

# City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD June 22, 2015

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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 Mayor Dell'Aquila, Director of Law Pignatiello, Director of Finance Johnson, Councilman-at-Large Barth, Councilwoman-at-Large Lecznar, Councilman-at-Large Trafis, Ward 1 Councilman Bryda, Ward 2 Councilman Fraundorf, Ward 3 Councilman Snitzky, Ward 4 Councilwoman Ernst, Director of Public Service and Properties Moga, and Senior and Community Services Director Terry. Absentee was Building Commissioner Moro.

## READING AND DISPOSAL OF JOURNAL

**MOTION** by Mr. Fraundorf, seconded by Mr. Trafis, to accept the Minutes of the Regular Council meeting held May 26, 2015, as printed.

**Mr. Fraundorf** stated:

"I see these minutes were updated per the request at the last Council Meeting."

Roll Call: all yea

**MOTION CARRIED**

**MOTION** by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept the Minutes of the Regular Council meeting held June 8, 2015, as printed.

Roll Call: all yea

**MOTION CARRIED**

## CONSENT AGENDA

**MOTION** by Mr. Fraundorf, seconded by Mrs. Lecznar, to accept **Consent Agenda No. 1** of June 22, 2015, as printed.

Roll Call: all yea

**MOTION CARRIED**

**MOTION** by Mrs. Lecznar, seconded by Mr. Barth, to accept **Consent Agenda No. 2** of June 22, as printed.

**Mr. Trafis** stated:

"I will be recusing myself from this issue because it is related to the David Bentkowski lawsuit."

Roll Call: Barth, yea; Bryda, yea; Ernst, yea; Fraundorf, yea;  
Lecznar, yea; Snitzky, yea; Trafis (recused)

6 yea, 0 nay (Trafis recused)

**MOTION CARRIED**

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## **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 last met on Monday evening, June 15, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Snitzky stated that the Committee will hold its next regular meeting on Monday evening, July 20, 2015.

### **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, June 15, 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, July 20, 2015.

### **Parks and Recreation**

Parks and Recreation Committee Chairperson Lecznar stated that the Committee last met on Monday evening, June 15, 2015, and the minutes from that meeting are on file with the Clerk of Council.

### **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 on file with the Clerk of Council. Mrs. Ernst stated that the Committee will hold its next regular meeting on Monday evening, July 6, 2015.

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## **Finance, Civil Service, and Personnel**

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, June 15, 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, July 6, 2015.

## **APPOINTMENTS AND CONFIRMATIONS**

There were no appointments or confirmations.

## **COMMUNICATIONS, PETITIONS, AND CLAIMS**

The Clerk of Council stated that a Legal Advertisement has been placed in the Parma Sun Newspaper for publication on Thursday, June 11, 2015, and Thursday, June 18, 2015, soliciting sealed bids for the Pinnacle Park Drive Improvement Project. Mrs. Sekerak announced that the Bid Opening for this project will be held on Monday, June 29, 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**

**Ed Maslowski, 1035 Joy Oval**, made the following comments:

“This is in regard to Ordinance No. 110-2014, and it is the last time I’m going to make any comments on it.”

**Council President Ernst** replied, “That’s fine, sir – it has been tabled.”

Mr. Maslowski continued:

“Unfortunately, it’s not a major issue. I don’t see anybody that is going to be utilizing this through the next ten years or so. But anyway, there’s a lot of problems with it.”

**Council President Ernst** said, “Sir, it has been tabled.”

Mr. Maslowski said, “Pardon me?”

**Council President Ernst** stated, “It has been tabled. It is not on the agenda.”

Mr. Maslowski said, “I thought it was.....Oh, I misheard then.”

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**Council President Ernst** continued, “No, it is not on the agenda. There is on the agenda to add fees to another portion of the ordinances for a fee for solar or wind energy.”

Mr. Maslowski replied, “Okay, when I was sitting there.....my hearing isn’t.....excuse me, my hearing isn’t that good. I heard 110-2014 mentioned.”

**Council President Ernst** said, “That’s fine. No, it is tabled.”

Mr. Maslowski concluded, “At any rate I did send an email out to the members of Council describing my position in detail. I don’t think you want me to stand here for an hour telling me what problems I have. It’s something that should be moved.”

**Council President Ernst** replied, “That’s fine, sir. Okay.”

**Mr. Barth** added, “Ed, we do have a copy of an agenda up here if you want to follow along.”

Mr. Maslowski asked, “Pardon me?”

**Mr. Barth** repeated, “We do have an agenda up here if you want to follow along.”

**Council President Ernst** added, “Agendas – there are copies of the agenda up here for anybody that wants to follow along. There are agendas up here on the Council dais if you want to follow what’s going on.”

Mr. Maslowski said, “Oh, okay, because I’ve been missing that. A few times I come in.....”

**Council President Ernst** said, “They are always up here.”

Mr. Maslowski said, “Okay, I wish you would put it on the website, too.”

**Council President Ernst** answered, “They are on the website.”

Mr. Maslowski said, “Afterward.....after the fact.”

**Council President Ernst** replied, “No, they are posted before, sir.”

Mr. Maslowski replied, “Okay. Because I’ve looked, and I have some problems finding it. At any rate, yes, I didn’t see the agenda. Okay, thank you.”

