

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD February 23, 2015

This Regular Council Meeting was called to order by Council President Michele K. Ernst at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Director of Law Pignatiello, 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 Moga. Absentees were Mayor Dell'Aquila, Director of Finance Johnson, and 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 February 9, 2015, as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mr. Barth, seconded by Mr. Fraundorf, to accept the Consent Agenda of February 23, 2015, as printed, if there is no division of the question.
Roll Call: all yea **MOTION CARRIED**

RESOLUTIONS OF COMMENDATION

Resolution No. 4-2015 – A RESOLUTION OF COMMENDATION TO HELEN JANUSKA ON HER 100TH BIRTHDAY.

MOTION by Mrs. Lecznar, seconded by Mr. Trafis, to read Resolution No. 4-2015 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 4-2015 was read by full title only for its first and final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Trafis, to adopt Resolution No. 4-2015 as an emergency measure.

Mrs. Lecznar stated:

“I would like to congratulate Helen on her 100th Birthday. The weather is very bad and cold outside, so we understand that she couldn't come here to get the Resoution, but we wish her the best of luck.”

Roll Call: all yea **MOTION CARRIED**

RESOLUTION NO. 4-2015 IS DECLARED ADOPTED.

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REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

Planning, Zoning, and Economic Development Committee Chairman Snitzky stated that the Committee last met on Tuesday evening, February 17, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Snitzky said that the Committee will hold its next regular meeting on Monday evening, March 16, 2015.

Public Works

Public Works Committee Chairman Bryda stated that the Committee last met on Monday evening, February 2, 2015, 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, March 2, 2015.

Community Services

Community Services Committee Chairman Fraundorf stated that the Committee last met on Monday evening, February 2, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Fraundorf stated that the Committee will hold its next meeting in special session on Monday evening, March 16, 2015; he said the meeting is postponed from March 2nd due to scheduling and time issues.

Police and Fire

Police and Fire Committee Chairman Trafis stated that the Committee last met on Tuesday evening, February 17, 2015, and the minutes from that meeting are forthcoming. Mr. Trafis stated that the Committee will hold its next meeting in special session on Monday evening, March 2, 2015.

Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Committee will hold its next regular meeting on Monday evening, March 16, 2015.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Ernst stated that the Committee last met on Monday evening, February 2, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Ernst stated that the Committee will also hold its next meeting in special session on Monday evening, March 16, 2015 due to a very heavy agenda on March 2nd.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee conducted Budget Hearings on Saturday, February 14, 2015, and the minutes from those hearings are on file with the Clerk of Council.

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Finance, Civil Service, and Personnel (continued):

Mr. Barth stated that the Finance Committee last met in regular session on Tuesday evening, February 17, 2015, 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, March 2, 2015.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

The Clerk of Council stated she would like to acknowledge a note received from Annette Sobran, addressed to **Seven Hills Police Sergeant John Satanek**, as follows:

“Sergeant Satanek: What a pleasant surprise and kind gesture I received this morning. I just want to thank you for your assistance in helping me shovel my driveway on such a cold and bitter day. It is very much appreciated. I thank all of our police officers for the fine work you do helping and protecting us every day. God bless and hope you enjoy the oatmeal cookies. Sincerely, Annette Sobran”

The Clerk of Council stated she would also like to acknowledge an email received from Donna Uffman of East Hillsdale, dated Sunday, February 22, 2015, in reference to Snow Removal, as follows:

“I live in Ward 1 (I couldn't find Mr. Bryda's email address), and I wanted to commend our City's wonderful job of snow removal. I have lived in Seven Hills for 15 years, and work at a local hospital and need to get to work on a regular basis; there are no 'snow days' for hospital employees. I am always appreciative of how efficiently our streets are cleared of snow and ice. I cringe when I leave the City limits and head into Cleveland, what a contrast. Keep up the great work, it's so appreciated. Donna Uffman, East Hillsdale Avenue”

The Clerk of Council stated that a Legal Notice has been placed in the Parma Sun Newspaper for publication on Thursday, February 19, 2015, pursuant to Article V, Section 7(c)(4) of the Charter, giving public notice of the Public Hearing in reference to proposed Amended Ordinance No. 122-2014. Mrs. Sekerak announced that said Public Hearing will be held on Monday, March 9, 2015, at 6:30 p.m., in the Council Chambers of the City Administration Building.

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The Clerk of Council also stated that a Legal Advertisement has been placed in the Parma Sun Newspaper for publication on Thursday, February 19, 2015, and Thursday, February 26, 2015, soliciting sealed bids for the Chatham Drive and Essex Drive Resurfacing Project. Mrs. Sekerak announced that the Bid Opening for this project will be held on Monday, March 9, 2015, at 2:00 p.m. in the Council Caucus Room and is open to the public for those wishing to attend.

