

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD July 20, 2015

This Regular Council Meeting was called to order by Council President Michele K. Ernst at 6:53 p.m. with the Pledge of Allegiance.

ROLL CALL

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

THE WARD 1 COUNCIL SEAT IS CURRENTLY VACANT.

READING AND DISPOSAL OF JOURNAL

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept the Minutes of the Regular Council meeting held June 22, 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 July 20 2015, as printed, if there is no division of the question.

Roll Call: all yea

MOTION CARRIED

MOTION by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 2** of July 20, 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; Ernst, yea; Fraundorf, yea;

Lecznar, yea; Snitzky, yea; Trafis (recused)

5 yea, 0 nay (Trafis recused)

MOTION CARRIED

RESOLUTIONS OF COMMENDATION

Resolution No. 14-2015 – A RESOLUTION OF COMMENDATION TO **PARMA MOOSE LODGE 1744** FOR THE DONATION OF BODY CAMERAS FOR THE POLICE DEPARTMENT.

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MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Resolution No. 14-2015 in its entirety for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 14-2015 was read in its entirety by the Clerk of Council for its first and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to adopt Resolution No. 14-2015 as an emergency measure.

Mrs. Lecznar stated:

“I’d like to personally thank the Moose Lodge. Once again they have come through with an excellent donation for the safety forces. They have done this before and it has always been put to very good use. We wouldn’t know what to do without them – so thank you very much.”

Mr. Barth stated:

“I kind of agree. I think the entire City owes them a debt of gratitude. Even though they are located across the street in Parma, I know they have many Seven Hills residents as members. The donations they made are for the safety of the Seven Hills residents. So I thank them.”

Mr. Trafis stated:

“I’m particularly excited about this donation from the Moose Lodge because for at least a year I’ve been advocating for Police body cameras, and I even put together a proposal about a year ago – I’ve been working on this for quite a while. I think it’s a great tool for our Police Department to have. In our earlier meeting Mayor Dell’Aquila said that he will make sure that all of the Officers use them. I think this is a great thing for the City, so thank you to the Moose Lodge.”

Mr. Snitzky stated:

“I’d like to – as a member of the Moose Lodge – thank them again for coming through. They constantly do good things for our City. I remember when I was head of the Police Committee we talked about body cameras. It was one of the things that the Chief said he would be interested in if the money was available. The money has now become available and I want to thank the Moose Lodge very much.”

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 14-2015 IS DECLARED ADOPTED.

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Council President Ernst asked if a representative from the Moose Lodge was present in the audience this evening to accept the Resolution of Commendation.

There was no representative from the Moose Lodge in attendance.

However, later in the meeting, several Representatives from Parma Moose Lodge 1744 arrived in Council Chambers, and the presentation of the Resolution of Commendation, along with a Mayoral Proclamation, was made at that time. See Page 13, REPORTS AND COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR, of these minutes.

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 this evening, Monday, July 20, 2015.

Public Works

Council President Ernst stated that Councilman Trafis chaired the last Public Works Committee meeting due to the resignation of Councilman Bryda.

Mr. Trafis stated that he co-chaired the last Public Works Committee meeting with Mrs. Lecznar on Monday evening, July 6, 2015. Mr. Trafis stated that the Committee will hold its next regular meeting on Tuesday evening, September 8, 2015.

Community Services

Community Services Committee Chairman Fraundorf stated that the Committee last met on Monday evening, July 6, 2015. Mr. Fraundorf stated that the Committee will hold its next regular meeting on Tuesday evening, September 8, 2015.

Police and Fire

Police and Fire Committee Chairman Trafis stated that the Committee last met on Monday evening, June 15, 2015. Mr. Trafis stated that the Committee will hold its next regular meeting tonight, July 20, 2015.

Parks and Recreation

Parks and Recreation Committee Chairperson Lecznar stated that the Committee will hold its next regular meeting this evening, Monday, July 20, 2015.

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Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Ernst stated that the Committee last met on Monday evening, July 6, 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 Tuesday evening, September 8, 2015.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, July 6, 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 tonight, July 20, 2015, following this Council Meeting.

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, July 16, 2015, and Thursday, July 23, 2015, soliciting sealed bids for the 2015 Road Program. Mrs. Sekerak announced that the Bid Opening for this project will be held on Thursday, July 30, 2015, at 2:00 p.m., in the Council Caucus Room, and is open to the public for those wishing to attend.

The Clerk of Council stated that an additional Legal Advertisement has been placed in the Parma Sun Newspaper for publication on Thursday, July 16, 2015, giving public notice of the City of Seven Hills and Cuyahoga County Competitive Municipal Grant Program meeting in reference to Federal Community Development Block Grant Funds. Mrs. Sekerak said that this meeting will be held on Tuesday, July 28, 2015, at 7:00 p.m. and is open to residents to attend this public hearing to voice their opinions on local housing and community development needs.

