

# City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD September 14, 2015

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This Regular Council Meeting was called to order by Council President Michele K. Ernst at 7:31 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, Councilwoman-at-Large Lecznar, Councilman-at-Large Trafis, Ward 1 Councilman Leech, Ward 2 Councilman Fraundorf, Ward 3 Councilman Snitzky, Ward 4 Councilwoman Ernst, and Director of Public Service and Properties Moga. Absentees were Councilman-at-Large Barth and Building Commissioner Moro.

**MOTION** by Mr. Leech, seconded by Mr. Snitzky, to excuse the absence of Councilman-at-Large Michael Barth from tonight's Council Meeting. **Council President Ernst** stated, "I will say that Mr. Barth is in the hospital tonight."

Roll Call: all yea

**MOTION CARRIED**

## READING AND DISPOSAL OF JOURNAL

**MOTION** by Mr. Fraundorf, seconded by Mrs. Lecznar, to accept the Minutes of the (1) Regular Council meeting held July 27, 2015; and the (2) Special Council meeting held August 11, 2015, as printed, if there is no division of the question.

Roll Call: all yea

**MOTION CARRIED**

## CONSENT AGENDA

**MOTION** by Mr. Fraundorf, seconded by Mrs. Lecznar, to accept **Consent Agenda No. 1** of September 14, 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 September 14, 2015, as printed.

**Mr. Trafis** stated:

"I will be recusing myself from this issue because it is regarding the David Bentkowski litigation."

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

5 yea, 0 nay (Trafis recused)

**MOTION CARRIED**

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## RESOLUTIONS OF COMMENDATION

**Resolution No. 15-2015** – A RESOLUTION OF COMMENDATION TO **JEFFREY BRYDA**, COUNCILMAN OF WARD 1, CITY OF SEVEN HILLS, OHIO.

**MOTION** by Mr. Snitzky, seconded by Mr. Leech, to read Resolution No. 15-2015 in its entirety for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Resolution No. 15-2015 was read in its entirety by the Clerk of Council for its first and final reading.

**MOTION** by Mr. Snitzky, seconded by Mr. Leech, to adopt Resolution No. 15-2015 as an emergency measure.

**Mr. Snitzky** stated:

“Jeff, I had the pleasure of sitting next to you for the time that you were on Council. I appreciated your expertise, especially in areas of construction and road repair, and your calm, quiet demeanor. It’s missed – we miss that at Council. Good luck to you in the future, sir.”

**Mr. Leech** stated:

“I’m just proud that he was my Councilman for a term there, and he was a good man – he really is. I’m proud of the work that he’s done in serving the City, and I’m more proud of the fact that he moved into Seven Hills in a different location – so he still lives in the City. I appreciate that. Thank you.”

**Mrs. Lecznar** stated:

“Welcome to Ward 3, Jeff. Hope you won’t be a stranger to Council. You always did have some very good insight on things. You are what I’d call a gentle giant – small but mighty. Don’t be a stranger.”

**Mr. Trafis** stated:

“Jeff, I just want to say thank you for your service to the City and best of luck to you in the future.”

**Council President Ernst** stated:

“Jeff, I would like to say that I really liked working with you and I have missed you being on Council. So, good luck, and I hope that you will run again at some point in time. Thank you.”

Roll Call: all yea

**MOTION CARRIED**

**RESOLUTION NO. 15-2015 IS DECLARED ADOPTED.**

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**Council President Ernst** asked former Ward 1 Councilman Jeff Bryda to please step forward and approach the dais to accept the Resolution of Commendation.

*There was a hearty round of applause from everyone present as Mr. Bryda approached the dais.*

**Council President Ernst** presented the Resolution of Commendation to Jeffrey Bryda with congratulations and best wishes from Council and the Administration. Mrs. Ernst invited Mr. Bryda to make a statement at the podium if he so wished. Jeffrey Bryda first received and accepted personal congratulations from Council and all Elected and Appointed Officials before making a statement.

**Jeffrey Bryda** made the following comments:

“I just want to say I appreciate this gesture. It was a pleasure working with all of you on Council and the Administration. I learned a lot – and made some mistakes – and learned from those – and made some other decisions. I want to say thank you and I’m glad to be a part of this City, and I’m glad I served.”

## **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, July 20, 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, September 21, 2015.

### **Public Works**

Public Works Committee Chairman Leech stated that the Committee last met on Tuesday evening, September 8, 2015, at 6:03 p.m. and the minutes from that meeting are on file with the Clerk of Council.

### **Community Services**

Community Services Committee Chairman Fraundorf stated that the Committee last met on Tuesday evening, September 8, 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, October 5, 2015.

