

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD June 8, 2015

This Regular Council Meeting was called to order by Council President Michele K. Ernst at 7:39 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Mayor Dell'Aquila, Assistant Director of Law Tobin, Director of Finance Johnson, Councilman-at-Large Barth, Councilwoman-at-Large Lecznar, Councilman-at-Large Trafis, Ward 1 Councilman Bryda, Ward 2 Councilman Fraundorf, and Ward 4 Councilwoman Ernst. Absentees were Ward 3 Councilman Snitzky, Director of Public Service and Properties Moga, and Building Commissioner Moro.

MOTION by Mrs. Ernst, seconded by Mr. Barth, to excuse the absence of Ward 3 Councilman Tom Snitzky from tonight's Council Meeting.

Roll Call: all yea

MOTION CARRIED

Councilman Snitzky has been excused from tonight's Council Meeting.

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to Table the approval of the Minutes of the Regular Council Meeting held May 26, 2015 until the next Council Meeting.

Mr. Fraundorf stated:

"I move that we table the Reading and Disposal of the Journal as there has become an issue as to the completeness of those minutes until the next Council Meeting."

Roll Call: all yea

MOTION CARRIED

The Minutes of the Regular Council Meeting held May 26, 2015 have been tabled.

CONSENT AGENDA

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept the Consent Agenda of June 8, 2015, as printed, if there is no division of the question.

Roll Call: all yea

MOTION CARRIED

RESOLUTIONS OF COMMENDATION

There were no Resolutions of Commendation.

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REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

Planning, Zoning, and Economic Development Committee Chairman Snitzky was not present. There was no report from Mr. Snitzky's Planning, Zoning, and Economic Development Committee.

Public Works

Public Works Committee Chairman Bryda stated that the Committee last met on Monday evening, June 1, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Bryda stated that the Committee will hold its next regular meeting on Monday evening, July 6, 2015.

Community Services

Community Services Committee Chairman Fraundorf stated that the Committee last met on Monday evening, June 1, 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 regular meeting on Monday evening, July 6, 2015.

Police and Fire

Police and Fire Committee Chairman Trafis stated that the Committee last met on Monday evening, May 18, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Trafis stated that the Committee will hold its next regular meeting on Monday evening, June 15, 2015.

Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Committee will hold its next regular meeting on Monday evening, June 15, 2015.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Ernst stated that the Committee last met on Monday evening, June 1, 2015, and the minutes from that meeting are forthcoming. Mrs. Ernst stated that the Committee will hold its next regular meeting on Monday evening, July 6, 2015.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, June 1, 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, June 15, 2015.

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APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

There were no communications, petitions, or claims.

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

Bob Wrobel, 975 Winchester Oval, made the following comments:

“Just wanted to make a comment about the first Ordinance – No. 110-2014. I know in Caucus it was decided that this might be tabled, and I’d like to speak in support of that. When I read through this, I had some bad feelings about it. Perhaps it sounded like it was written more by First Energy than by anybody in public service. I came to not tell you to vote ‘no’ on it, but to table it for further discussion. And I don’t know what will happen after this, but hopefully you will vote to table this.”

Council President Ernst replied, “I believe that was the decision that was made in Caucus.”

Mr. Wrobel concluded, “Now I will cut my comments short and sit back down.”

Council President Ernst thanked Mr. Wrobel 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. Bryda, seconded by Mr. Barth, to table Amended Ordinance No. 110-2014.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 110-2014 was tabled.

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Amended 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.; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Bryda, to read Amended Ordinance No. 17-2015 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 17-2015 was read by full title only for its second and final reading.

MOTION by Mr. Trafis, seconded by Mr. Bryda, to pass Amended Ordinance No. 17-2015 as an emergency measure.

Roll Call: all nay

MOTION DEFEATED

AMENDED ORDINANCE NO. 17-2015 IS DECLARED DEFEATED.