The Clerk of Council stated that a notification has been received from Pat McDonald, Director, and Anthony Perlatti, Deputy Director, of the Cuyahoga County Board of Elections, dated June 22, 2015, stating that the Board will be removing the names of ineligible individuals from the official voter registration data base. Mrs. Sekerak said that this cancellation will take place on July 24, 2015 and only affects individuals who have not voted since July of 2011. Mrs. Sekerak further stated that any voter who wished to remain on the registration list needed to confirm their status with the Board of Elections or verify their voter registration status prior to the July 24th cancellation.

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The Clerk of Council stated she would like to read into the record a letter received from Chief Mike Lasky of the Brooklyn Heights Fire Department and Mayor Michael S. Procuik of the Village of Brooklyn Heights, dated July 8, 2015, addressed to Seven Hills Fire Chief Mike McConville, as follows:

On behalf of the administration and residents of the Village of Brooklyn Heights, we would like to thank you and your department for your timely response to our call for mutual aid on July 6, 2015. We had a working fire at Northshore Strapping, Inc., 1400 Valley Belt Road, and with your help and the help of the neighboring communities the fire was extinguished with minimal damage to other structures/businesses.

It is during an emergency such as this that we realize our strength lies in numbers and that number is made stronger by our ability to work together as one team. Thanks to you and your department for being part of that team.

Lastly, the Clerk of Council stated she would like to also read into the record a resignation letter received from Councilman Jeff Bryda, formerly of 651 East Dartmoor, Seven Hills, addressed to Council President Ernst, and copied to Clerk of Council Sekerak, as follows:

I have resigned from Council seat for Ward 1 Councilman for the City of Seven Hills due to relocation. This is effective June 25th, 2015. Sincerely, Jeff Bryda

MOTION by Mr. Barth, seconded by Mr. Snitzky, to accept the resignation of Ward 1 Councilman Jeffrey D. Bryda, due to residence relocation, effective June 25, 2015.

Roll Call: all yea

MOTION CARRIED

The Letter of Resignation from Ward 1 Councilman Jeffrey D. Bryda has been accepted.

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

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

“I have a real trivial comment to start out with. This is the first time I saw it, but looking at the noise ordinance, No. 54-2015, I’d just like to point out that 60 dbs is an awful low number. I like peace and quiet, but to make it unenforceable, I don’t know. That’s about the noise level that the conversation up there is sitting here. And if you’re trying to operate a chain saw or something at that level, they don’t exist. I don’t know where you’re getting these numbers from. But, just a trivial point – I won’t bring this up again.”

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Council President Ernst replied:

“And I appreciate that. We are not changing that. That has been in the ordinance for years. We’re only changing the time on that ordinance. Thank you, sir.”

Mr. Fraundorf added:

“Ed, equipment was much quieter thirty or forty years ago. They had better mufflers. Just kidding.”

ORDINANCES AND RESOLUTIONS

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to amend Ordinance No. 54-2015 by revising amended Section 555.03(k), Domestic Power Tools and Equipment, Line 4 on the face page of the ordinance, from 8:00 a.m. to **9:00 a.m.**, so that the verbiage is corrected to read, “Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower or other similar device used outdoors, other than powered snow removal equipment in residential areas between the hours of 9:30 p.m. and 8:00 a.m. the following day on weekdays and before **9:00 a.m.** or after 8:00 p.m. on Saturdays and 9:00 a.m. or after 8:00 p.m. on Sundays so as to cause a noise disturbance across a residential real property boundary.”

Roll Call: all yea

MOTION CARRIED

Amended 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.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Amended Ordinance No. 54-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 54-2015 was read by full title only for its third and final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to pass Amended Ordinance No. 54-2015.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 54-2015 IS DECLARED PASSED.

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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.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to read Ordinance No. 55-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 55-2015 was read by full title only for its third and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to pass Ordinance No. 55-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 55-2015 IS DECLARED PASSED.

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.

MOTION by Mr. Barth, seconded by Mrs. Lecznar, to read Ordinance No. 56-2015 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 56-2015 was read by full title only for its third and final reading.

MOTION by Mr. Barth, seconded by Mrs. Lecznar, to pass Ordinance No. 56-2015.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 56-2015 IS DECLARED PASSED.

Amended 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.

Amended Ordinance No. 64-2015 was read by full title only for its second reading.

