

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD April 27, 2015

This Regular Council Meeting was called to order by Council President Pro Tem Michael C. Barth at 7:50 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, and Director of Public Service and Properties Moga. Absentees were Ward 1 Councilman Bryda, Ward 4 Councilwoman Ernst, and Building Commissioner Moro.

MOTION by Mr. Barth, seconded by Mrs. Lecznar, to excuse the absence of Ward 1 Councilman Jeff Bryda and to excuse the absence of Council President Michele Ernst from tonight's Council Meeting.
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 April 13, 2015, as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mrs. Lecznar, seconded by Mr. Snitzky, to table the Consent Agenda of April 27, 2015, in its entirety.
Mrs. Lecznar stated, "Because there are some issues in reference to tonight's Consent Agenda, we have elected to table the Consent Agenda for this evening."
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 Snitzky stated that the Committee will hold its next regular meeting on Monday evening, May 18, 2015. Mr. Snitzky said that the minutes from the previous meeting (Monday, April 20, 2015) will be filed with the Clerk of Council.

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Public Works

Public Works Committee Chairman Bryda was not present. Mr. Barth stated that the Committee will hold its next regular meeting on Monday evening, May 4, 2015.

Community Services

Community Services Committee Chairman Fraundorf stated that the Committee last met on Monday evening, April 6, 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, due to a scheduling conflict, on Monday evening, May 18, 2015.

Police and Fire

Police and Fire Committee Chairman Trafis stated that the Committee last met on Monday evening, April 20, 2015, and the minutes from that meeting will be filed with the Clerk of Council soon. Mr. Trafis stated that the Committee will hold its next regular meeting on Monday evening, May 18, 2015.

Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Committee last met on Monday evening, April 20, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Lecznar said that the Committee will hold its next regular meeting on Monday evening, May 18, 2015.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Ernst was not present. Mr. Barth stated that the Committee last met in special session on Monday evening, April 20, 2015, and that the Committee will hold its next regular meeting on Monday evening, May 4, 2015.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, April 20, 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, May 4, 2015.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

There were no communications, petitions, or claims.

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COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

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

“I would like to point out some things about Resolution No. 9-2015. Permanent Parcel No. 551-03-074 is named in the Resolution as being owned by the Zanzanos. That same parcel was indicated in evidence as being part of the proposed Grandview Subdivision Phase 2 that was the subject of the lawsuit brought by Landsong Limited against the City of Seven Hills in 2003. That subdivision later became known as the Stone Ridge Subdivision. Also in 2003, Tom Simich of Landsong Limited contributed \$500.00 of the \$1500.00 received by the campaign for Council-at-Large of Richard Dell’Aquila. The plat filed for the Stone Ridge Subdivision bears the stamp and signature of Frank Russo, Cuyahoga County Auditor, that enumerates/lists Parcel -074 as being part of the Stone Ridge Subdivision. That plat is dated December 14, 2004. That same plat has approvals of the City of Seven Hills. Councilman-at-Large Richard Dell’Aquila had a hand in those approvals. Landsong Limited/Tom Simich was a party to documents filed with the State of Ohio that established the Stone Ridge Maintenance Association, Inc., as a non-profit Ohio corporation. Those same documents indicated that all developer-owned property included in the Stone Ridge Subdivision was to be conveyed to the SRMA, Inc. – Stone Ridge Maintenance Association. Cuyahoga County has two recorded deeds for Parcel -074 executed by Tom Simich. The first deed, executed on December 16, 2004, transferred ownership of Parcel -074 to Petros Homes. No recorded deed shown in County records indicates a return of ownership for Parcel -074 to Landsong Limited/Tom Simich. Despite that fact, on November 10, 2009, Landsong Limited/Tom Simich executed another deed to Richard and Victoria Zanzano for Parcel -074.”

Mr. Jaros concluded:

“This parcel is going to be a subject of an action filed in Common Pleas Court. Mr. Snitzky was talking about short-cutting the reading process to make it a quicker lot split and consolidation. There will probably be a court intervention in this somewhere. Thank you.”

Council President Pro Tem Barth thanked Mr. Jaros for his remarks.