**Council President Ernst** stated, “You’re welcome.”

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

“Resolution No. 11-2015 is the only thing that I want to address. That involves Landsong. And, I’d like to again repeat that I believe Mike Barth and Councilwoman Lecznar should both recuse themselves from anything that has to do with Landsong because they took money from them. Thank you.”

## **ORDINANCES AND RESOLUTIONS**

**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 COMPANAGEMENT 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.

**MOTION** by Mr. Snitzky, seconded by Mr. Bryda, to read Ordinance No. 52-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 52-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Snitzky, seconded by Mr. Bryda, to pass Ordinance No. 52-2015.

Roll Call: all yea

**MOTION CARRIED**

## **ORDINANCE NO. 52-2015 IS DECLARED PASSED.**

**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.

**MOTION** by Mr. Bryda, seconded by Mr. Snitzky, to read Ordinance No. 53-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 53-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Bryda, seconded by Mr. Snitzky, to pass Ordinance No. 53-2015.

Roll Call: all yea

**MOTION CARRIED**

## **ORDINANCE NO. 53-2015 IS DECLARED PASSED.**

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**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 second 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.

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

**Ordinance No. 63-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH AMERICAN FIREWORKS COMPANY OF HUDSON, OHIO, FOR THE PURPOSE OF SELLING, FURNISHING, DELIVERING, AND PRESENTING A FIREWORKS DISPLAY FOR THE CITY OF SEVEN HILLS HOMEDAYS 2015; APPROPRIATING A SUM NOT TO EXCEED \$5,000.00 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

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**MOTION** by Mr. Trafis, seconded by Mr. Fraundorf, to read Ordinance No. 63-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 63-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Trafis, seconded by Mr. Fraundorf (*with a resounding starburst shell*), to pass Ordinance No. 63-2015 as an emergency measure.

**Mr. Barth** stated:

“This \$5,000.00 is a pass-through. The new owner/operators of the nursing home on Rockside are making the donation to the City in the amount of \$5,000.00, I believe, to sponsor the fireworks.”

**Mr. Trafis** stated:

“And everybody said last week that Councilman Fraundorf didn’t have a sense of humor!”

**Council President Ernst** responded:

“No, we said he didn’t make jokes!”

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 63-2015 IS DECLARED PASSED.**

**Ordinance No. 64-2015** – AN ORDINANCE AUTHORIZING THE PLACEMENT OF THE ANNUAL CITY OF SEVEN HILLS SANITARY AND STORM SEWER MAINTENANCE FEES ON THE HOMEOWNER’S TAX DUPLICATE AS A SPECIAL ASSESSMENT.

**Ordinance No. 64-2015 was read by full title only for its first reading.**

**MOTION** by Mr. Barth, seconded by Mr. Trafis, to amend Resolution No. 11-2015 by removing the word “*the*”, currently the fifth word contained in Line 2 of the ‘Whereas’ clause, so that the phrase reading ‘*would like to donate the playground equipment.....*’ is changed to read ‘*would like to donate playground equipment.....*’

Roll Call: all yea

**MOTION CARRIED**

**Amended Resolution No. 11-2015** – A RESOLUTION AUTHORIZING THE CITY OF SEVEN HILLS TO ACCEPT THE DONATION OF PLAYGROUND EQUIPMENT THAT WAS LOCATED ON THE FORMER JOHN GLENN SCHOOL PROPERTY FROM LANDSONG LTD., SAID PLAYGROUND EQUIPMENT TO BE PLACED AT THE CITY’S JOHN GLENN PARK; AND DECLARING AN EMERGENCY.

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**MOTION** by Mr. Barth, seconded by Mr. Trafis, to read Amended Resolution No. 11-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Amended Resolution No. 11-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Barth, seconded by Mr. Trafis, to adopt Amended Resolution No. 11-2015 as an emergency measure.

**Mrs. Lecznar** stated:

“The Mayor and I have been meeting with residents of the John Glenn area, and we met on Saturday to go over where to place this equipment. Landsong has been very gracious to move the equipment on their dime and they are also going to be providing the construction of it on a new site with preparation of that site for it to be placed on at their own expense as well. I just want to thank them very much for that.”

**Mr. Barth** stated:

“Just to expand on what Councilwoman Lecznar said, that dime is \$50,000.00 for dismantling all the equipment.”

**Council President Ernst** stated:

“I would like to say that this has come up a number of times that these two Council people should recuse themselves. This is a resolution to accept a donation. There is no reason to recuse, that I could see, that anybody should have to recuse themselves. And recusing themselves is totally voluntary.”

Roll Call: all yea

**MOTION CARRIED**

**AMENDED RESOLUTION NO. 11-2015 IS DECLARED ADOPTED.**

**Resolution No. 12-2015** – A RESOLUTION APPROVING THE PROPOSED ALTERNATE TAX BUDGET FOR THE CITY OF SEVEN HILLS, OHIO, FOR THE FISCAL YEAR 2016.

**Resolution No. 12-2015 was read by full title only for its first reading.**

## **COUNCIL OPEN TO THE AUDIENCE**

**Carol Zupancic, 2725 Chestnut Road** made the following comments:

“I was just wondering how our first Farmers’ Market went last Thursday. If someone can respond, I’d be anxious to hear.”

