dell'Aquila's remarks drew a round of applause from the audience.

The question has been raised about what do we do going forward with the condition of the school as it sits here today. I think that we are all aware of the condition of the building, the parking lot, the grounds – we've already begun some discussions with the owners in respect to what their timing might be on any future decisions they might make. I am encouraging them, and I believe that some others here have done the same, to make a decision relatively quickly. Come back to the City relatively quickly. I share the concern that was expressed. We don't want to see this building slip into an even worse eyesore than we all know it's becoming. And I certainly will be sending our Building Commissioner and his Inspectors out there to have a look around and make sure that we don't see a continuing problem develop as we wait to hear from the owners of the property. That is certainly something that doesn't help anyone, including especially the people in the neighborhood. So we do want them to act quickly.

I have to take some issue with some of the remarks here with regard to the overlap between the two issues. I felt throughout the entire process that the media buzz and controversy that was raised – and there's no question that you have that right to raise it – but that it overshadowed the problems that we were seeking to address through Issue 86, the Police Levy. There's no doubt that we have a very large funding gap here in the City and we must address that funding gap, otherwise within a couple of years we're going to be back to where we were when I took office, which was very close to coming under State scrutiny and looking at another potential downgrade in our credit rating. So I have asked the Council to convene as soon as possible a meeting of the Finance Committee to begin consideration how best to address the large funding gap the City is facing. I'd like to see that happen before the Budget Hearings next year. We can't continue to deficit spend the way we are forced to deficit spend at this point and ever hope to dig ourselves out of a hole that we find ourselves in.

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Mayor Dell'Aquila continued:

With respect to the police vehicles, I hope everybody has seen the two new vehicles that were just delivered last week. They're parked outside the Police garage immediately opposite the Recreation Center and they're being detailed and outfitted as we speak. So we're about to take two of the older vehicles off line probably by the end of this week. They are still putting in the light bars, the cages, and the details. Two cars are already gone.

I had a conversation with the Chief with regard to this vehicle issue. And although he doesn't say it, he's not a political person. I can sense that there is a morale issue developing in the Police Department. There are feelings that perhaps they are being used in a way that they don't necessarily appreciate.

This issue with the vehicles has been well known to everybody here on the dais for a number of years. This is the very reason why we were forced to purchase three used vehicles from the Village of Orange when I took office. We obtained three vehicles for a total cost of \$24,000.00. These are the gray vehicles you see driving around. The dash camera alone on each of those vehicles is \$5,000.00. So you can see what a good deal that was to obtain three for a total of \$24,000.00. So there's no secret, there's no mystery – we know we need to update the fleet. We have two new vehicles sitting in the driveway as we speak.

What I am going to ask Council, and through Councilman Snitzky's Committee, is that if the determination is made after meeting with the Chief that two more new vehicles need to be acquired, that it be placed on an agenda and hopefully be voted on in 2014 with the idea of funding and appropriating to make the purchase out of the 2015 budget.

So there is a methodology by which we can get this on an agenda relatively quickly. Move it through Council and fund it in an appropriate way. We'll weigh and balance all of the alternatives. We understand where the money comes from. We understand what the need is. And we don't implode the Police Budget on a floor motion without any backup at all.

To all our Veterans, I wish you all a heartfelt – and I don't think 'happy' is the correct word – but a heartfelt Veterans Day tomorrow.

Thank you.

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 November 10, 2014 Council Meeting was adjourned at 8:42 p.m.

Michael C. Barth, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____