ORDINANCES AND RESOLUTIONS

Amended Ordinance No. 110-2014 – AN ORDINANCE ENACTING NEW CHAPTER 1142, ENTITLED “WIND AND SOLAR ENERGY SYSTEMS”, AS CONTAINED IN TITLE THREE, LOCAL BUILDING PROVISIONS, OF PART ELEVEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

MOTION by Mr. Trafis, seconded by Mr. Barth, to table Amended Ordinance No. 110-2014.

Roll Call: all yea

MOTION CARRIED

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Amended Ordinance No. 110-2014 was tabled.

Amended 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.

Amended 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.

Amended 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.

Amended 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 TO REFLECT THE SAME PERCENTAGE INCREASE RECEIVED BY THE SEVEN HILLS FIREFIGHTERS ASSOCIATION IN THEIR COLLECTIVE BARGAINING AGREEMENT.

MOTION by Mrs. Lecznar, seconded by Mr. Snitzky, to table Amended Ordinance No. 18-2015, Amended Ordinance No. 19-2015, Amended Ordinance No. 20-2015, and Amended Ordinance No. 21-2015, if there is no division of the question.
Roll Call: Barth, yea; Fraundorf, nay; Lecznar, yea; Snitzky, yea;
Trafis, nay.

3 yea, 2 nay

MOTION CARRIED

Amended Ordinance No. 18-2015, Amended Ordinance No. 19-2015, Amended Ordinance No. 20-2015, and Amended Ordinance No. 21-2015 were tabled.

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Amended Ordinance No. 27-2015 – AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUPERIOR-SPEEDIE PORTABLE SERVICES, INC., OF AKRON, OHIO, TO PROVIDE PORTABLE TOILET SERVICE FOR SUMMITVIEW COMMONS, CALVIN PARK, AND NORTH PARK, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$1,485.00 FOR SAID SERVICE.

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to read Amended Ordinance No. 27-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 27-2015 was read by full title only for its third and final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to pass Amended Ordinance No. 27-2015.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 27-2015 IS DECLARED PASSED.

Ordinance No. 30-2015 – AN ORDINANCE AUTHORIZING THE CITY OF SEVEN HILLS TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY JUVENILE COURT IN CONNECTION WITH A COMMUNITY DIVERSION PROGRAM TO ADDRESS JUVENILE MISDEMEANOR AND STATUS OFFENDERS IN THE CITY OF SEVEN HILLS; AND AUTHORIZING AND ESTABLISHING A COMMUNITY DIVERSION PROGRAM FUND AS A SPECIAL REVENUE FUND.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 30-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 30-2015 was read by full title only for its third and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 30-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 30-2015 IS DECLARED PASSED.

Ordinance No. 31-2015 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PUBLISHING SERVICE AGREEMENT WITH LITURGICAL PUBLICATIONS, INC., OF CLEVELAND, OHIO, FOR QUARTERLY NEWSLETTER PUBLISHING SERVICES FOR THE CITY OF SEVEN HILLS NEWSLETTER.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Ordinance No. 31-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

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Ordinance No. 31-2015 was read by full title only for its third and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to pass Ordinance No. 31-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 31-2015 IS DECLARED PASSED.

Ordinance No. 32-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SEASONAL PROFESSIONAL SERVICE CONTRACT WITH RONALD ROSE, MEN’S FLAG FOOTBALL COMMISSIONER ASSOCIATED WITH THE CITY OF SEVEN HILLS RECREATION COMPLEX 2015 SPRING AND FALL FLAG FOOTBALL LEAGUE.

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to read Ordinance No. 32-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 32-2015 was read by full title only for its third and final reading.

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to pass Ordinance No. 32-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 32-2015 IS DECLARED PASSED.

Amended Ordinance No. 33-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH ALADDIN RENTS OF EASTLAKE, OHIO, FOR THE PURPOSE OF PROVIDING TENTS, RISERS AND APPURTENANCES TO BE USED AT THE CITY OF SEVEN HILLS 2015 HOMEDAYS, 2016 HOMEDAYS, AND 2017 HOMEDAYS, AND APPROPRIATING THE SUM NOT TO EXCEED THREE THOUSAND EIGHT HUNDRED FIFTY DOLLARS AND TWENTY CENTS (\$3,850.20) FOR THE YEAR 2015, A SUM NOT TO EXCEED \$3,850.20 FOR THE YEAR 2016, AND A SUM NOT TO EXCEED \$3,850.20 FOR THE YEAR 2017 FOR SAID SERVICE.