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**Mr. Trafis** replied:

“I stopped in at the Farmers’ Market. I think that we had about seven booths or so. I saw some employees and a couple other residents. I think it’s a decent start, but maybe we can advertise it a little bit more to make it well known.”

**Council President Ernst** stated:

“I spoke to Kathy Holland about this earlier this week, and she said that the vendors were very happy with a first event – that there were parents that came when they came to pick up their kids from summer camp -- they were going through. There isn’t a lot of farm produce yet because it’s early in the season and it’s late for strawberries, so we kind of missed that window. But, we are going to get some fresh produce later in July. We have a vendor coming for that. So she said that the vendors were happy with it.”

*Mrs. Marta Snitzky approached the podium and addressed resident Tom Jaros, who was seated in the first row of the audience, saying: “Before I begin, I’d like to state, first of all, that I do not give my permission to be filmed this evening, so kindly put the camera down.”*

*Mr. Jaros replied, “We won’t point it toward you.”*

*Mrs. Snitzky answered, “No, you can put it down – that would be fine. Thank you. I do not want to be filmed nor do I want my voice on camera.”*

**Marta Snitzky, 2033 Hillside Road** made the following comments:

“Good evening to you all, and to Ladies and Gentlemen of the Council. My name is Marta Snitzky and I am married to Tom Snitzky who has served almost four years on Seven Hills City Council. Let me thank you in advance for your time and I promise not to take much of it.

Tom and I were recently made aware of an extremely vulgar political cartoon that was posted by Mr. Tom Jaros here on the website of the Seven Hills Reporter, a local publication for the concerned citizens of Seven Hills. Mr. Tim Fraundorf, who is also on your Council and sits right beside my husband each and every week, is the publisher of this newsletter and operates its website. This means Councilman Fraundorf has the authority to approve or not approve any and all postings by leaving them on the site or taking them off. Mr. Fraundorf has chosen to leave this cartoon posted for weeks, and as of last week was still on the site. Mr. Jaros here plans to join in the run for Mayor of Seven Hills this November.

Constructive criticism is certainly an appropriate part of the running of Council, not mockery and insults. How old are we, boys? This was a malicious act with the intent to embarrass, humiliate and degrade. It is clearly my husband, Tom, in the cartoon because his name was so thoughtfully and graciously attached to the picture. There is no name attached to the other person, but given that Tom and I will be married for thirty-two years on Wednesday, one can easily see that other person as his wife, and that would be me.”

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Mrs. Snitzky continued with her comments:

“Some of you may feel freedom of speech justifies such action, and perhaps this type of politics is the norm in Washington, D.C. But here in our little corner of the world I’d like to think we aspire to just a bit more class, and I am truly fed up with those who use our country’s sacred Constitution to hide behind and to justify their reprehensible actions. That means ‘bad’.

On a personal level, for both Tom and I, this entire incident really is but a tiny blip on the radar of our lives. We have weathered some difficult and trying times over the years, as I’m sure many people in this room have as well. So trust me when I tell you we really have not lost even a little bit of sleep over this juvenile, immature nonsense.

So, I’m sure you’re all wondering then why I’m standing here before you tonight, my fellow residents of Seven Hills, Ohio, and the answer is really very simple. It’s **wrong**, and I just want you all to be aware of the type of behavior exhibited by Councilman Tim Fraundorf and to have you ask yourselves, really ask yourselves, do you feel lucky? Well, do you? Do you feel lucky knowing that people who bully and stoop to such behavior are involved in the running of your City? And your City? And your City?

I know I don’t feel very lucky. And if you don’t feel lucky either, and you are as saddened and utterly disappointed as I am, I urge you to pass the word and make your feelings known come this November.

And to all of you involved in this uplifting, kind, and professional piece of journalism, shame, shame on you. And I expect, Mr. Fraundorf, as would any concerned citizen of Seven Hills, for you to do the right thing and take this piece of trash off the website of this most enlightening publication.

You know, people will hate you, rate you, shake you and break you. But how strong you stand is what will make you. Tom and I hold our heads high. And I’d like to leave each of you with one last thought tonight. Beware those who proclaim the loudest of all to be so honest and so good. Hold on to your wallet and watch your back.”

*Mrs. Snitzky received applause from members of the audience as she returned to her seat.*

*At this point in the meeting, Ward 3 Councilman Tom Snitzky left his seat on the dais and approached the podium to address Council and the Administration.*

**Tom Snitzky, 2033 Hillside Road** made the following comments:

“Ladies and Gentlemen, I’m Councilman Tom Snitzky, and I’m acting as a resident tonight. This information – propaganda – becomes truth when it’s not responded to by people of good will. I’m not sure exactly of the quote, but it’s attributed to Thomas Jefferson. I want to speak to you tonight not as a Councilman, but as a citizen, a parent, a resident, a father, a husband.

My family has lived in Seven Hills for decades. We are quite proud of the personal and professional accomplishments we have achieved. I ran for Council a few years ago in good faith, to be of service to the people, and to give back to those that I know.”

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Tom Snitzky continued with his comments:

“In that time I’ve been part of many accomplishments. And many good things for this City. Now, as I try to do what’s best for the citizens in my ward, my family is forced to suffer profane, malicious insults from those who are sitting on Council or who are wishing to become Mayor of this City.