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Ordinance No. 65-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH JACKSON, DIEKEN & ASSOCIATES, OF WESTLAKE, OHIO, THROUGH NAUTILUS INSURANCE COMPANY, FOR FIREWORKS INSURANCE COVERAGE (\$850.00) AND TERRORISM INSURANCE COVERAGE (\$125.00); APPROPRIATING A SUM NOT TO EXCEED \$975.00 FOR THE FURNISHING OF SAID COVERAGES; AND DECLARING AN EMERGENCY.

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to read Ordinance No. 65-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 65-2015 was read by full title only for its first and final reading.

MOTION by Mr. Fraundorf, seconded by Mrs. Lecznar, to pass Ordinance No. 65-2015 as an emergency measure.

Council President Ernst stated:

“I’d like to say that we’re passing this on emergency because Homedays is this weekend, so we need the insurance.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 65-2015 IS DECLARED PASSED.

Ordinance No. 66-2015 – AN ORDINANCE TO APPROPRIATE THE SUM OF \$508,390.00 FOR THE FURNISHING OF ALL LABOR AND PERFORMING ALL WORK FOR THE PINNACLE PARK DRIVE IMPROVEMENT PROJECT (2015) IN THE CITY OF SEVEN HILLS, OHIO; DETERMINING AND ACCEPTING THE BID OF C. A. AGRESTA CONSTRUCTION COMPANY OF SOUTH EUCLID, OHIO, TO BE THE LOWEST AND BEST BID, THEREFORE; AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR SAID PROJECT; AND DECLARING AN EMERGENCY.

MOTION by Mrs. Lecznar, seconded by Mr. Snitzky, to read Ordinance No. 66-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 66-2015 was read by full title only for its first and final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Snitzky, to pass Ordinance No. 66-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 66-2015 IS DECLARED PASSED.

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Ordinance No. 67-2015 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN OHIO PUBLIC WORKS COMMISSION PROJECT GRANT AGREEMENT WITH THE STATE OF OHIO, ACTING BY AND THROUGH THE DIRECTOR OF THE OHIO PUBLIC WORKS COMMISSION, ALLOWING THE CITY TO ACCEPT A GRANT AWARD IN RESPECT OF THE PROJECT NAMED ‘HEMLOCK CREEK WATERSHED UTILITY IMPROVEMENTS’, IN THE AMOUNT OF \$2,401,470.00, FOR THE SOLE AND EXPRESS PURPOSE OF FINANCING OR REIMBURSING COSTS OF THE PROJECT AS SET FORTH IN THE ATTACHED AGREEMENT AND APPENDICES ATTACHED HERETO.

Ordinance No. 67-2015 was read by full title only for its first reading.

Ordinance No. 68-2015 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN THE ‘NOTICE OF AND CONSENT TO SUBLEASE OF GROUND LEASE 100374 AND SUBSEQUENT LEASEBACK OF A PORTION OF SITE 205866, LOCATED AT 2243 MAPLEVIEW DRIVE, SEVEN HILLS, OHIO (CELL TOWER).

Ordinance No. 68-2015 was read by full title only for its first reading.

Ordinance No. 69-2015 – AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SEVEN HILLS, OHIO, A CERTAIN CHARTER AMENDMENT PURSUANT TO ARTICLE X OF THE CHARTER OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING ARTICLE V, ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS, SECTION 7, PLANNING COMMISSION, TO AMEND THE NOTIFICATION OF ZONING CHANGES.

Ordinance No. 69-2015 was read by full title only for its first reading.

Ordinance No. 70-2015 – AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SEVEN HILLS, OHIO, CERTAIN CHARTER AMENDMENTS PURSUANT TO ARTICLE X OF THE CHARTER OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING ARTICLE VIII, ORDINANCES AND EFFECTIVE DATES, SECTION 1, ORDINANCES, TO REVISE THE DESIGNATED POSTING PLACES IN THE CITY OF SEVEN HILLS.

Ordinance No. 70-2015 was read by full title only for its first reading.

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Ordinance No. 71-2015 – AN ORDINANCE TO AMEND SECTION 521.15, SMOKING PROHIBITED, AS CONTAINED IN CHAPTER 521, HEALTH, SAFETY AND SANITATION, OF PART FIVE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF PROHIBITING SMOKING AT THE MAIN DOORS OF CITY HALL AND THE POLICE DEPARTMENT.

Ordinance No. 71-2015 was read by full title only for its first reading.

Ordinance No. 72-2015 – AN ORDINANCE TO AMEND SECTION 707.05, GENERAL TREE AND SHRUB REGULATIONS, OF CHAPTER 707, STREET TREES, OF TITLE ONE, STREETS AND SIDEWALKS, OF PART SEVEN, STREET AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADDING NEW SUBSECTION 707.05(d), TRIMMING OF TREES ON CITY EASEMENT/RIGHT OF WAY.

Ordinance No. 72-2015 was read by full title only for its first reading.