MOTION by Mrs. Lecznar, seconded by Mr. Trafis, to read Amended Ordinance No. 33-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 33-2015 was read by full title only for its third and final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Trafis, to pass Amended Ordinance No. 33-2015.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 33-2015 IS DECLARED PASSED.

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Ordinance No. 34-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH NORTHCOAST PROMOTIONS, INC., FOR THE PURPOSE OF RECRUITING, CONTRACTING, AND MANAGEMENT OF CRAFT, ART, AND COMMERCIAL EXHIBITORS FOR THE CITY OF SEVEN HILLS 2015 FALL FESTIVAL & CHILI COOK-OFF AND CRAFT SHOW.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Ordinance No. 34-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 34-2015 was read by full title only for its third and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to pass Ordinance No. 34-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 34-2015 IS DECLARED PASSED.

Ordinance No. 35-2015 – AN ORDINANCE TO AMEND SUBSECTION 123.01(a), AS CONTAINED IN SECTION 123.01, PUBLICATION, OF CHAPTER 123, ORDINANCES AND RESOLUTIONS, OF TITLE THREE, LEGISLATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING THE OFFICIAL POSTING PLACES IN THE CITY OF SEVEN HILLS.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 35-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 35-2015 was read by full title only for its third and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 35-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 35-2015 IS DECLARED PASSED.

Ordinance No. 36-2015 – AN ORDINANCE TO AMEND SUBSECTION 135.04(k), SICK LEAVE, AS CONTAINED IN SECTION 135.04, COMPENSATION FOR POLICE CHIEF, OF CHAPTER 135, DEPARTMENT OF POLICE, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING THE POLICE CHIEF'S SICK LEAVE BENEFITS.

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Ordinance No. 37-2015 – AN ORDINANCE TO AMEND SUBSECTION 135.06(j), SICK LEAVE, AS CONTAINED IN SECTION 135.06, COMPENSATION FOR LIEUTENANT OF POLICE, OF CHAPTER 135, DEPARTMENT OF POLICE, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING THE LIEUTENANT/S SICK LEAVE BENEFITS.

MOTION by Mrs. Lecznar, seconded by Mr. Snitzky, to table Ordinance No. 36-2015 and Ordinance No. 37-2015, if there is no division of the question.

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

3 yea, 2 nay

MOTION CARRIED

Ordinance No. 36-2015 and Ordinance No. 37-2015 were tabled.

Ordinance No. 40-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A NONTERMINAL MASTER SERVICES AGREEMENT WITH THE CUYAHOGA REGIONAL INFORMATION SYSTEM BOARD OF ADVISORS TO ALLOW THE CITY OF SEVEN HILLS POLICE DEPARTMENT TO PARTICIPATE IN THE REGIONAL ENTERPRISE DATA SHARING SYSTEM ('REDSS'), THE CUYAHOGA COUNTY REGIONAL AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM ('CCRAFIS') AND THE AUTOMATIC LICENSE PLATE READER PROGRAM ('ALPR'); AUTHORIZING AN AMOUNT NOT TO EXCEED \$2,400.00 ANNUALLY FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Fraundorf, seconded by Mr. Barth, to read Ordinance No. 40-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 40-2015 was read by full title only for its first and final reading.

MOTION by Mr. Fraundorf, seconded by Mr. Barth, to pass Ordinance No. 40-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 40-2015 IS DECLARED PASSED.