And you drag the woman that I love, that I’ve been married to for thirty-two years, the mother of my children, the woman I adore, into this. Are you kidding me?

You know, make no mistake about it gentlemen, this malevolence is what motivated David Bentkowski. Who do you think you are? My children have to see this. This isn’t even a fight over City issues. You’ve insulted my wife for petty, political pandering. It’s a juvenile attempt to embarrass me, my family -- for no good reason.

Look, I’ve known about Mr. Jaros for years. He grew up across the street from me, and everybody knows how he plays. Tom, you’ve been an unrepentant bully, and a chauvinist your entire life, and nothing has changed. This is the kind of thing everyone knows to expect.

The person I’m really surprised about is Tim Fraundorf. Tim, I’ve given you credit for a number of things. Your fiduciary knowledge, your preparedness – but I gave you credit for decency, too. And unfortunately I may have given you too much credit. Did you intentionally leave this piece of trash up on your website? It’s been there since June 2<sup>nd</sup>. And I know that you know what’s on your website, because things that you do not, or your group does not, politically agree with have been taken down after they’ve been posted. So I can only assume that this was intentional.”

**Mr. Fraundorf** interrupted Mr. Snitzky, saying “Tom, I don’t even know what you’re talking about!”

Mr. Snitzky continued, “Well, you will. Talk to your buddy over here. He knows.”

**Mr. Fraundorf** answered, “Please, please – please enlighten me to what is upsetting you and your wife.”

Mr. Snitzky continued, “I’m talking – you’re listening. I’m talking – you’re listening right now. Talk to your buddy.”

**Mr. Fraundorf** replied, “Oh, thank you. Okay, Tom, you’ve got the floor – go ahead.”

Mr. Snitzky continued, “Why do I need to even demand that you immediately remove this. Please do remove this from your website.”

**Mr. Fraundorf** said, “What do you want me to remove, Tom?”

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Mr. Snitzky concluded:

“And, Tom, I know better than to ask you for an apology. But I really wish you would apologize to my wife. Ladies and Gentlemen, I’m sorry -- thank you for your time.”

*Tom Snitzky received applause from members of the audience as he returned to his place on the dais.*

**Mr. Fraundorf** added, “Tom, you never answered the question. What do you want removed?”

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

“Mrs. Snitzky, I’m genuinely sorry.”

Mrs. Snitzky, from her seat in the audience, replied “I accept your apology, Mr. Jaros – I only wish it was sincere.”

Mr. Jaros continued:

“Thank you. Okay, thank you. Mr. Snitzky, some time back you made a remark about me. You impugned by character, and you just did it again. You made a reference to knowing me when we were growing up together. You’re ten years younger than I am. I was thirteen years old when I came to Seven Hills. I don’t know what I would have done with a three-year-old. Maybe I stuck you with a diaper pin – I said this once before.

Political satire – it’s freedom of speech. I’m sorry you’re offended by it. For those of you that don’t know, it’s a picture of two people laying on massage tables. The male is facing the wrong direction on the massage table.”

Mrs. Snitzky, from her seat in the audience, interrupted Mr. Jaros, saying “And finish that please, Mr. Jaros – finish that.”

Mr. Jaros answered, “That’s the picture. I’m sorry.”

Mrs. Snitzky replied, again from her seat in the audience, “No, no, no – it’s not the whole picture. No.”

Mr. Jaros continued:

“Okay. That’s what it is. That’s really all I have to say. I don’t know Mr. Fraundorf’s responsibility in all of this. But you need to quit talking, Mr. Snitzky – you need to quit talking like you know me and you know my character, because you don’t! You don’t! Quit lying. You were three. I was thirteen when I came here. I know you from nothing. Thank you for the political grandstanding you just performed.”

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**Joseph Rapotec, 1242 Longridge Drive** made the following comments:

“After these other comments, mine are going to seem very superfluous. I read in the paper, Mrs. Ernst, that you wanted to reduce the Council members at large, and I thought it was a very good idea. Why have four people running for Mayor at the same time? That’s all I’ve got to say. And do it!”

**Council President Ernst** replied, “Thank you.”

**Ed Foley, 3110 Hillside Road** made the following comments:

“I, too, have seen the cartoon. I’ve seen the cartoon -- it’s on You Tube. It’s out there for the world to see. It offends me. And the word ‘character’ has been used, I think, six times. I just jotted some comments down that I have to share.

A fine City is more than property values and services. A fine City is seen in the character of its residents. By that measure, we collectively are a very fine City. We have low crime. We have high family and faith. We have high home ownership. We have involved residents from youth all the way through AARP. And we have high volunteerism. We are a fine City of character. We’re also living life. We are raising children. We’re taking care of aged parents. We’re dealing with health issues. We’re living life, as we are a fine City.

What has been referenced in You Tube, the negative personal attacks, crossing over into spouses being involved, is inconsistent with the character of my fine City. Those who create it, those who support it, should be condemned. If they claim to be leaders, serving others, they’re out of step with the fine residents of Seven Hills. And that effect is the good people of character leave – they don’t get involved. They shy away. They don’t want to go through this crap that you just had to experience, as we heard – a painful spouse, someone speaking hurt, over an attack that didn’t need to be there. It was over an issue – what the cartoon has to do with the issue I can’t even connect. It was personal. It was vile. It’s inappropriate.