Amended Ordinance No. 51-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH CAPITAL ELECTRONICS/FEDERAL SIGNAL, OF CHICAGO, ILLINOIS, FOR THE PURPOSE OF REPLACING THE CITY’S OUTDOOR WARNING SIRENS WITH FEDERAL SIGNAL 2001-130 PUBLIC SIREN SYSTEM TO INCLUDE EQUIPMENT, LABOR, AND APPURTENANCES; APPROPRIATING THE SUM NOT TO EXCEED \$96,328.00 FOR SAID PURCHASE THROUGH THE OHIO STATE CONTRACT SCHEDULE NUMBER 800072; AND DECLARING AN EMERGENCY.

MOTION by Mr. Barth, seconded by Mr. Fraundorf, to read Amended Ordinance No. 51-2015 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 51-2015 was read by full title only for its second and final reading.

MOTION by Mr. Barth, seconded by Mr. Fraundorf, to pass Amended Ordinance No. 51-2015 as an emergency measure.

Council President Ernst stated:

“I would like to say, for those of you who have not been here for some of these meetings, we have discussed this. This has a payback of about approximately two years because of the cost of the existing equipment that we have. It is very antiquated and is very expensive for the circuit. So I’m very excited about getting new equipment. What we have now will just keep going up in cost.”

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Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 51-2015 IS DECLARED PASSED.

Ordinance No. 52-2015 -- AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH COMPMANAGEMENT LLC, OF CLEVELAND, OHIO, FOR THE PURPOSE OF ADMINISTRATING WORKERS' COMPENSATION CLAIMS; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$2,860.00 FOR SAID SERVICE.

Ordinance No. 52-2015 was read by full title only for its second reading.

Ordinance No. 53-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH COURTVIEW JUSTICE SOLUTIONS OF NORTH CANTON, OHIO, FOR THE PURPOSE OF PERFORMING ANNUAL MAINTENANCE AND SUPPORT OF THE MAYOR'S COURT LEGACY CASE MANAGEMENT SYSTEM SOFTWARE AND THE RIGHT-TO-USE LICENSE; AND APPROPRIATING THE SUM NOT TO EXCEED TWO THOUSAND EIGHTY-FOUR DOLLARS (\$2,084.00) FOR SAID SERVICE.

Ordinance No. 53-2015 was read by full title only for its second reading.

Ordinance No. 54-2015 – AN ORDINANCE TO AMEND SUBSECTION 555.03(k), DOMESTIC POWER TOOLS AND EQUIPMENT, AS CONTAINED IN SECTION 555.03, SPECIFIC PROHIBITIONS, OF CHAPTER 555, NOISE CONTROL, OF PART FIVE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING OPERATING TIMES OF DOMESTIC POWER TOOLS AND EQUIPMENT.

Ordinance No. 54-2015 was read by full title only for its first reading.

Ordinance No. 55-2015 – AN ORDINANCE TO AMEND SECTION 723.01, DEFINITIONS; AMEND SECTION 723.03, WASTE AND GARBAGE CONTAINERS, REQUIREMENTS; AMEND SECTION 723.07, WASTE AND GARBAGE COLLECTION BY THE CITY; AMEND SECTION 723.08, TIME LIMITATION ON GARBAGE AND RUBBISH PLACED FOR DISPOSAL AND PICK-UP; AMEND SECTION 723.09, COMMERCIAL GARBAGE PICKUP, DUMPSTERS AND RECEPTACLES, AND AMEND SECTION 723.99, PENALTY, AS CONTAINED IN CHAPTER 723, WASTE AND GARBAGE COLLECTION, OF TITLE THREE, PUBLIC UTILITIES, OF PART SEVEN, STREETS AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

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Ordinance No. 55-2015 was read by full title only for its first reading.

Ordinance No. 56-2015 – AN ORDINANCE TO AMEND SECTION 1125.07, CONSTRUCTION FEE SCHEDULE, AS CONTAINED IN TITLE THREE, LOCAL BUILDING PROVISIONS, OF PART ELEVEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADDING FEES FOR SOLAR ENERGY SYSTEMS.