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Ordinance No. 41-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A NONTERMINAL MASTER SERVICES AGREEMENT WITH THE CUYAHOGA REGIONAL INFORMATION SYSTEM BOARD OF ADVISORS TO ALLOW THE CITY OF SEVEN HILLS MAYOR’S COURT TO PARTICIPATE IN THE REGIONAL ENTERPRISE DATA SHARING SYSTEM (‘REDSS’), THE CUYAHOGA COUNTY REGIONAL AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (‘CCRAFIS’) AND THE AUTOMATIC LICENSE PLATE READER PROGRAM (‘ALPR’), AUTHORIZING AN AMOUNT NOT TO EXCEED \$1,200.00 ANNUALLY FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Ordinance No. 41-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 41-2015 was read by full title only for its first and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to pass Ordinance No. 41-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 41-2015 IS DECLARED PASSED.

Ordinance No. 42-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A NONTERMINAL MASTER SERVICES AGREEMENT WITH THE CUYAHOGA REGIONAL INFORMATION SYSTEM BOARD OF ADVISORS TO ALLOW THE CITY OF SEVEN HILLS PROSECUTOR’S OFFICE TO PARTICIPATE IN THE REGIONAL ENTERPRISE DATA SHARING SYSTEM (‘REDSS’), THE CUYAHOGA COUNTY REGIONAL AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (‘CCRAFIS’) AND THE AUTOMATIC LICENSE PLATE READER PROGRAM (‘ALPR’), AUTHORIZING AN AMOUNT NOT TO EXCEED \$1,200.00 ANNUALLY FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 42-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 42-2015 was read by full title only for its first and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 42-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 42-2015 IS DECLARED PASSED.

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Ordinance No. 43-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH HALL PUBLIC SAFETY COMPANY OF HARTVILLE, OHIO, FOR THE PURPOSE OF OUTFITTING THE CITY OF SEVEN HILLS POLICE DEPARTMENT’S TWO (2) NEW 2015 CHEVROLET CAPRICE PATROL CARS, WITH EQUIPMENT AND APPURTENANCES; AND APPROPRIATING THE SUM NOT TO EXCEED TWELVE THOUSAND NINE HUNDRED SEVENTY-THREE DOLLARS AND TWENTY-EIGHT CENTS (\$12,973.28) FOR SAID PURCHASE/SERVICE.

Ordinance No. 43-2015 was read by full title only for its first reading.

Ordinance No. 44-2015 – AN ORDINANCE APPROPRIATING AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND TWO HUNDRED NINETY-FOUR DOLLARS (\$15,294.00) FOR THE PURCHASE OF SIX (6) PANASONIC CF-53 TOUGHBOOKS (3945216) (TOUCHSCREEN AND EMBEDDED MODEM) WITH SIX (6) PANASONIC VEHICLE POWER SUPPLIES, FOR USE BY THE CITY OF SEVEN HILLS POLICE DEPARTMENT, AND NOTING THAT SIX THOUSAND NINE HUNDRED EIGHTY-FOUR DOLLARS AND NINETY CENTS (\$6,984.90) MONIES EXPENDED FOR THIS PURCHASE WILL BE REIMBURSED TO THE CITY THROUGH THE STATE OF OHIO DEPARTMENT OF PUBLIC SAFETY GRANT.

Ordinance No. 44-2015 was read by full title only for its first reading.

Ordinance No. 45-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE BOARD OF EDUCATION OF THE PARMA CITY SCHOOL DISTRICT OF PARMA, OHIO, TO PROVIDE TRANSPORTATION FOR SUMMER CAMP FIELD TRIPS, SAID AGREEMENT TERMINATING AUGUST 21, 2015; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$4,100.00 FOR SAID SERVICE.

Ordinance No. 45-2015 was read by full title only for its first reading.

Ordinance No. 46-2015 – 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, AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$114,875.90 FOR THE “ROCKSIDE ROAD AND PINNACLE PARK DRIVE TRAFFIC SIGNALIZATION PROJECT” IN THE CITY OF SEVEN HILLS.

Ordinance No. 46-2015 was read by full title only for its first reading.

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Resolution No. 6-2015 – A RESOLUTION TO EXPRESS THE NEED AND DESIRE OF THE CITY OF SEVEN HILLS, OHIO, FOR THE APPOINTMENT OF A VOLUNTEER MAGISTRATE TO PRESIDE AT COMMUNITY DIVERSION PROGRAM HEARINGS.

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to read Resolution No. 6-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

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

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to adopt Resolution No. 6-2015.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 6-2015 IS DECLARED ADOPTED.