Heraclitus said ‘*Character is destiny.*’ I have studied that, and I’ve seen in personal and organizational – if character is there, good things happen. If character is bad, bad things are going to happen. It’s a universal truth. I think that we should condemn low character. And I’ll let you conclude whether people that are claiming they have character or not have it. I judge it based on what I see and the behaviors and the things that I see going on around me. It needs to be condemned, and the destiny of our fine City should be in the hands of the characterized residents that display character in the way we live our lives.”

*Ed Foley’s comments drew a round of applause from the audience.*

**Diane Koski, 831 East Parkleigh**, made the following comments:

“I apologize for going out of order when you asked about the ordinances. But as I was reading some of the ordinances more in detail, I had one question in regard to Ordinance No. 54-2015 in regard to the domestic power tools and equipment.”

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Diane Koski continued with her comments:

“We’re changing the time that power tools can be used to beginning at 8:00 a.m. on Saturdays? And I was curious as to what the motivation was for that change and if that’s consistent with other cities in the area.”

**Council President Ernst** stated, “Councilman Trafis, you brought this to Council. Would you like to answer this?”

**Mr. Trafis** replied, “Yes. We’re changing it, I believe, by one hour to accommodate people on weekends to mow their lawns at certain hours. I think.....I can’t remember what the hour was.”

**Council President Ernst** answered, “It was actually 10:00. It’s been 10:00.....”

Mrs. Koski said, “It’s been 10:00. It’s changed to 8:00 for Saturdays, and then 9:00 for Sundays. I know we like to sleep in and catch up on our rest.”

**Mr. Snitzky** added, “I also believe it’s 8:00 on weekdays. So, it’s the same as the weekdays now. Saturdays and weekdays are the same. We thought it was appropriate.”

**Council President Ernst** stated, “There have been requests from residents that work during the week and are trying to get their lawn work done earlier in the day before it gets very hot. That was one of the reasons. Councilman Trafis, were there other reasons that were given to you?”

**Mr. Trafis** replied, “That was pretty much it.”

**Council President Ernst** said, “That was the reason for making the change.”

Mrs. Koski said, “Okay. I was just curious. Thank you.”

## **REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR**

**Mayor Dell’Aquila** made the following comments:

Thank you, Madam President. A couple of things this evening. You have to excuse me. I’m still fighting a cold.

Under the First Amendment to the U.S. Constitution and part of the Bill of Rights we are all guaranteed the right of free expression. This right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas from and to others.

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**Mayor Dell'Aquila** continued his report:

As with any right, the Courts have recognized certain limits to free expression. Limits like libel and slander, obscenity, copyright laws, hate speech, incitements to violence, as a few examples. These restrictions are generally in place to respect the rights and reputations of others, protect national security, and to preserve public order. We've all heard the well-worn phrase "*You can't yell 'fire' in a crowded theater for no reason.*"

At our Council Meeting last Monday, June 15<sup>th</sup>, Councilman Trafis questioned a City employee who volunteered on his own time to circulate nominating petitions for the coming ballot. This, of course, would be a perfectly legitimate question except that Mr. Trafis also compared that proper exercise of free expression to the County corruption scandal of a few years ago. I think everyone in the room was stunned by that comparison. This City has endured twenty years of this sort of negative campaigning. But an employee does not surrender his constitutional rights simply by taking a job with the City. And it has been again confirmed that the circulation of those petitions was proper.

To most of our residents, this may just sound like more trivial antics on City Council, but there's also an important issue here. Freedom of expression may be the most important right protected by the Bill of Rights. And it underpins all our other constitutional guarantees by protecting citizens from retribution by the government for expressing their views. The need to protect that right, above all, was recognized by the framers as expressed by John Adams, the second President of the United States, who said "*The jaws of power are always open to devour, and her arm is always stretched out if possible to destroy the freedom of thinking, speaking, and writing.*"

This has been, unfortunately, another ugly beginning to this campaign. Our residents deserve a campaign based on issues, not mudslinging. Instead we are witnessing more undeserved attacks on employees, one after the next, designed to damage their work for the City. Ideas must not take second place to street fighting. There's far too much at stake in this election. What about the issues the voters really care about -- instead of personal attacks and obscenities?

We had a meeting last week in Brooklyn Heights, as some of you who reside in Ward 1 and actually throughout the City may have heard, ICE, Department of Justice, Immigration Customs Enforcement, is considering locating a facility in a building on Lansing immediately North of the bridge that crosses Interstate 480. This has been a concern not only to the residents of the Village of Brooklyn Heights but also to the residents of the City of Seven Hills who have been concerned about what this facility may ultimately be in the event that the officials of the Village of Brooklyn Heights approved it. A few weeks ago, together with Councilman Barth and Councilman Bryda, we wrote a joint letter to the Village asking that we be kept informed and up to date about any meetings with the Justice Department and updated with regard to any City meetings as this proposal passes through the processes in that Village.

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**Mayor Dell'Aquila** continued:

Well there was such a meeting last week. We had the opportunity to meet with a number of people from ICE and the Department of Justice, the owner of the building, and they were able to clear up a lot of questions. Unfortunately, rumors sometimes become reality before reality has a chance to catch up to the rumors.