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

Ordinance No. 115-2013 – AN ORDINANCE TO AMEND SECTION 121.011, COMPENSATION OF COUNCILPERSONS, AS CONTAINED IN CHAPTER 121, COUNCIL, OF TITLE THREE, LEGISLATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

MOTION by Mr. Barth, seconded by Mr. Snitzky, to read Ordinance No. 115-2013 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 115-2013 was read by full title only for its third and final reading.

MOTION by Mr. Barth, seconded by Mr. Snitzky, to pass Ordinance No. 115-2013.

Roll Call: all nay

MOTION DEFEATED

ORDINANCE NO. 115-2013 IS DECLARED DEFEATED.

Amended Ordinance No. 116-2014 – AN ORDINANCE TO AMEND SECTION 151.091, COMPENSATION OF EMPLOYEES GENERALLY, AS CONTAINED IN CHAPTER 151, EMPLOYEES GENERALLY, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, FOR THE PURPOSE OF ADJUSTING COMPENSATION RATES FOR THE PART-TIME DEPUTY FINANCE DIRECTOR EFFECTIVE JANUARY 1, 2015.

Amended Ordinance No. 116-2014 was read by full title only for its second reading.

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Amended Ordinance No. 122-2014 – AN ORDINANCE TO AMEND SECTION 997.01(b), PERMIT REQUIRED, AS CONTAINED IN CHAPTER 997, FENCES, OF TITLE ELEVEN, PROVISIONS AFFECTING USE, STRUCTURE AND AREA, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF INCREASING THE YEARS REQUIRED FOR THE PERFORMANCE OF A BOUNDARY SURVEY PRIOR TO INSTALLATION OF A WALL, FENCE, TRELLIS, OR OTHER SUCH TYPE STRUCTURE.

Amended Ordinance No. 122-2014 was read by full title only for its second reading.

Ordinance No. 4-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH SIGNAL SERVICE COMPANY OF WARRENSVILLE HEIGHTS, OHIO, FOR THE PURPOSE OF MAINTAINING THE TRAFFIC SIGNAL EQUIPMENT THROUGHOUT THE CITY OF SEVEN HILLS, OHIO, FOR THE PERIOD COVERING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015, AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$5,000.00 FOR SAID SERVICE.

MOTION by Mr. Bryda, seconded by Mr. Snitzky, to read Ordinance No. 4-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 4-2015 was read by full title only for its third and final reading.

MOTION by Mr. Bryda, seconded by Mr. Snitzky, to pass Ordinance No. 4-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 4-2015 IS DECLARED PASSED.

Ordinance No. 5-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH BRANDI BOSWELL FOR THE PURPOSE OF PROVIDING ZUMBA CLASSES AT THE COMMUNITY RECREATION CENTER FOR THE PERIOD COVERING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015.

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to read Ordinance No. 5-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 5-2015 was read by full title only for its third and final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to pass Ordinance No. 5-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 5-2015 IS DECLARED PASSED.

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Ordinance No. 6-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH PHILIP TOMBERLAIN II FOR THE PURPOSE OF DIRECTING THE ROOKIE ATHLETIC YOUTH PROGRAMS AT THE CITY OF SEVEN HILLS COMMUNITY RECREATION COMPLEX FOR THE PERIOD COVERING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015.

MOTION by Mr. Trafis, seconded by Mr. Barth, to read Ordinance No. 6-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 6-2015 was read by full title only for its third and final reading.

MOTION by Mr. Trafis, seconded by Mr. Barth, to pass Ordinance No. 6-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 6-2015 IS DECLARED PASSED.

Ordinance No. 7-2015 – AN ORDINANCE TO AMEND SECTION 707.01(b), DEFINITIONS, AND TO AMEND SECTION 707.02(a), ESTABLISHMENT AND JURISDICTION OF CITY ARBORIST, AS CONTAINED IN CHAPTER 707, STREET TREES, OF TITLE ONE, STREETS AND SIDEWALKS, OF PART SEVEN, STREETS AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF DESIGNATING THE SERVICE DIRECTOR AS THE CITY'S ARBORIST.

MOTION by Mr. Bryda, seconded by Mr. Trafis, to read Ordinance No. 7-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 7-2015 was read by full title only for its third and final reading.

MOTION by Mr. Bryda, seconded by Mr. Trafis, to pass Ordinance No. 7-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 7-2015 IS DECLARED PASSED.