Resolution No. 7-2015 – A RESOLUTION AUTHORIZING THE CITY OF SEVEN HILLS TO APPLY AS A CO-SPONSOR FOR A NORTHEAST OHIO AREA WIDE COORDINATING AGENCY (NOACA) GRANT FOR CONGESTION MITIGATION AIR QUALITY AND/OR TRANSPORTATION ALTERNATIVES PROGRAM FUNDING AND/OR SURFACE TRANSPORTATION PROGRAM FUNDING TO COMPLETE A SIGNIFICANT SECTION OF THE WEST CREEK GREENWAY.

Resolution No. 7-2015 was read by full title only for its first reading.

Resolution No. 8-2015 – A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A ‘CITY OF SEVEN HILLS FARMERS’ MARKET’ TO BE HELD FROM JUNE THROUGH OCTOBER OF EACH YEAR, WITH PROCEEDS BEING DEPOSITED INTO THE CITY OF SEVEN HILLS GENERAL FUND.

Resolution No. 8-2015 was read by full title only for its first reading.

Resolution No. 9-2015 – A RESOLUTION APPROVING A LOT SPLIT AND CONSOLIDATION PURSUANT TO SEVEN HILLS ORDINANCE NO. 911.002 (Permanent Parcel Nos. 551-03-064 and 551-03-074).

Resolution No. 9-2015 was read by full title only for its first reading.

Resolution No. 10-2015 – A RESOLUTION APPROVING A LOT SPLIT AND CONSOLIDATION PURSUANT TO SEVEN HILLS ORDINANCE NO. 911.002 (Permanent Parcel No. 552-32-079, Permanent Parcel No. 552-32-002, and Part of Permanent Parcel No. 552-32-079) FRONTING ON SHELLY DRIVE.

Resolution No. 10-2015 was read by full title only for its first reading.

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COUNCIL OPEN TO THE AUDIENCE

Russell Schneider, 1049 Meadview Drive made the following comments:

“This is my turn? In the unlikely possibility that I’m surprising anybody by being here tonight – let me hallucinate – let me explain why precisely I’m here. Because I wanted to remind this group that you owe a responsibility to the citizens, to the residents, of Seven Hills. And you are not addressing it. And that was my primary intention, Mr. Barth, when I stood up after the meeting was adjourned – which I was unaware of – my fault. When I stood up and I was rudely and discourteously taken out of the meeting. I know that the Policeman that handled this case did his job, and he was very professional. But he was motivated by you people, or some of you – a few of you people.”

Mr. Schneider continued:

“Now, I’d like to explain.....what I wanted to explain two weeks ago when you told me to leave this meeting. I wanted you, Mr. Barth, to know that the animosity, the problems that have been caused and created and have developed by what has been transpiring since the John Glenn School issue arose, were motivated by you. And I was here at this meeting, at this podium, the second day – the day after Labor Day – when I knew nothing whatsoever about your intention, the Mayor’s intention, President Ernst’s intention, to give away – literally sell this property – to a developer. It is your.....I’m reminding you now.....it is your responsibility to represent the citizens and the residents – not to cater to developers and commercial interests.”

Mr. Schneider continued:

“And now, Mr. Mayor, I’d like to tell you something. I was quite dismayed – really angered – to read where you were quoted as describing me as confused. Let me say, I’m not confused. I don’t think I have ever been confused. And if I am ever confused in the future, I made my wife swear that she will take care of that issue. So, I am not confused. And if you don’t mind my saying so, I would say you are perhaps confused by the fact that you’re calling me confused.”

Mr. Schneider continued:

“Let me say this also. I am not a rookie around here. I’ve lived here for forty-two years. I put up with a lot of things, and I’ve enjoyed a lot of things here. My wife and I sent three of our children to school in Seven Hills. We’re very proud of this community until now, with what’s happening now. I want to tell you also, Mr. Mayor and Mr. Barth, and President Ernst if I may in her absence, I am a former Marine. I joined the Marine Corps five weeks after I graduated from high school. At that time World War II was still on. I went through a full tour of more than two years’ duty, and when the Korean War started, President Truman called me back. I finally got out of the Marine Corps – I’m still a Marine – once a Marine always a Marine – I finally got out in 1951. At that time I went to college. I finished my bachelor’s degree in less than four years.”