Ordinance No. 56-2015 was read by full title only for its first reading.

The Fiscal Officer's Certificate pertaining to Ordinance No. 57-2015 from Director of Finance Jack Johnson, dated June 8, 2015, was read by the Clerk of Council.

Ordinance No. 57-2015 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$895,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING DONNA RAE DRIVE, EAST DARTMOOR AVENUE, EAST ENGLEWOOD DRIVE, EDUCATIONAL PARK DRIVE, AND ST. JOSEPH DRIVE BETWEEN CERTAIN TERMINI BY RECONSTRUCTING CURBS, CURB RAMPS, DRIVEWAY APPROACHES, UNDERDRAINS AND SECTIONS OF THE PAVEMENT BASE, WHERE NECESSARY, ADJUSTING AND REHABILITATING MANHOLES AND CATCH BASINS, PREPARING THE SURFACE AND RESURFACING, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bryda, seconded by Mr. Fraundorf, to read Ordinance No. 57-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 57-2015 was read by full title only for its first and final reading.

MOTION by Mr. Bryda, seconded by Mr. Fraundorf, to pass Ordinance No. 57-2015 as an emergency measure.

Mr. Fraundorf stated:

“I have a comment. It is with reluctance that I vote for Ordinance Nos. 57-2015 through 62-2015 that pay off, pay down, and roll over notes totaling \$3.82 million, reducing the borrowed amount to \$3.2 million. These ordinances must be passed on first reading emergency because of the breach of timing by the individuals responsible for overseeing this process. There's an obvious lack of oversight on the part of the Mayor, Finance Director, Council President, Chairman of the Finance Committee, and possibly outside counsel.”

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Mr. Fraundorf (continued):

“Every year -- every year the same process takes place. Last year the ordinances for the roll over and paydown of notes were included in the May 12, 2014 agenda and passed on the second reading under emergency on May 27, 2014. There were at least several weeks to ask questions of the process and ultimate decision. This year Council was informed via email on June 4th that an affirmative response was needed by 10:00 a.m. on June 5th to pass these ordinances on emergency at today’s June 8th Council Meeting. No discussion on this important financial matter took place until today. The breach in timing left restricted time and limited discussion on ultimate plans about which notes should be totally paid off or how much money should be devoted to each note on this \$3.82 million issue. Legal fees alone for these transactions are pegged at \$12,500. Rushing a vote/decision without due diligence can and often will result in wasted money and present a risk of which I am adverse. My fellow Council Members – did you completely understand the issue in front of Council and were you completely certain of your position on June 4, 2015 when asked in an email if you would respond in the affirmative by 10:00 a.m. on June 5th and support these ordinances, or did you take the undemanding route and accept Squire Patton Boggs’ and the Finance Department’s suggestion/recommendation without consideration? Were it not for the insistence of Councilman Trafis, Squire Patton Boggs would not likely have been in attendance earlier at the Council Caucus. Perhaps these are the questions you should have been asking yourselves on June 4th as members of Council. How and why did this happen? Who is responsible and will this now cost us additional monies or have we lost the opportunity to save money as a result? And for the people in the audience, you heard that, yes, we did lose the opportunity to save money as a result. When did the lack of planning on the Administration and Finance Department constitute an emergency on that of Council? I cannot say this strongly enough. This is what checks and balances are all about in our government. Council holds the purse strings. We, as Council, have a fiduciary responsibility to protect the public trust. Thank you.”

Council President Ernst stated:

“Thank you, Councilman Fraundorf. I would like to clarify a couple of things. First of all, last year these were all new notes. These were not rollovers last year, so this was all new money last year. And it was passed on emergency, but after a second reading. We did discuss this when we were discussing the projects that were being done. That’s the first clarification. The second clarification is I had invited Mr. John Larson to come to the meeting on Friday before I received a response back from Councilman Trafis. So, Councilman Trafis had nothing to do with Mr. Larson being at the meeting. Those would be my only comments.”