Ordinance No. 73-2015 – AN ORDINANCE TO AMEND SECTION 931.12, NOTICE; PUBLIC NOTICE, AS CONTAINED IN CHAPTER 931, DEFINITIONS, OF TITLE FIVE, ZONING ADMINISTRATION, AS CONTAINED IN PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING POSTING LOCATIONS.

Ordinance No. 73-2015 was read by full title only for its first reading.

Ordinance No. 74-2015 – AN ORDINANCE TO AMEND CHAPTER 305, TRAFFIC CONTROL MAP AND FILE, SECTIONS 305.01 AND 305.02, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, BY ADDING THERETO A ‘NO PARKING FROM HERE TO INTERSECTION’ SIGN ON GRAYDON DRIVE TO PROHIBIT PARKING ON THE WEST SIDE OF GRAYDON DRIVE FROM THE INTERSECTION OF GRAYDON DRIVE AND ROCKSIDE ROAD TO 200 FEET NORTH OF THE INTERSECTION.

Ordinance No. 74-2015 was read by full title only for its first reading.

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Ordinance No. 75-2015 – AN ORDINANCE AUTHORIZING THE CITY TO ACCEPT THE DONATION OF \$5,500.00 FROM ADVOCATES FOR KIDS AND OHIO CHILDREN’S FOUNDATION, COMPRISING ALLIED CHARITIES, AND IN PARTNERSHIP WITH PARMA MOOSE LODGE 1744, TO THE CITY OF SEVEN HILLS, SAID DONATION TO BE USED FOR THE PURCHASE OF BODY CAMERAS FOR THE SEVEN HILLS POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.

MOTION by Mrs. Lecznar, seconded by Mr. Snitzky, to read Ordinance No. 75-2015 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 75-2015 was read by full title only for its first and final reading.

MOTION by Mrs. Lecznar, seconded by Mr. Snitzky, to pass Ordinance No. 75-2015 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 75-2015 IS DECLARED PASSED.

MOTION by Mr. Barth, seconded by Mr. Trafis, to amend Ordinance No. 76-2015, as follows:

- (1) On Page 4, Subsection (g), Line 3, change the title ‘*City Service Director*’ to read the ‘**Building Commissioner**’; and
- (2) On Page 6, Subsection (n), revise the stated cost schedule by adding the words ‘**lot size**’ to the first two items so that those items read
 - Grass cutting: Less than ½ acre **lot size** -- \$250.00
 - Grass cutting: More than ½ acre **lot size** -- \$350.00.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 76-2015 – AN ORDINANCE TO AMEND AND RETITLE SECTION 521.11, REMOVAL OF WEEDS, AS CONTAINED IN CHAPTER 521, HEALTH, SAFETY AND SANITATION, OF PART FIVE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF SETTING FORTH STANDARDS FOR THE CUTTING AND MAINTENANCE OF GRASS, REMOVAL OF WEEDS, TRIMMING AND MAINTENANCE OF ALL VEGETATION ON ALL PROPERTIES IN THE CITY, DECLARATION OF CONDITIONS RESULTING FROM FAILURE TO CUT, TRIM, REMOVE AND MAINTAIN AS A PUBLIC NUISANCE, TO AUTHORIZE THE CITY SERVICE DIRECTOR TO CONTRACT FOR SERVICES TO ABATE SUCH NUISANCES, TO ESTABLISH THE PROCEDURES FOR THE ABATEMENT OF NUISANCES; AND DECLARING AN EMERGENCY.

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MOTION by Mr. Barth, seconded by Mr. Trafis, to read Amended Ordinance No. 76-2015 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Amended Ordinance No. 76-2015 was read by full title only for its first and final reading.

MOTION by Mr. Barth, seconded by Mr. Trafis, to pass Amended Ordinance No. 76-2015 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

AMENDED ORDINANCE NO. 76-2015 IS DECLARED PASSED.

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 second reading.

Resolution No. 13-2015 – A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND FILE AN APPLICATION WITH THE OHIO EPA FOR FINANCIAL ASSISTANCE UNDER THE SECTION 319(H) PROGRAM FOR THE CALVIN PARK POND RESTORATION PROJECT (2015).

Resolution No. 13-2015 was read by full title only for its first reading.

COUNCIL OPEN TO THE AUDIENCE

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

“We just listened to a pretty big discussion in the Caucus Room about the Graydon Drive parking. It seems like you guys already have the laws in place to handle this. You just enforce the laws and you wouldn’t have to pass another ordinance that restricts that particular street for a particular person. And I think if you are going to do it there, you ought to do it on every street in Seven Hills. Put the same restriction on it. You can’t park within 200 feet of the corner. And that should get you some resident input. That’s just wrong. Thank you.”