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Mr. Schneider continued with his comments:

“Two months after I graduated – with honors I should say – and I have a plaque on my wall in my bedroom that says that I am the alumnus of the year at Baldwin Wallace College – but the fact is two months after I graduated I was hired as a Director of Public Relations at Baldwin Wallace, which is now Baldwin Wallace University. I’m not confused. I finally, after I got through college and after I served my time at Baldwin Wallace, I went to The Plain Dealer. I worked there for thirty-two years as a General Assignment Reporter, as an Investigative Reporter for Sports. I covered the Indians for fourteen years. I covered the Browns for six years. I wrote a column for ten years. I retired in 1993 and since then I have authored and had published fourteen books, and I’m now working on number fifteen. Now, am I confused? I’d say I’m not. And if anybody wants to challenge me on that, Mr. Barth, or Mrs. Ernst, or you, or anybody up here, please do so now. I am not confused. I am – and I think I speak for a lot of people out here, that you people do not recognize your responsibility to us. And that’s what I tried – that’s what I told you the day after Labor Day when I stood here, and had to shout to be heard, and that’s what I wanted to tell you two weeks ago tonight. Mr. Barth, in response to your allegations, your half-truths, your threats, and a few other misconducts. So, I’m angry. I’m dismayed. I’m ashamed of the Seven Hills administration. And I wish that you people would take under consideration the fact, what I just emphasized in pounding on the table. Your responsibility is to us, the people who elected you. And if you can’t get an answer from them, then you don’t go on your own, which you have done to accommodate a developer and other commercial interests.”

Mr. Schneider continued:

“Now, if anybody would like to challenge me or accuse me again, whether it was an accurate quote or not, and I trust Maura that it was – if anybody wants to challenge me as to whether I am confused, or whether I am angry, or whether I’m saying something that a lot of people believe, please do so. But do me one favor, Mr. Mayor. Please do not ever threaten to have me barred from this meeting – from this group – from a Council Meeting. Don’t ever do that again. And I don’t think it would ever have happened, but you may be lucky if it doesn’t. Now, that’s not a threat – it’s a promise. And if I sound egotistical by everything that I’ve said here, so be it.”

Mr. Schneider concluded:

“More importantly, I want to say this. I’m proud of my career, Mr. Barth. I’m proud of the things I’ve achieved. I’m proud of the things that I’m still trying to achieve. And I’m proud of my children who have become very, very good citizens of Seven Hills. But let me say this also – I can’t wait to get the hell out of here. Thank you.”

Mr. Schneider received some applause from members of the audience.

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

“Thanks, Mr. Schneider. Good Evening everybody. This is my response to comments made by Mike Barth and Mayor Dell’Aquila at the last Council Meeting. Since they are generally known as the Frick and Frack of Seven Hills politics, some of their comments can be addressed simultaneously. Both have made references to my lack of respect for their offices and persons. In my opinion, there is no inherent respect commanded by any office. The persons holding the offices may earn respect by their actions while in office. Since I started regularly attending Council Meetings in 2013, I have seen little from either of you gentlemen to engender respect for either of you. I have seen both of you participate in acts that were in contravention of specifications of the Seven Hills Charter. The Mayor’s failure to appoint a Recreation Board when he came to office was one such violation. That violation went on for two years. The Mayor’s appointment of Mike Barth to the Charter Review Committee was another violation. Barth’s acceptance compounded that violation. The Mayor’s appointment of Planning Commission Chairman Ed Foley, who is in the audience, to the Charter Review Committee was another Charter violation. Ditto for Foley’s acceptance of same. Other examples abound.”

Mr. Jaros continued:

“Seven Hills Magistrate Eric Moore is a Dell’Aquila appointee. As a member of the Charter Review Committee he commented that the body took action ‘*to prevent the meddling of residents*’ in City business. City Hall’s obviously common thread of disdain for residents was made plain when Barth and Dell’Aquila both walked out on seventy-five residents in these same chambers on September 2, 2014. Zero respect for residents they are supposed to represent earns zero respect for the so-called representatives. In their minds the public servants have become the masters.”