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Mr. Trafis stated:

“My comments also relate to Ordinance No. 57-2014, which is in front of us right now, all the way up to Ordinance No. 62-2014. We’re spending \$600,000, and it’s very troubling to me that we were notified of this on June 4th at 8:00 p.m. and asked to give an answer to this Friday at 10:00 a.m., a mere fourteen hours later, which I don’t even think we can vote legally via email anyway.”

Council President Ernst interrupted Mr. Trafis saying, “I wasn’t.....never mind, I’m sorry. I apologize.”

Mr. Trafis continued:

“Okay, that’s okay. I’ll just reiterate some of the things Councilman Fraundorf said. There are a lot of questions that should have been discussed. There could have been ways we could have saved some money. I still have unanswered questions on whether we’re paying off the right amount on certain notes, or if we should pay more on different notes. The only reason I’ll be voting in favor of all of these tonight is because if we don’t there’s a very good chance we’ll default on these and that would cause an incredible problem for the City. So, I’m reluctantly casting ‘yes’ votes on all of these because I feel my hands are tied. And I really hope that this does not happen again in the future.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 57-2015 IS DECLARED PASSED.

The Fiscal Officer’s Certificate pertaining to Ordinance No. 58-2015 from Director of Finance Jack Johnson, dated June 8, 2015, was read by the Clerk of Council.

Ordinance No. 58-2015 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$750,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING PINNACLE PARK DRIVE AND OLD ROCKSIDE ROAD BETWEEN CERTAIN TERMINI BY CONSTRUCTING, RECONSTRUCTING AND REHABILITATING THE PAVEMENT BASE, CURBS, A BOX CULVERT AND OTHER DRAINAGE IMPROVEMENTS, DRIVEWAY APPROACHES AND SIDEWALKS, ADJUSTING RADIUS CUTBACKS, MANHOLES AND CATCH BASINS, PREPARING THE SURFACE, SURFACING AND RESURFACING AND INSTALLING TRAFFIC SIGNALS AND SIGNALIZATION, WHERE NECESSARY, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND ACQUIRING REAL ESTATE AND INTERESTS IN REAL ESTATE IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

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MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to read Ordinance No. 58-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 58-2015 was read by full title only for its first and final reading.

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to pass Ordinance No. 58-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 58-2015 IS DECLARED PASSED.

The Fiscal Officer's Certificate pertaining to Ordinance No. 59-2015 from Director of Finance Jack Johnson, dated June 8, 2015, was read by the Clerk of Council.

Ordinance No. 59-2015 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$735,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE CITY'S SANITARY SEWER SYSTEM BY CONSTRUCTING THE HEMLOCK CREEK WATERSHED SANITARY SEWER PROJECT, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, TO PROVIDE SANITARY SEWERAGE FACILITIES TO SERVE PROPERTIES ON CHERRY LANE, HILLSIDE ROAD, MARY LANE, NORTH MARY LANE, SOUTH MARY LANE, NEMET DRIVE, OAK LANE, SEVEN HILLS BOULEVARD, SHADY LANE, AND TWILIGHT DRIVE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Barth, seconded by Mr. Trafis, to read Ordinance No. 59-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 59-2015 was read by full title only for its first and final reading.

MOTION by Mr. Barth, seconded by Mr. Trafis, to pass Ordinance No. 59-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 59-2015 IS DECLARED PASSED.

The Fiscal Officer's Certificate pertaining to Ordinance No. 60-2015 from Director of Finance Jack Johnson, dated June 8, 2015, was read by the Clerk of Council.