Council President Ernst thanked Mr. Jaros for his comments.

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REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila made the following comments:

Thank you, Madam President. Just very briefly, I understand that the representatives of Moose Lodge 1744 have arrived. With your indulgence, I'd like to ask that they receive their Commendation, and I would cede some of my time to them if they wish to make a statement.

Council President Ernst asked if the representatives from Parma Moose Lodge 1744 would please approach the dais.

Council President Ernst presented Resolution of Commendation No. 14-2015, which was adopted earlier in the meeting, to the representatives of Parma Moose Lodge 1744. Mrs. Ernst said she was sorry that they missed the earlier part of the meeting, but was appreciative of the donation nonetheless. Council President Ernst invited the representatives to make a statement at the podium if they so wished.

Mayor Dell'Aquila also presented Parma Moose Lodge 1744 with a Mayoral Proclamation at this point of the meeting, expressing his thanks and appreciation on behalf of the City for the wonderful gift.

Parma Moose Lodge 1744 received a hearty round of applause from everyone present.

Mike Demchuk, Administrator, Parma Moose Lodge made the following comments:

“My name is Mike Demchuk, and I'm the Administrator at the Parma Moose Lodge, and I've got the Treasurer over here, **Jack Hirsch**, and **John Kolodny**, Governor. During the course of the year -- we have licenses for the gambling up there and everything else -- we send so much money to the State and they kick back some of that money for us to use for non-profit organizations. I talked to **Jeff Gezymalla**, who is a member also, and we have a few firemen from Seven Hills and Parma who are members. So a lot of that money has to be dispersed to somewhere it is needed. This year we talked about it, and the Seven Hills Police Department mentioned having some body camera needs. With the current financial situation, I wrote the State of Ohio regarding the possibility of a \$5,500.00 donation toward body cameras. So I have two checks here for those cameras today for the \$5,500.00 to be used toward the body cameras for the Police Department.”

Council President Ernst thanked Administrator Demchuk very much for the donation.

There was another hearty round of applause from everyone present.

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Mr. Demchuk added:

“If anyone here is not a Moose Member and they want to see how we operate, please feel free to come up there and ask for me. Come down a couple of times and see how you like it. If you like it you’re more than welcome to join. We benefit children’s organizations, senior citizens organizations, and every second Tuesday of the month we have polka parties for the seniors and everything else. It’s \$4.00 to get in and you get a meal and polka music from 12:30 to 3:00 in the afternoon. We’re open until 11:00 p.m. Every second Tuesday of the month it’s community service – we do a lot of community work. So if anyone is ever interested and wants to find out more, just come on down there – it’s right here on Broadview Road. I’m sure everyone knows where it’s at. If you live in Seven Hills, you come by there many times. I want to thank you for having us here. And thank you for the Proclamation and the Resolution of Commendation.”

Council President Ernst and **Mayor Dell’Aquila** both thanked Mr. Demchuk and the members of the Parma Moose Lodge once again saying that the City appreciates the donation.

Mr. Demchuk asked who he should give the checks to.

Administrator Mike Demchuk presented the checks to Finance Director Johnson.

Lieutenant Jeff Gezymalla, Seven Hills Police Department, made the following comments:

“I’m Lieutenant Gezymalla from the Police Department, and I’d be remiss if I didn’t thank Mike personally. It truly is Christmas in July when you get a donation like that. But I’d also like to thank Mike – this is the second donation the Moose has given to the Seven Hills Police Department in the last three years, and it’s totaled \$8,000.00. We couldn’t be more thankful. So on behalf of the Police Department, thank you – thank the Moose. John, Jack, I know how hard you guys work. Thank you very much!”

There was another round of applause from everyone present.

Both **Council President Ernst** and **Mayor Dell’Aquila** thanked the members of the Parma Moose Lodge for the generous donation.

Mr. Demchuk concluded, “Enjoy the rest of your meeting.”

Council President Ernst replied, “You don’t want to stick around?”

There was a short break in the meeting while members of the audience left Council Chambers.

Mayor Dell’Aquila had no further report.

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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:

I have a couple of things if I may. At the last Council Meeting we talked about flooding on Ridgewood. The Service Department televised the laterals and we're turning this over to the Engineer. We think we have an illicit discharge from the sanitary and storm and we have a company that's going to take care of that. I was really worried as to what was happening down at Ridgewood, and we're looking to take care of that problem.

Some things we're working on – we have some City signs that are broken and we have some miscellaneous areas we're working on to get the signs fixed also.

A couple of things real fast. I just want to let everybody know that for twenty-five years it has been City policy that from the 't' to the road it has been the Service Department's responsibility, and from the 't' to the house it has been the resident's responsibility. A couple items have come up where people have had crushed t's, and it has always been their responsibility to take care of the 't'. So I just want to make it clear. This has been the Seven Hills Service Department's policy.