Ordinance No. 12-2015 – AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A MAINTENANCE AGREEMENT WITH MERITECH, INC., OF CLEVELAND, OHIO, FOR THE KYOCERA 3050 DOCUMENT IMAGING SYSTEM BEING USED AT THE SEVEN HILLS COMMUNITY RECREATION COMPLEX; AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$1,400.00 FOR SAID SERVICE FOR THE PERIOD COVERING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015.

Ordinance No. 12-2015 was read by full title only for its second reading.

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Ordinance No. 13-2015 – AN ORDINANCE TO AMEND SECTION 1143.07, NONCOMPLIANCE WITH NOTICE, AS CONTAINED IN CHAPTER 1143, EXTERIOR MAINTENANCE, OF TITLE THREE, LOCAL BUILDING PROVISIONS, OF PART ELEVEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, FOR THE PURPOSE OF CORRECTING THE CODIFIED ORDINANCE SECTION REFERENCE FOR DELIVERY OF A NONCOMPLIANCE NOTICE.

Ordinance No. 13-2015 was read by full title only for its second reading.

Ordinance No. 16-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH ELLET SIGN COMPANY OF AKRON, OHIO, FOR THE PURPOSE OF MODIFYING THE SEVEN HILLS COMMUNITY RECREATION CENTER SIGNAGE ON THE BROADVIEW ROAD SIDE OF THE BUILDING (BACK WEST SIDE) AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$3,150.00 FOR SAID MODIFICATION.

Ordinance No. 16-2015 was read by full title only for its first reading.

Ordinance No. 17-2015 – AN ORDINANCE TO AMEND SECTION 351.11, PARKING HOURS REGULATED, AS CONTAINED IN CHAPTER 351, PARKING GENERALLY, OF TITLE SEVEN, PARKING, OF PART THREE, TRAFFIC CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADDING A NEW SECTION TO BAN PARKING OF VEHICLES ON ORCHARDVIEW ROAD, MONDAY THROUGH FRIDAY, FROM 12:00 P.M. TO 5:00 P.M.

Ordinance No. 17-2015 was read by full title only for its first reading.

Ordinance No. 18-2015 – AN ORDINANCE TO AMEND SUBSECTION 137.04(a), SUBSECTION 137.04(b), AND SUBSECTION 137.04(c), COMPENSATION, AS CONTAINED IN CHAPTER 137, DEPARTMENT OF FIRE, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

Ordinance No. 18-2015 was read by full title only for its first reading.

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Ordinance No. 19-2015 – AN ORDINANCE TO AMEND SUBSECTION 137.04, COMPENSATION, AS CONTAINED IN CHAPTER 137, DEPARTMENT OF FIRE, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADDING LONGEVITY PAY AND CLOTHING ALLOWANCE FOR THE FIRE CHIEF AND ASSISTANT FIRE CHIEF TO THE EXISTING ORDINANCE.

Ordinance No. 19-2015 was read by full title only for its first reading.

Ordinance No. 20-2015 – AN ORDINANCE TO AMEND SUBSECTION 137.04(b)(1), ASSISTANT FIRE CHIEF, AS CONTAINED IN SECTION 137.04, COMPENSATION, OF CHAPTER 137, DEPARTMENT OF FIRE, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADDING A FIXED 13% DIFFERENTIAL SALARY ADJUSTMENT BETWEEN THE ASSISTANT FIRE CHIEF AND FIRE DEPARTMENT CAPTAIN.

Ordinance No. 20-2015 was read by full title only for its first reading.

Ordinance No. 21-2015 – AN ORDINANCE TO AMEND SUBSECTIONS 137.04(a)(b)(c), COMPENSATION, AS CONTAINED IN CHAPTER 137, DEPARTMENT OF FIRE, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF INCREASING THE ANNUAL SALARIES OF THE FIRE CHIEF, ASSISTANT FIRE CHIEF, AND FIRE PREVENTION OFFICER, IN THE SAME PERCENTAGE WHEN THE SEVEN HILLS FIREFIGHTERS ASSOCIATION RECEIVE THEIR COMPENSATION INCREASES.

Ordinance No. 21-2015 was read by full title only for its first reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to amend Resolution No. 5-2015 by adding the words ‘**and declaring an emergency**’ to the title, and by adding the emergency clause to Section 3.
Roll Call: all yea

MOTION CARRIED

Amended Resolution No. 5-2015 – A RESOLUTION APPROVING A LOT SPLIT PURSUANT TO SEVEN HILLS ORDINANCE NO. 911.002 (Permanent Parcel No. 551-35-088) FRONTING ON KAREN DRIVE; AND DECLARING AN EMERGENCY.