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Ordinance No. 60-2015 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$550,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY PART OF THE CITY’S PORTION OF THE COST OF IMPROVING BROADVIEW ROAD AND CIVIC DRIVE BETWEEN CERTAIN TERMINI, IN COOPERATION WITH THE CITY OF PARMA AND THE OHIO DEPARTMENT OF TRANSPORTATION AND OTHERWISE, BY PREPARING THE SURFACE, RESURFACING AND CONSTRUCTING AND RECONSTRUCTING CURB RAMPS, WHERE NECESSARY, CONSTRUCTING AND RECONSTRUCTING CONCRETE SIDEWALKS AND DRIVEWAY APPROACHES AND REPLACING CURBS, WHERE NECESSARY, AND GRADING AND OTHERWISE PREPARING THE SURFACE, INSTALLING DECORATIVE BRICK SIDEWALK PAVEMENT AND MATERIALS AND APPURTENANT SIDEWALK FURNISHINGS, CONSTRUCTING A RETAINING WALL OR WALLS, WHERE NECESSARY, AND PLANTING SHADE TREES AND PROVIDING RELATED LANDSCAPING, DRAINAGE IMPROVEMENTS AND LIGHTING, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Barth, to read Ordinance No. 60-2015 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 60-2015 was read by full title only for its first and final reading.

MOTION by Mr. Trafis, seconded by Mr. Barth, to pass Ordinance No. 60-2015 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 60-2015 IS DECLARED PASSED.

The Fiscal Officer’s Certificate pertaining to Ordinance No. 61-2015 from Director of Finance Jack Johnson, dated June 8, 2015, was read by the Clerk of Council.

Ordinance No. 61-2015 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$170,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE CITY’S MUNICIPAL COMPLEX BY REMODELING, RENOVATING, EQUIPPING AND OTHERWISE IMPROVING THE CITY HALL AND THE RECREATION CENTER IN THAT COMPLEX; AND DECLARING AN EMERGENCY.

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to read Ordinance No. 61-2015 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**

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Ordinance No. 61-2015 was read by full title only for its first and final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to pass Ordinance No. 61-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 61-2015 IS DECLARED PASSED.

The Fiscal Officer's Certificate pertaining to Ordinance No. 62-2015 from Director of Finance Jack Johnson, dated June 8, 2015, was read by the Clerk of Council.

Ordinance No. 62-2015 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$120,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE TECHNOLOGY USED IN PROVIDING CITY SERVICES, INCLUDING TELECOMMUNICATIONS EQUIPMENT, COMPUTER EQUIPMENT AND RELATED SOFTWARE, TOGETHER WITH NECESSARY APPURTENANCES AND INSTALLATION WORK INCIDENTAL THERETO; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bryda, seconded by Mrs. Ernst, to read Ordinance No. 62-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 62-2015 was read by full title only for its first and final reading.

MOTION by Mr. Bryda, seconded by Mrs. Ernst, to pass Ordinance No. 62-2015 as an emergency measure.

Council President Ernst stated:

“I would like to say one thing about these ordinances – Ordinance Nos. 57-2015 through 62-2015. We paid Squire Patton Boggs – Mr. Larson worked on this – and we have a Finance Director who has worked in City finance for many years. So, I do want to say, that yes, I tend to be guided by their recommendations. They are the experts. I am not a CPA. I was in management and I worked with budgets, but not like this. So, yes – if they say this is how we should pay these off, I tend to go along with that, and I don't think that's a bad thing. So, that's my only comment.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 62-2015 IS DECLARED PASSED.

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COUNCIL OPEN TO THE AUDIENCE

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

“A couple of things. You guys need to work on your minimum maintenance ordinance. I’m a Director of the Stone Ridge Maintenance Association. We received a letter dated May 27th from Mr. Moro talking about grass/weeds that were too high along West 9th Street. I didn’t receive it until the 5th or the 6th. You guys are going to try to enforce this thing where you are going to try and come on somebody’s property – it’s a five-day notice. I think it ought to be sent out registered, number one, so that you know the recipient got it. Because if somebody comes down.....we own our streets – they are not even dedicated streets. We will either bar them from coming on the property or reject them if we don’t know there’s a reason not to do that. So that really needs to be part of your deal.”