Also, another thing, we're starting another recyclable program. Residents are going to be getting information in the mail. We are going to get \$200.00 per ton for soft recyclables -- any shoes, plates, clothes – those items will go to people who are in need.

We also are starting a senior grass cutting program which should be starting in the next couple of weeks.

These are some of the issues I felt strongly that we need to address, especially some of the flooding on Ridgewood.

Building Commissioner Moro:

I'd just like to thank Council for passing several ordinances tonight that are going to add tools to the toolbox in our fight for property maintenance – especially Ordinance No. 76-2015 where we're hiring some people to help get grass cut and take the load off the Service Department. So I really appreciate you following through and passing the ordinances. And that's all I have to say tonight.

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MISCELLANEOUS

Mr. Snitzky:

The Zoning Board of Appeals met on July 8, 2015. There were variances that were approved unanimously for three properties. Mr. Law Director, point of order, can we do these all at once, or do we have to do each property individually?

Law Director Pignatiello replied, “No, you have to do each property individually.”

At the July 8, 2015 Zoning Board of Appeals Meeting, the Board made the following motion regarding a variance request heard:

“That the Board grant whether the applicants, Lesia and Calvin Corvin, property owners of 3968 Steven Drive, should be granted a variance to Ordinance No. 997.03(e)(1), Obstruction to View, to allow the installation of a 6-foot high privacy fence 4-feet from the public walk.

Roll Call: 5 yea, 0 nay

Motion Carried”

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to concur with the findings of the Zoning Board of Appeals of July 8, 2015, in granting the variance request of Lesia and Calvin Corvin of 3968 Steven Drive, concerning the installation of a 6-foot high privacy fence 4-feet from the public walk.

Roll Call: all yea

MOTION CARRIED

Also at the July 8, 2015 Zoning Board of Appeals Meeting, the Board made the following motion regarding a variance request heard:

“That the Board grant whether the applicants, Pete and Melissa Maffia, property owners of 7286 Hickory Lane, should be granted a 64-square-foot variance to Ordinance No. 963.02(b)(6), Storage Shed, and a 1-foot, 6-inch variance to Ordinance No. 963.02(b)(6) to allow the property owners to construct a 16-foot x 20-foot (320 square-foot) storage shed with a height of 13 feet, 6 inches.

Roll Call: 5 yea, 0 nay

Motion Carried”

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to concur with the findings of the Zoning Board of Appeals of July 8, 2015, in granting the variance request of Pete and Melissa Maffia of 7286 Hickory Lane, concerning the construction of a 320-square-foot storage shed.

Roll Call: all yea

MOTION CARRIED

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Mr. Snitzky (continued):

Also at the July 8, 2015 Zoning Board of Appeals Meeting, the Board made the following motion regarding variance requests heard:

“That the Board grant whether the applicant, Alex Holoka, property owner of 4944 Hillside Road, should be granted:

.....an 840-square-foot variance to Ordinance No. 963.02(a)(1) to allow the construction of an unattached 1640-square-foot garage that will replace the existing detached garage according to the proposed plans submitted.

Roll Call: 5 yea, 0 nay

Motion Carried

.....a 9-foot variance to Ordinance No. 987.02, Exceptions, to allow the height of the new 1640-square-foot garage to be 24-feet high and be considered a two-story structure according to the proposed plans submitted.

Roll Call: 5 yea, 0 nay

Motion Carried

.....a variance to Ordinance No. 963.02(a)(3) to allow both an attached and detached garage on the property according to the proposed plans submitted.

Roll Call: 5 yea, 0 nay

Motion Carried”

MOTION by Mr. Snitzky, seconded by Mr. Trafis, to concur with the findings of the Zoning Board of Appeals of July 8, 2015, in granting the variance requests of Alex Holoka of 4944 Hillside Road, concerning the construction of a 1640-square-foot detached garage at the rear of the property line.

Roll Call: all yea

MOTION CARRIED

That’s all I have for business tonight, although we’re coming up on Homedays again. Everybody pray for sunshine. It would be the first in I don’t know how many years that we haven’t had rain on Homedays. Everybody have fun. Fireworks are Friday night.

Mr. Fraundorf:

I’d like to say this. With any job, whether it’s in the private sector or public sector, there are good aspects of the job. On Sunday – yesterday – we had the honor, several of us on the dais, Councilmen Trafis and Snitzky, and the Mayor, to present our young ladies and men who were on the All Star Team for the Baseball Federation with their certificates. And I have to tell you, that is one of the good things about the job. It was wonderful to see the expression on the childrens’ faces when they received their certificate, and the parents had an opportunity to take photographs of their son or daughter or relative, and they were beaming as well. I just want to say that is, without question, one of the good things about being a Councilperson.