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MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Amended Resolution No. 5-2015 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Amended Resolution No. 5-2015 was read by full title only for its first and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to adopt Amended Resolution No. 5-2015 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

AMENDED RESOLUTION NO. 5-2015 IS DECLARED ADOPTED.

Council President Ernst stated:

“We are now changing the order of the Agenda. We will move to the Miscellaneous portion.”

MISCELLANEOUS

Mr. Snitzky had no miscellaneous comments.

Mr. Fraundorf made the following remarks:

Yes, I have a statement. I see that we are moving in the wrong direction on the agenda, but that's okay.

Two weeks ago a statement was read on the dais. I patiently waited to respond. Our Council President says everyone has an opportunity to make a statement on the dais. Not being one to miss my opportunity, I again have comments. This time regarding the Honorable Council President's feeble analogy of two weeks ago comparing business to government through lessons learned at AT&T.

It's difficult to compare business to government. This is especially true with respect to her comment, and I quote, “.....*be positive about the company in public. In other words, don't trash the company or your coworkers to the customer.*” The difficulty I have with this statement is we are always in the public eye, and our opinions are protected under the First Amendment to the U.S. Constitution. Council commentary must be made in public and it must be so by law, with few exceptions.

It is without question every Elected Official desires what is best for the City, but to suggest a difference of opinion must be masked in open public meetings or published statements is preposterous. In fact, the Council President made roundabout reference to my rebuttal of the Mayor's letter to the editor as an affront to our residents and something that should have gone unsaid.

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Mr. Fraundorf (continued):

How is it possible to have an open and honest debate if a difference of opinion is viewed as trashing the company or coworkers? What is this positive face attempting to hide from the public? Should debate be eliminated?

There is always room for improvement. Everyone knows this, and everyone is in agreement there is much to be proud of in Seven Hills or we wouldn't choose to live here, raise families, and retire here. Some of us even ran for public office to make a positive difference. But should we playact that all is perfect in Seven Hills and this is as good as it can or ever will be? Not I.

Government must be transparent and not operate behind closed doors. I do not view voters as customers. I doubt any voter would want to be considered as merely a customer. No -- they are our bosses. They elect officials, they pay their salaries, and they hire or fire elected officials through their vote.

How is it possible for the City to move forward -- and I say that with the opinion that by standing still we move backward -- without examining different outlooks? There is no benefit to our City of one-sided agreement with no questioning. Thank you.

Council President Ernst thanked Councilman Fraundorf for his comments.

Mr. Bryda had no miscellaneous comments.

Mr. Trafis had no miscellaneous comments.

Mrs. Lecznar had no miscellaneous comments.

Mr. Barth:

As I mentioned, we had Budget Hearings on February 14th. I'd like to thank all of Council, the Mayor, and all members of the Administration who braved the snow and cold to be there on Valentine's Day. I thought the hearings were very productive. Many good questions were asked. By law we have to have the budget passed by March 31st, so there will be three readings before the budget is passed. Thank you.

Council President Ernst had no miscellaneous comments.

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REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson was not present.

Director of Law Pignatiello had no formal report.

Director of Public Service and Properties Moga had no formal report.

Building Commissioner Moro was not present.

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila was not present.

COUNCIL OPEN TO THE AUDIENCE

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

“Hello everybody. Michele, I’m glad to see you survived whatever was trying to kill you. Thank you for the change in the rotation of the speaking here. It’s really appreciated. I mentioned that in the other room – I think it’s important.”

Mr. Jaros continued:

“The other thing is, Mr. Pignatiello, I put a question to you a couple of weeks back, I think. You were going to look at the validity of Chapter XIV, Section 7. I assume you are still looking at that. No? Okay. I guess I’ll send an email to your office or something to see what you came up with. Basically, that’s it. Thank you very much.”

Council President Ernst thanked Mr. Jaros for his remarks.

Council President Ernst made the following concluding remarks:

“I would like to say for the residents that have asked that we have some hearings about the finances of the City. I spoke to the Mayor. We are going to be having Town Hall Meetings regarding that in April.”

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Council President Ernst (continued):

“We don’t have a date set yet, but the Mayor is going to have his State of the City Address on March 26th. We will have dates at that time that we will be having those Town Hall Meetings, and there will be notices sent out to all the residents. So we are moving forward on that. I have nothing else. I will entertain a motion to adjourn.”

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

Roll Call: all yea

MOTION CARRIED

The February 23, 2015 Council Meeting was adjourned at 8:06 p.m.

Michele K. Ernst, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____