Mr. Jaros continued:

“As far as what happened here tonight with the hurry-up rush, I’ve seen this before from this Mayor. In 2013 I watched him run into Council with a 500-page contract and say ‘*Hurry up quick, you have to sign this -- you have to authorize me to sign it, or we’re not going to be able to sell these cell tower leases*’. That was a really nifty deal. Nobody even got to read the contract, and Council just blindly signed it. I understand what you said, Michele, about trusting Jack – I trust Jack, too. But I think Council should have the right to explore options. Even Jack could be questioned, 35 years or not. That’s right. It’s wrong to do it this way. And this Mayor has been doing this for a while – you guys ought to know it. So warn him ahead of time to give you more time to talk about stuff that you should talk about. That will do it. Thank you.”

Council President Ernst thanked Mr. Jaros for his comments.

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell’Aquila made the following comments:

Just very briefly. I’m sure some are wondering where Jack Moga is this evening. He suffered a leg injury. At the last minute I received a text message and a photo – he’s in the Emergency Room right now. So I’m sure we hope for the very best for his speedy and full recovery. Thank you.

Council President Ernst thanked Mayor Dell’Aquila for his report.

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REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson:

Thank you, Madam Chairman. To the Members of City Council, the Mayor, and to residents in the audience. I just want to summarize what actually took place here tonight.

In 2014 for the first time as far as I'm informed, we adopted a 5-Year Capital Plan to make some improvements, not only to some of the streets in this City, but to upgrade technology, to move forward with some more installation of sanitary sewers, etc. At that time, and as a matter of fact this Capital Budget was discussed for months before we finally adopted the Resolution approving this 5-Year Capital Plan – at that time during the discussions we talked about how we would finance the first year of this Capital Plan. That was done primarily using the revenues from the cell tower sale. Parts of the other debt will be repaid through TIF funds, through Special Assessments as a result of the sanitary sewer installations.....so I laid out very specifically to City Council how we were going to retire this debt.

In 2014 we issued \$3,820,000 in notes, and at that time I explained to City Council that our intentions were to retire this debt through (1) the cell tower lease and (2) the TIF revenues that we had anticipated coming in over the years. What we presented tonight was a renewal of these notes for \$3.2 million, so that's \$600,000 that we're paying down on this debt. We're not issuing new debt. We're paying down \$600,000 on this existing debt, just as I had explained to City Council last year as well as since January – we've discussed this.

I have here the Ordinances that were passed last year – the note ordinances from last year. They were presented to City Council as an emergency. And guess what? Since 1978 all of the debt notes – all of the notes, legislation that has been presented to City Council – since 1978 have been presented as an emergency. I would challenge anyone to prove me wrong that the notes were presented to City Council within thirty days of maturity. Give or take a week or two, those notes were presented to Council within thirty days.

So, I'm not real sure what it is additionally that needed to be discussed. We had talked about how we were going to pay these notes down – the money that we were going to use. We get \$433,000 a year for the next three years in the cell tower revenue. And I explained this to City Council last year. This is how we were going to pay these notes down.

In Section 3 of each one of these ordinances -- not only these ordinances but the ordinances that were just adopted – in Section 3 of the ordinances it explains very specifically that these notes will mature one year from the date of issue. So, we knew a year ago when these notes were going to mature.

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Director of Finance Johnson concluded:

That's all. So I have a real difficult time trying to understand why there is such a difficult problem grasping this concept. It's very common. And like I said, since 1978, legislation has been presented to City Council in this City in the same manner – and it's never been an issue to my knowledge.

Thank you, Madam Chairman.

Council President Ernst thanked Finance Director Johnson for his report.

Assistant Director of Law Tobin had no formal report.

Director of Public Service and Properties Moga was not present.

Building Commissioner Moro was not present.