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Mr. Fraundorf (continued):

There are also things, as with any job, that aren't pleasant that still need to be done. And that goes without saying for any job. I have a statement to make regarding something that happened at our July 6th Council Committee and Caucus meetings.

My fellow Councilman Mike Barth indignantly claimed he called me regarding an emergency sanitary sewer repair at Lombardo Center that occurred on June 30th. He said he could prove it to me with his cell phone log. As a member of the Finance Committee current protocol dictates that I am to be notified of the need for emergency appropriations. It's really not a big deal except when an individual's character and reputation are called into question – in this case, mine. So now I have an opportunity to set the record straight.

I reviewed my missed, received, and dialed cell phone calls. I reviewed by home phone caller ID phone calls, and nowhere did I find that Councilman Barth called either my cell phone or my home phone numbers. I emailed Councilman Barth and advised him of this. On July 7th, the day after the July 6th Committee and Caucus meetings, Councilman Barth emailed me and incredibly stated, and without any contrition, you were correct – meaning me. I did not contact you via email, or phone, about the sanitary sewer line break at Lombardo Center. While thinking about it last night I remembered that I sent a text to Caryl Lecznar and yourself. Councilman Barth goes on to say Caryl responded immediately saying 'okay, thank you'. Now here is the kicker. Councilman Barth said, and I quote, when I retrieved the text message last night -- this would have been the night of July 6th -- I noticed.....yes noticed.....that there was a message that read 'delivered to some'. I did not check the delivery status after sending the text. It is obvious now that you were the one that did not receive the text. Councilman Barth then says, I apologize for the miscommunication. Yes, Councilman Barth apologized for what he called a miscommunication. But at the July 6th meeting when I simply asked why was I not contacted, I received a sarcastic and condescending response from Councilman Barth of, I'll show you your number on the phone. Now that we have another large audience, why don't you show me and everyone else that there is no such number that exists in your phone. Which, by the way, I trust is turned off per decorum ordinance.

I find it exceedingly interesting all the continuous talk, commentary, and questioning about the public perception that this Council cannot get along. Not by me, and it's not for lack of trying on my part. My guess is it's more than likely because of the actions I have just described and many others that make it impossible for civil discourse to exist on this current Council, as is desired by so many residents. As my plain-spoken father would say, 'Stick that in your pipe and smoke it.' Thank you.

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Mr. Trafis:

Well, thank you. Councilman Fraundorf just gave me a perfect segue into my statements, which also regard Lombardo Drive. As we know, at the July 6th Council meeting we learned that a pipe that's off of Lombardo Drive broke and needed to be fixed. And I have no doubt that this issue needed attention and I do not dispute that it was fixed and contained very well. What I have a major problem with is the process which was followed.

Our Service Director is quoted in a July 10th article saying that he followed proper emergency procedure and went on to say, "*Please note a person on Council wants to make this a political issue because he thought I didn't follow procedure but, in fact, I did my job and I did it well.*" Let's talk about this a little bit.

First and foremost I have spoken with employees in both the Law Department and Finance Department. As best as anyone can tell, there is no ordinance or written policy regarding emergency procedures. So someone please explain to me what the emergency procedure is and provide me with a written copy of it this week.

Second, it is also stated by the Service Director that if he would have waited on fixing this problem the EPA would have fined us – the City -- \$500,000.00. This is so far beyond true and such an embellishment that it is not even worth discussing further. Believe me, Seven Hills would not have been fined \$500,000.00 if we would have followed proper procedure to get this problem fixed in a timely fashion. And that's from people at the EPA that I have spoken with.

Finally, I want to discuss the quote further that Jack made that once again said '*Please note a person on Council wants to make this a political issue because he thought I didn't follow procedure but, in fact, I did my job and I did it well.*' Jack, I want to make this clear to you right now. Just because I question the process, or actually lack of a process that was supposedly followed, simply doesn't mean that I'm making a political issue out of something. The fallback answer for the Mayor and other members of Council typically is crying politics when they hear something they don't like. Clearly, you're following their lead, and this is not the first time. You did a very good job in identifying the issue and containing it, and that's what your job is – period.

Now let's remember a couple of things here. The 2015 budget that was presented by the Mayor and passed with a 5-2 vote of Council spends \$700,000.00 more than the City is generating this year. That number may possibly be higher at the end of the year, depending on a few factors that are coming up. Perhaps if more due diligence was performed, maybe we could have gotten a better deal and saved money. Also, the public perception of awarding a contract in the manner that it was awarded to TY, Inc., which is owned by Tom Simich, does not help the cause of transparency and good government in Seven Hills.