Mr. Jaros continued:

“On April 13th Mike Barth pointed to my past personal financial problems in order to disqualify me from commenting on the City’s finances. My problems stemmed from the action of an arsonist who left my personal and business life in ashes. I survived that arson and I’ll certainly survive Barth’s fiery campaign speech that sought to discredit me and Councilmen Fraundorf and Trafis. In my opinion, both Dell’Aquila and Barth are the arsonists responsible for burning the City’s General Fund to the ground since both came to Seven Hills government.”

Mr. Jaros continued:

“The long-serving at City Hall, in my opinion, have demonstrated their inability to successfully manage our City. The common denominator in the reduction of the City’s savings account from \$9,000,000 to a low of \$1,500,000 – the common denominator -- have been Finance Committee Chairmen Dell’Aquila and Mike Barth.”

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Mr. Jaros continued with his comments:

“Both Mayor Dell’Aquila and Mike Barth enjoy calling me angry. I stand guilty as accused. And I proudly stand in the good company of 3,000 voters who are also fed up and angry enough to crush City Hall’s request for more money to squander – the thinly-disguised Issue 86 Police Levy.”

Mr. Jaros concluded:

“This November voters need to continue to embrace their anger and make major changes in City Hall that allow real progress to be made in Seven Hills. It’s not going to happen with you guys in office. Thank you.”

Council President Pro Tem Barth thanked Mr. Jaros for his comments.

Ed Maslowski, 1035 Joy Oval made the following comments:

“I’d like to introduce, again, an objection to the Zoning Board of Appeals, which I gave a copy to Matt Trafis. The presentation, which I revised somewhat, I’d like to have included in the record. At that time it was not an objection as such to the specifics of the variances – it was an objection to the process. And I’d like to at least paraphrase what I have written.”

Mr. Maslowski continued:

“It’s my belief that it’s not within the scope of the Zoning Board of Appeals to rule in the variances requested by Landsong for John Glenn Subdivision. The variances requested do not meet the requirements of Section V-8, paragraph d, of the Charter of the City of Seven Hills. In consequence, the Zoning Board of Appeals does not have the authority to provide approval, and I gave the following reasons:

- (1) No difficulties or unnecessary hardships have been shown to result from the enforcement of the zoning ordinances for this particular property. The variances are needed solely due to the plan of the developer -- he created the problems -- for 22 lots in an area that possibly could accommodate a smaller number without a need for variances. And I know that their legal representative addressed the same completely opposite, and I do have the right to disagree with that.
- (2) The variances include a request for a severe reduction of lot area to less than 50% of the current zoning and reduction in setback with elimination of any space between the street, curb, and sidewalk, totally out of character, not only with the immediate neighborhood, but with most every other property in Seven Hills. These requests applied to 22 lots – 22 lots -- are unreasonable for consideration by the Zoning Commission and by their nature constitute a rezoning of the property. The Zoning Board has no authority in regard to rezoning. I believe that this is contrary to the purpose and intent of the rezoning regulations.”

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Mr. Maslowski (continued):

- (3) And, in addition, the variances have not been shown to serve a purpose that promotes the public health, comfort, convenience, morals, safety, and general welfare of the City, which is the other way this could have been presented.

In addition, the Planning Commission approved the plan conditional on the approval of the Zoning Board. In view of the fact that the substance and essence of the plan was its variance from the normal first residence zoning the Planning Commission effectively passed its responsibility on to the Zoning Board. Good or bad, the plan presented was never appropriately reviewed by the Planning Commission and legitimate questions asked by Seven Hills residents were never answered.”