The plan is for, at least at this stage, for ICE to have about 30,000 square feet in that building comprised of the first two floors. It's about a four or five-story building. There will be approximately 100 employees there, 70 of whom will be law enforcement personnel. They will have a holding cell, similar to what any municipality may have, of about 3.2 percent of the entire square footage – so something on the order of 1,000 square feet of the 30 would be comprised of a holding cell. Now their rules require that they can only hold people for a maximum of twelve hours, and it works out to more like three or four hours, they don't process violent criminals there, and there would not be any further holding beyond that. If they required further work in holding a person, the person would be transferred to a County jail. Presently they're using Geauga County and some other jail facilities in the area. There are similar facilities already in place in the City of Strongsville, and another in Blue Ash, which is down toward Cincinnati. The officials of the Village are going to be taking a tour of that facility. There will not be razor wire around the facility. There will not be signs on the freeway warning that you're approaching some sort of prison facility. Obviously the owner of the building wants to lease out the rest of the building as well.

So, we will continue to monitor that. We have developed a very good relationship with the officials in Brooklyn Heights, as we have with all the other communities around us. We're all on the same page. And we will be monitoring that and informing the residents as it develops further. But just to allay some of the wilder rumors that are out there – it's not going to be a prison.

On a sad note, we learned last week of the death of the mother of Mayor DeGeeter of Parma. She was a resident of the State of Indiana and passed away there. So we did not have an opportunity to personally express our condolences. However, we did send him a card and offered him the sympathies of the entire City. Another great Mayor, another great individual. Again, we've built up a wonderful relationship also with the City of Parma which was so damaged in the prior administration.

I want to thank Landsong for the donation of the park equipment. As Councilwoman Lecznar indicated, we are looking now at two potential sites to locate that equipment. They are under a little bit of a time crunch. They'd like to move it and have it installed some time in the first half of July – preferably even as early as July 6<sup>th</sup>. There are drawings being made now.

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**Mayor Dell'Aquila** continued:

We've had communication with our Building Department and our engineers. They're looking at the entire process. We had a really good meeting last Saturday. Thank you for coming out. I see a couple of people in the audience here. There are a couple of issues that need to be sorted out, but it's moving along. We hope to have some sort of finality and at least the drawings in hand by the end of this week. We'll be calling another meeting after that.

I also wanted to make sure and thank Cox Cable for their sponsorship in the coming Homedays. I want to thank Tony Terry for getting that together. They will be sponsoring \$2,000.00 cash and \$700.00 in additional sponsorships for Homedays.

That's about it. Thank you, Madam President.

## **REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS**

**Director of Finance Johnson** had no formal report.

**Director of Law Pignatiello** had no formal report.

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

**Senior and Community Services Director Terry** had no formal report.

**Building Commissioner Moro** was not present.

## **MISCELLANEOUS**

**Mr. Snitzky:**

I have nothing else to say this evening other than I did go to a meeting -- actual business -- I went to a meeting today over at the Cuyahoga County Board of Health regarding everybody that lives in Ward 3 -- the 305 people that still have septic tanks. Everybody got a letter to the effect that there was going to be some adjustment in fees. I went to the meeting -- there were a couple of residents there from the ward.

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**Mr. Snitzky** (continued):

In effect there will be no change in those fees, certainly for the next year, and more than likely for the foreseeable future. I explained to them that I thought it would be very gratuitous to raise our fees as we're about to experience the cost of having sanitary sewer lines put in. I got some acquiescence on that, but for the foreseeable future there should be no increase in the fee that we pay every year to have a septic tank. Thank you.

**Mr. Fraundorf**:

It has been an interesting evening tonight. I'll just say this. When I look out over this audience – and I first started coming to Council Meetings in late 2010 – and there were literally months that would go by where I was the only person in the audience, myself and the predecessor to actually probably two or three ago of the Sun Post reporter. And, again, often times it was just me. So, all I can say is I look out at the sea of faces and I think it's great. I really do. This is our democracy in action. This is public participation. This is our democracy. This is important. And it's a good thing – quite honestly, it's a good thing. And I'm very happy to see everyone that has turned out. And I hope that you continue to come to Council Meetings – I really do. This is what it's all about. And I would encourage you to, please, talk to your neighbors, and encourage them to attend as well. Thank you.

**Mr. Bryda**:

Some of you may know my house is up for sale and is currently going through the selling process. So I just have a statement here.

This has been a challenging and rewarding experience to have served on Council for the past couple of years. I have truly enjoyed serving the residents of Ward 1 and advancing the interests of the City.

There have been many huge accomplishments along the way and a few disagreements. But that's to be expected in a democracy. I am particularly proud of the street and infrastructure improvements around town that I promoted as Chairman of the Public Works Committee. I enjoyed working with Council, the Mayor, and his entire staff, which I have found to be dedicated public officials devoted to a better Seven Hills.

Our Charter requires that I cannot remain on Council as the Ward 1 Representative if I no longer reside in the ward. As some of you may know, my family and I will be moving from Ward 1 to Ward 3 in the next few weeks. We decided it was time for a larger house, but we definitely decided on staying here and raising our young family right here in Seven Hills.

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**Mr. Bryda** (continued):

Once the sale is complete and once I know the exact moving date, I will be formally notifying Council of my resignation date. The City Charter dictates that a replacement must be appointed within 30 days thereafter, and Council will be debating this soon.