MISCELLANEOUS

Mr. Fraundorf:

There's no need to beat a dead horse. And I thank the Finance Director for his explanation of why we received these notes -- information on the notes -- four days prior to a vote and a day before we were supposed to acknowledge and say that we were going to vote 'yea' or 'nay'. It's interesting, but I would think that – I would think -- that our Finance Department would have some sort of a list of items that come due every year. And if I were in that position I would probably have it hanging on a board right in front of me and say '*Okay on July 9, 2015, we're going to have to do this and probably get our ducks in a row and get it done as quickly as possible*' and not wait until four days prior. That's all I have to say.

Mr. Bryda:

I would like to authorize the Clerk of Council to publish the advertisement for bids for the Pinnacle Park Drive Improvement project. That is to be published twice in the Parma Sun Newspaper.

Mr. Trafis:

I have a number of variance floor motions that I am going to ask Council to approve. We had a Zoning Board of Appeals meeting on June 3, 2015, and two residents came before us asking for variances. These were discussed in our Caucus Meeting immediately prior and also the members of the Zoning Board of Appeals passed these unanimously.

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Mr. Trafis (continued):

At the June 3, 2015 Zoning Board of Appeals Meeting, the Board made the following motions regarding variance requests heard:

“That the Board grant Dan Tartabini, the property owner of 381 Orchardview Road, Permanent Parcel No. 552-23-067, a 2-foot variance to Ordinance No. 993.01, Residence Districts, Rear Yard, to allow the property owner to expand his existing garage.

Roll Call: 3 yea, 0 nay

Motion Carried”

MOTION by Mr. Trafis, seconded by Mr. Barth, to concur with the findings of the Zoning Board of Appeals of June 3, 2015, in granting the variance request of Dan Tartabini, 381 Orchardview Road, concerning a 2-foot rear yard variance to expand his existing garage.

Roll Call: all yea

MOTION CARRIED

“That the Board grant Dan Tartabini, the property owner of 381 Orchardview Road, Permanent Parcel No. 552-23-067, a 2-foot variance to Ordinance No. 993.02(b), Residence Districts, Side Yard, to allow the property owner to expand his existing garage and foyer which will be three feet off the side yard lot line in a continuous line with the existing garage.

Roll Call: 3 yea, 0 nay

Motion Carried”

MOTION by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of June 3, 2015, in granting the variance request of Dan Tartabini, 381 Orchardview Road, concerning a 2-foot side yard variance to expand his existing garage and foyer.

Roll Call: all yea

MOTION CARRIED

“That the Board grant Dan Tartabini, the property owner of 381 Orchardview Road, Permanent Parcel No. 552-23-067, a variance to Ordinance No. 963.02(a)(2), Accessory Buildings or Uses, to allow the property owner to expand his existing garage and foyer which will then be more than the allowed 45% square footage area of the main structure according to the submitted plans.

Roll Call: 3 yea, 0 nay

Motion Carried”

MOTION by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of June 3, 2015, in granting the variance request of Dan Tartabini, 381 Orchardview Road, concerning expansion of an existing garage exceeding 45% of the main structure.

Roll Call: all yea

MOTION CARRIED

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Mr. Trafis (continued):

Also at the June 3, 2015 Zoning Board of Appeals Meeting, the Board made the following motion regarding a variance request heard:

“That the Board grant James Kerline, the property owner of 7076 Laura Lee Lane, a 10-foot variance to Ordinance No. 963.02(a)(3), Accessory Buildings or Uses, to construct an 18’ x 28’ detached garage on the property that already has an existing attached garage.

Roll Call: all yea

Motion Carried”

MOTION by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of June 3, 2015, in granting the variance request of James Kerline, 7076 Laura Lee Lane, concerning construction of a new detached garage on a parcel with an existing attached garage.

Roll Call: all yea

MOTION CARRIED

Mrs. Lecznar:

First of all I’d like to thank all the Council Members for passing Ordinance No. 51-2015. The current sirens that we have in place, a couple of them do not work. If a tornado were to happen, it could cost some of our residents their lives. So thank you very much for passing that as an emergency measure. As Council President Ernst mentioned, this will actually be a cost savings to us. I know it seems like a lot of money up front, but in the long run it will work out better.