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Mr. Trafis (continued):

Like it or not, many of our residents, including residents in this room tonight, are very leery of City Hall's involvement with that particular contractor. And the 'I's' need to be dotted, and the 'T's' need to be crossed repeatedly when dealing with this contractor.

I will end by saying that, Jack, you are the Service Director. It is not your role to be commenting about politics and creating political issues or from your job performance. Mayor, I hope you will have a discussion with Jack to prevent this from happening again in the future. Moving forward I expect expenditures over that \$2,500.00 threshold to be discussed by City Council and have a clear procedure established for emergencies. I hope this can end here tonight. Thank you.

Mrs. Lecznar:

In reference to Tim's comments, a group text was sent. I, myself, sent a text to Tim, which he did not respond to. And I noticed in the email that Mike sent to you, Tim, he asked you if the text that he sent it to was your cell phone number, and you never answered that question. So if you could please let us know what the right phone number is for you – because that was the same number that I texted you, too, and I didn't get an answer either.

Mr. Fraundorf replied, "Sorry, Caryl, but I didn't get a text from you."

Mrs. Lecznar answered, "That's why we asked if we had the right number."

Mr. Fraundorf said, "Well, I'm sorry. I didn't get a text from you."

Mrs. Lecznar said, "Okay. We asked if you had the wrong number. When we're in Caucus maybe you can give us the right number so that we can get that straightened out."

Mr. Fraundorf stated, "I think you have my right number."

Mr. Barth:

Yes, relative to what Matt said. The Charter does make it clear that no contract shall be made on behalf of the City unless first authorized by Council, but no contract has yet been entered into to pay TY Construction for emergency work they completed. The Service Director has no authority nor did he enter into a contract. Councilman Trafis should know that. Director Moga simply did his job, and he did it well.

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Mr. Barth (continued):

The majority of the Finance Committee did not authorize a contract. As in the past, because it was an emergency, they authorized the work to be done. Councilman Trafis was a member of Council when these same procedures were previously followed. The next step will be for the entire Council to make the necessary appropriations to pay TY Construction for the work performed. If Council does not approve it, they don't get paid. Tom Simich probably knows this but did the work anyway to lend the City a hand in an emergency situation.

I don't think anyone in this room will disagree that this was an emergency that needed immediate attention. It was not practical for the City to go through the normal purchasing procedures. Councilman Fraundorf indicated that what was done was probably the right thing to do, but objected because he was not contacted. I did not call Councilman Fraundorf nor did I call Councilwoman Lecznar as I said at the last meeting. After our meeting I did go back and check my phone records as I emailed Councilman Fraundorf. I found that no phone call was made but I did send out a group text to members of the Finance Committee. Councilwoman Lecznar responded immediately, providing for a majority.

But I also found out on my phone on July 6th was that the text to Councilman Fraundorf did not go through. I explained that to him in the July 7th email that he read and apologized for the miscommunication. There was no malicious intent; it was implied. Once I got the response from Councilwoman Lecznar I didn't check the rest of the text. I admit when I was wrong, and I should have checked it.

Mr. Fraundorf replied, "Thank you."

As far as Tom Simich and TY Construction, he lives in Seven Hills. I don't know why you call him a lightning rod. He owns a home in Seven Hills and pays taxes. He bought a deteriorating school building, tore it down, and improved the land. And he petitioned the City to put it before the voters for a zoning change and we all voted to do that. He donated playground equipment to the City and paid \$15,000.00 to have it relocated at John Glenn. Or is he a lightning rod because your friend, Tom Jaros, sued him and lost the case?

Thank you.

Service Director Moga asked Council President Ernst, "Can I say one thing?"

Council President Ernst replied, "No, I'm sorry Jack."

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Council President Ernst:

I would like to make a floor motion.

We had a resident – a homeowner’s association – Autumn Hills Homeowner’s Association, has a retention basin for which they are being billed a sewer maintenance fee. According to our ordinance, if a lot is not buildable and the Building Commissioner determines that it is not buildable, they should not be billed a sewer maintenance fee. The Building Commissioner, after last year’s fees came out, did go out and determine that this is not a buildable lot, and he has suggested that Council waive the fee.

MOTION by Mrs. Ernst, seconded by Mr. Barth, to waive the sewer maintenance fee for Permanent Parcel No. 552-23-177.

Roll Call: all yea

MOTION CARRIED

MOTION by Mrs. Ernst, seconded by Mrs. Lecznar, to adjourn the meeting.

Roll Call: all yea

MOTION CARRIED

The July 20, 2015 Council Meeting was adjourned at 7:56 p.m.

Michele K. Ernst, President of Council

Attest: _____

Carol L. Sekerak, Clerk of Council

Date: _____