I had weighed the option of running for Council-at-Large in the coming election, but the move to a new home and some of the upgrades I need to make there will take most of my time this summer. To be fair to the residents, when I run again for future office, I want to be able to give it my all, as I did this past term.

As I wrap up a couple of final things before I resign, I want to thank everyone for your continuing support. I want everyone to know what an honor it has been to have served as your Representative this past term. I'm thankful for electing me to office and the privilege to help the City we all love.

God Bless you all and the City of Seven Hills.

*Councilman Bryda received a warm round of applause from the audience and from everyone present.*

**Council President Ernst** stated, "Thank you. You will be missed on Council!"

*At this point in the meeting, Council President Ernst called on Mr. Trafis for his Miscellaneous remarks. Mr. Trafis said that he was still jotting some notes down, and requested to please be asked for his miscellaneous comments shortly. Council President Ernst said "certainly". Mr. Trafis replied "thank you".*

**Mr. Barth:**

I wasn't going to say anything about an incident that took place at City Hall in the City Hall parking lot prior to my wife and I coming to a meeting here. In either late April or early May my wife and I were parked on the North side of the parking lot preparing to cross the road to enter City Hall. At that moment Tom Jaros drove by us and flipped my wife and I off by giving us the finger. I told his friend, Councilman Trafis, what happened, and his comments were '*that is inappropriate.*' I couldn't agree more. As I said, I was not going to say anything, but after viewing the very inappropriate and offensive cartoon, and witnessing Mr. Jaros telling the Mayor to kiss his ass in a public meeting at the Recreation Center, there seems to be a pattern of offensive behavior by candidate Jaros that our residents should be made aware of.

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**Mr. Barth** (continued):

As far as petitions, Tony Terry is a friend of mine, and friends of many people in the City who did, in fact, circulate a petition for me. I signed the petition, Tony signed the petition. He circulated it on his own time. And it is not illegal, nor is it unethical. I have witnessed firsthand this being done in other communities. Only in Seven Hills is it an issue.

As far as Councilman Bryda, I'm very happy that Jeff will be taking that big step of buying a bigger house and that the house will be in Seven Hills. I find it sad, though, that Jeff will no longer serve on Council, especially as my Councilman. When Jeff first asked me about Council, I was impressed by the questions he asked. My only concern, though, was that he was somewhat soft spoken for a candidate. But Jeff worked hard and massacred his opponent, Tom Jaros, by over 50 points. From day one Jeff served his constituency well, riding his bike throughout the ward and talking to the residents. Because he worked so hard and was well liked by most in his ward, Tom Jaros' attempt to recall him was a miserable failure. I watched Jeff grow on Council. He has been an independent thinker, always voting his conscience. Because of his background and knowledge he was able to contribute so much to the Service Committee. He went from a quiet legislator to an outspoken one in the Caucus Room. He was an effective Councilman that will be missed by all the residents.

I also would like to correct a statement by the Mayor. Council President Ernst was also a signatory on that letter we sent to Brooklyn Heights.

**Mr. Trafis**:

Well, it appears campaign season began.

**Mr. Barth** replied, "It sure does."

It sure does. First I want to address the issue of Mr. Terry circulating petitions. I don't think this issue is about Tony Terry circulating petitions. It's about the judgment of Mayor Dell'Aquila, Councilman Barth, and Councilwoman Lecznar for even considering asking an employee to participate in campaign work. In my opinion, it's unethical, and certainly doesn't look good. And I feel bad for Tony because he was put into a precarious situation. I just wish that our elected officials would use better judgment.

The second thing is this spectacle that we witnessed tonight was quite interesting. I want to talk a little bit about some history before I comment directly on a couple of things. For probably everybody up on this dais is aware, I would say a majority of the people in the room here tonight may be aware, and I would certainly say that most all of the residents are aware, that over the years that former Mayor Bentkowski was in office this particular individual wrote all sorts of things about myself and my family. And, yes, it's difficult to read those things.

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**Mr. Trafis** (continued):

It's difficult to talk with people about those things because they're lies, but in politics you don't always get people to understand the truth. Now over the years while Mayor Bentkowski was in office, let's keep in mind that he continuously endorsed and supported candidates for office such as then-Councilman and Council President Dell'Aquila, Councilman Barth, Councilwoman Lecznar, he supported Councilman Snitzky when he ran in 2011, and after the years of watching the Mayor do things far worse to my family and others than posting a cartoon – a satirical cartoon – everybody seemed to be okay with it and didn't do a thing. Didn't say a word to David about all the harassment, stalking, comments that the Mayor made to myself, my little brother, my grandparents who were alive at the time, and I just find this an incredibly interesting time to bring this up since campaign season is beginning now. It was quite alright for everybody just to sit back and do nothing when it was convenient for them. But now a cartoon, which I haven't even seen yet, and I look forward to seeing what we're talking about, now that a cartoon has sparked such – I'd almost want to say hatred in comments that I heard tonight – causes me to wonder why our citizens, our residents, would continue electing certain individuals.

Now what we witnessed tonight is simply nothing more than a distraction. Let's keep in mind and let's stay focused on what's going on in our City. In this year, 2015, our City is spending at least \$700,000.00 more than the revenue we're bringing in. In previous years we've been running huge deficits – over \$1 million some years. Unbelievable deficits. If nothing changes, this City is on track to go broke. If nothing changes, in 2019 – if not sooner – our General Fund will be depleted to zero. That's what the next coming months should be about – City issues, not satirical cartoons.