I just want to remind all the residents that our Farmer’s Market starts next week Thursday. We’ve got some vendors coming from outside with fresh produce. The hours are 4:00 p.m. to 7:00 p.m., and it will be held at the Community Recreation Center Complex. Please come and buy your wares and show these people how grateful we are that they are there.

Mr. Barth:

I’d just like to thank Finance Director Johnson for his very accurate explanation on why Ordinance Nos. 57-2015 through 62-2015 had to be passed as emergency measures. I find Director Johnson to be the consummate professional and Seven Hills is very fortunate to have him as a Finance Director.

Also, I’d like to thank the Council Clerk for the yeoman’s job she did tonight in reading all the Fiscal Officer’s Certificates.

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Council President Ernst:

I'd like to make a statement.

Seven Hills politics are interesting at best and extremely frustrating at worst. Council, the Administration, and sometimes our residents seem to spend more time trying to make somebody look bad than we do trying to fix the current issues facing the City.

Last week a resident asked the Mayor at our Caucus Meeting why an ordinance was passed ten years ago to put all the income tax collected into the General Fund instead of a Capital Improvement Fund where portions of it were transferred out into the General Fund. I'm not saying it's a bad question, it just seems to be a moot point ten years later.

Our revenues currently are just enough to cover our yearly budget to run the City. With that being said, even though I wasn't living in Seven Hills ten years ago, it makes a certain amount of sense that the Council, ten years ago, would have made the choice to put money where it could be accessed to pay normal bills. I think we should be concentrating on the issues at hand and not what happened ten years ago, or five years ago.

The City needs additional revenue sources. We know that. We have debt coming due over the next seven years that will cause us to spend substantially more each year than we bring in. We have streets and parks that are in dire need of maintenance. I hear from some of the Council that we need to cut services to the bone, but I hear from the residents that they are not happy with the level of services we are currently providing. They want their streets repaired, they want to see a street sweeper out more often, they want their leaves picked up more frequently in the Fall, and if there is a dead animal to be picked up, they want it picked up quickly – they don't want to wait because it's the weekend or after hours. These are just a few of the comments that I've heard recently from residents.

I've been very vocal about supporting a property tax levy as the most equitable way to increase revenues. Since everyone benefits from increased revenue in the City all should be willing to share in the burden. I would like to see us put a property tax levy on the ballot rather than an income tax increase with an increase in the credit for the residents who work outside of the City. I understand that a restructuring of this type of income tax worked in 1984 and the voters might very well pass it again, but I feel it's a shortsighted move. Many things have changed since 1984 both economically and within the City. The first problem with this proposed restructure of the income tax is that it would not generate the revenue that the City needs to pay upcoming debt and do any maintenance to our infrastructure. The second issue I have with an income tax restructuring is that it puts the main burden on businesses in Seven Hills. In today's economic environment it doesn't make sense to start Seven Hills with another strike against them in competing for businesses.

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Council President Ernst (continued):

A higher income tax rate than our main competitor for new businesses is a major strike against us. It's bad enough that Seven Hills doesn't currently have a large selection of business locations. This will definitely not help the situation in attracting new businesses.

For the good of the City we shouldn't put this off any longer. We need to come up with a plan that benefits the residents in the City and we need to put it on the ballot in November. We need to forget what worked in the past and look at what will work today. Thank you.

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

While calling roll for adjournment, the Clerk of Council mistakenly called for Councilman Snitzky's vote (Councilman Snitzky was absent) in place of Councilman Trafis. Councilman Trafis stated "Oh, don't call me that!" After casting his 'yes' vote to adjourn, Councilman Trafis requested that the Clerk of Council include this gaffe in the record saying, "Please put that in there – I think it's funny – and most everybody else does, too!" Councilman Barth also stated, "Make sure the minutes are accurate!" The Clerk of Council apologized for the error.

Roll Call: all yea

MOTION CARRIED

The June 8, 2015 Council Meeting was adjourned at 8:42 p.m.

Michele K. Ernst, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____