Mr. Maslowski continued:

“Now let me add to this one. I have not criticized.....the decision that.....what is being done with that property may be good, okay. I understand my generation, my parent’s generation, moved from an urban environment to Seven Hills and wide, open spaces was important. Talking to some people, I’ve realized that the current millennium generation has some desire to return to an urban environment where convenience and smaller lots and low maintenance are in keeping with their life style. The concern is – and there’s a big concern – I, and a lot of residents, absolutely, positively do not trust the developer to provide appropriate housing, and attractive housing, that will blend in with the area. Too much has been going on. All you need to do is take a little ride around Pinnacle Park, and tell me that this developer can be trusted. That was supposed to be a bank. Okay. This is also compounded by a Zoning Board and a Building Commission that also can’t be trusted. They may do a great job in determining whether a property owner can put a chicken coop in his back yard, but I don’t trust them and they have a bad record, in my mind anyway, with handling large developments. There is also, although the Charter requires it, a lack of city architecture, and my sense of aesthetics doesn’t match with what I see going on. Thank you.”

Council President Pro Tem Barth thanked Mr. Maslowski for his comments.

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell’Aquila had no formal report.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson had no formal report.

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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.

MISCELLANEOUS

Mr. Trafis:

Thank you, Mr. President – a few things tonight.

First I wanted to explain why Amended Ordinance Nos. 18-2015, 19-2015, 20-2015, and 21-2015, and Ordinance Nos. 36-2015 and 37-2015 were tabled this evening. The reason is because Councilman Bryda and Councilwoman Ernst are not present. Now if we would have voted on these ordinances tonight, there was a reasonable chance that some of these proposed raises and increases in fringe benefits would not have been passed. Tabling these ordinances tonight pretty much ensures that when the absent Council members return, we will be approving these and spending thousands of dollars that the City does not have. We should have voted on these tonight regardless of whether the Council members absent were here or not. Two weeks from now we'll probably approve them and spend more money we don't have.

Second, I want to very briefly address comments that were made at the Council Meeting of April 13th by my colleague, Councilman Barth. I was very disappointed in the display we saw, and what I find even more disappointing is that Council President Ernst changed the agenda without notifying anyone which enabled this to happen. All I will say is that Councilman Barth inferred that Councilman Fraundorf and I have control over what resident Tom Jaros says or does. This could not be further from the truth. Mr. Jaros has his own opinions and style. He, like any other resident, is entitled to his opinions, and I for one will not attempt to prevent any resident from giving their opinions whether I agree with them or not.

Finally, I wanted to mention that this past Saturday the Seven Hills Baseball Federation spent some time laying the new sod at Calvin Park. We had about fifteen or so volunteers that spent six, seven, to eight hours doing this. Dave Mach from the Federation and Jim Kukral from the Baseball Federation were instrumental in this project. The Service Director, Jack Moga, has been very helpful. I thank you. I have to say that I am still in a little bit of pain from spending a lot of time laying that sod, as I'm sure Councilman Fraundorf is as well.

That's all I have. Thank you.

Mr. Snitzky had no miscellaneous comments.

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Mr. Fraundorf had no miscellaneous comments.

Mrs. Lecznar:

Just in response to Mr. Trafis' comments regarding tabling of the various legislation this evening. We were requested by the Council President to please wait on them because she did want to be here for them. She knows that they are important and she wanted to make sure that she was here.

I also want to thank the Baseball Federation for all their hard work they put in helping Lake Drainage fix up the Calvin Park fields. Thank you.

Mr. Barth:

I'd just like to reiterate what Councilwoman Lecznar said. I deal with realities and not probabilities. The ordinances pertaining to the compensation for Fire and Police were tabled at the request of Councilwoman Ernst who has a desire to vote on these ordinances. We extended her that courtesy as Council President.

As far as the agenda being changed last week, I didn't know it was going to be changed before it was changed. I know Councilman Trafis asked that the agenda be changed a number of times. I didn't know it was going to be changed until I saw it on the agenda when it came to my house. And I think she honored your request to change it.

Mr. Schneider, I just want to say that I do have the utmost respect for you. I remember walking when I was running for Council, and I knocked on your door, and you came to the door and I recognized you. We started talking about the Indians, and you invited me into your house, and I had a wonderful afternoon talking about the Indians and you showing me the memorabilia. So I just wanted to say that I do have the utmost respect for you. And, like you, I am very proud of my career and my family.

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

Roll Call: all yea

MOTION CARRIED

The April 27, 2015 Council Meeting was adjourned at 8:48 p.m.

Michael C. Barth, President of Council Pro Tem

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____