I have other things to say, but at this point I'm going to reserve those comments and just reiterate that it's all about the money. It's not about cartoons. It's not about people being mean to each other. It's about saving our City from financial ruin, getting back on track where we can fix our streets and sewers and our infrastructure, and focusing on things that really, honest to God, matter. Thank you, Madam President.

**Mrs. Lecznar:**

Of all the people on this dais, I have been on Council the longest. When I was appointed to Council, we got a lot done. Everyone got along, there was no backbiting. We got so much business done in this City it wasn't even funny. We had passed more legislation than in any previous years before that. And, Matt, just to say that you were the only one of David's criticism, you weren't. It's just that we didn't make it as public as you did. He criticized us, he criticized our families. I've got plenty of things I could show you, but I won't, okay. So, it's not a 'poor me' attitude.

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**Mrs. Lecznar** (continued):

Councilman Trafis took the time to go to the Board of Elections to request copies of nominating petitions to attack Tony Terry. Now I went down and had copies made of everyone's, because I think everyone's should be a part of the record. So, if you could just hand those to Carol please.

*Mrs. Lecznar presented copies to the Clerk of Council of all qualifying Nominating Petitions, originals of which are filed with and on record at the Cuyahoga County Board of Elections, from each candidate who filed same, for all City of Seven Hills Offices for the Primary Election of September 8, 2015 (General Election of November 3, 2015). Candidates included are Thomas Jaros (Mayor), Caryl Lecznar (Council-at-Large), Michael C. Barth (Council-at-Large), Joseph M. Tripi, Jr. (Council-at-Large), Matthew A. Trafis (Council-at-Large), Richard A. Pignatiello (Law Director), Thomas A. Kraynak (Council-at-Large), Michael Wallace (Ward 2 Council), Timothy Fraundorf (Ward 2 Council), Anthony D. Biasiotta (Ward 1 Council), Richard Dell'Aquila (Mayor), James F. Kukral (Ward 3 Council), Thomas J. Snitzky (Ward 3 Council), John J. Frank (Ward 4 Council), and Frank J. Petro (Ward 4 Council). The copies of these petitions will be kept on file at the Office of the Clerk of Council for inspection by any party interested therein.*

When Councilman Trafis blindsided Tony at our last Caucus Meeting everyone agreed that there was nothing illegal about circulating the petitions. But some insisted on raising the question anyway. Councilman Trafis went as far as to reference former Sheriff Gerald McFaul when discussing Tony's circulating of petitions. Regrettably, this forced me to review former County Auditor Frank Russo's campaign finance reports. For those of you that don't know, Frank Russo was the County Auditor who plead guilty to 21 corruption-related crimes and is now serving time in a federal penitentiary. According to records, Matt Trafis was hired by Frank Russo in 2005 and left his position when the scandal broke. In 2008 a Plain Dealer story said Matt Trafis was called a connection to the Russo political regime. Frank Russo's campaign finance report shows that in 2005, the same year that Matt was hired, his father, Gerry, made a donation to the fund raising event in the name of his committee and on more than one occasion Matt made political contributions to Frank Russo. These donations came from him, either personally or from campaign finance committee. Is there anything illegal or unethical about these contributions? The answer is 'no'. As there are no illegal or unethical donations that Tom Simich made to either Mike, I, or Rick. Tom was a friend of ours – he came to our political fund raiser – he gave a donation. End of story. So it's somewhat hypocritical for Matt to be questioning Tony volunteering to circulate nominating petitions on his own time. Tony and I have some very mutual friends as we realized when we were talking. And he said, 'You know what, I'll get them to sign your petition for you.' It saved me a lot of time I have to say, and I thank Tony very much for doing it. And I really apologize that you got brought into this and that your name has been dragged through a lot of mud. I apologize for that, Tony.

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**Mrs. Lecznar** (continued):

I call on everybody – right now – to stop this silliness. This is ridiculous. We are adults. Let's start acting like them. Thank you.

**Council President Ernst:**

I would like to say that I agree with Councilman Trafis that it should be about the issues, especially about the money. We have debated ad nauseam in Council how to raise revenues in Seven Hills. We need to do that. We're all aware of that. Councilman Trafis has repeatedly stated that he will not support anything except his income tax restructuring, which includes an increase of 0.5% higher than Independence and a credit to the residents that live in Seven Hills and work outside of Seven Hills so that they don't pay any additional taxes. This does not raise the amount of revenue that we need to meet our coming debt, let alone do any infrastructure maintenance that we need to be doing to our City. So, I'm a little concerned with his rhetoric that we need to do something about the finances. He's not willing to work with anybody else on Council. It's a case of it's my way or it's not at all. So that's all I have to say.

As most of you know, I will not be running for Council again. I've decided I don't like the politics in Seven Hills and I don't need it. So I'm not running. Thank you very much.

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

Roll Call: all yea

**MOTION CARRIED**

**The June 22, 2015 Council Meeting was adjourned at 8:40 p.m.**

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Michele K. Ernst, President of Council

Attest: \_\_\_\_\_  
Carol L. Sekerak, Clerk of Council

Date: \_\_\_\_\_