### **Police and Fire**

Police and Fire Committee Chairman Trafis stated that the Committee last met on Monday evening, July 20, 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, September 21, 2015.

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## **Parks and Recreation**

Parks and Recreation Committee Chairperson Lecznar stated that the Committee last met on Monday evening, July 20, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Lecznar stated that the Committee will hold its next regular meeting on Monday evening, September 21, 2015.

## **Rules, Ordinances, and Ethics**

Rules, Ordinances, and Ethics Committee Chairperson Ernst stated that the Committee last met on Tuesday evening, September 8, 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, October 5, 2015.

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

Finance, Civil Service, and Personnel Committee Chairman Barth was not present. Council President Ernst stated that the Committee last met on Tuesday evening, September 8, 2015, and the minutes from that meeting are forthcoming.

*The Finance Committee is next scheduled to meet on Monday evening, September 21, 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, September 3, 2015, soliciting sealed bids for the City Residential Solid Waste Collection, Disposal and Recycling Services contract.

Mrs. Sekerak announced that a mandatory Pre-Bid Meeting for interested contractors was held on Wednesday, September 9, 2015, at which time the Bid Opening date was agreed to be changed from September 24, 2015 to Thursday, October 1, 2015, at 12:00 Noon. Mrs. Sekerak noted that the public and any other interested parties are invited to attend the bid opening.

## **COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY**

There were no questions or comments from the audience.

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## **ORDINANCES AND RESOLUTIONS**

**Ordinance No. 86-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH INVISIBLE EXCAVATIONS OF NORTH ROYALTON, OHIO, FOR LABOR, MATERIAL, AND APPURTENANCES FOR THE PURPOSE OF PERFORMING DIRECTIONAL BORING TO CONNECT THE CITY OF SEVEN HILLS MUNICIPAL BUILDING’S ROOF DRAIN TO NEW 30’ OF 6” PIPING, TIE IN TO THE EXISTING 10” STORM SEWER, AND RESTORING LANDSCAPING TO ORIGINAL CONDITIONS TO ALLEVIATE FLOODING OF THE FINANCE DEPARTMENT OFFICES; APPROPRIATING THE SUM NOT TO EXCEED EIGHTEEN THOUSAND NINE HUNDRED SEVENTY DOLLARS (\$18,970.00) FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to read Ordinance No. 86-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 86-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to pass Ordinance No. 86-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

### **ORDINANCE NO. 86-2015 IS DECLARED PASSED.**

**Ordinance No. 87-2015** – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$4,048.20 FOR THE PURCHASE OF ONE (1) SIX-SEAT SWING SET, WITH APPURTENANCES, TO BE INSTALLED AT JOHN GLENN PARK; SAID PURCHASE TO BE MADE THROUGH MIRACLE MIDWEST OF OKEMOS, MICHIGAN; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Leech, seconded by Mrs. Lecznar, to read Ordinance No. 87-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 87-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Leech, seconded by Mrs. Lecznar, to pass Ordinance No. 87-2015 as an emergency measure.

**Mrs. Lecznar** stated:

“When the developer moved the jungle gym from the front of the school to the back, there were some swings there that were in bad disrepair. Rather than try to fix them, this is purchasing new equipment, so all the equipment there will be new or like-new.”

Roll Call: all yea

**MOTION CARRIED**

### **ORDINANCE NO. 87-2015 IS DECLARED PASSED.**

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**Ordinance No. 88-2015** – AN ORDINANCE TO AMEND SUBSECTION 151.09(d), PART-TIME TEMPORARY EMPLOYEES, AS CONTAINED IN CHAPTER 151, EMPLOYEES GENERALLY, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF INCREASING THE TIME TO EMPLOY SUMMER LABORERS; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Snitzky, seconded by Mr. Fraundorf, to read Ordinance No. 88-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 88-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Snitzky, seconded by Mr. Fraundorf, to pass Ordinance No. 88-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 88-2015 IS DECLARED PASSED.**

**Ordinance No. 89-2015** – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$9,250.00 FOR THE PURCHASE OF ONE (1) SEESNAKE MAX RM200 (WITH TRANSPORT) AND ONE (1) 215-45143 KIT, CS6, 115V W/2 BATTERY AND CHARGERS, WITH APPURTENANCES, FOR USE IN THE SERVICE DEPARTMENT OF THE CITY OF SEVEN HILLS, OHIO, SAID PURCHASE TO BE MADE FROM MTECH OF CLEVELAND, OHIO.

**Ordinance No. 89-2015 was read by full title only for its first reading.**

**Ordinance No. 90-2015** – AN ORDINANCE TO AMEND ORDINANCE NO. 102-2014, PASSED BY SEVEN HILLS CITY COUNCIL ON JUNE 23, 2014, WHICH AUTHORIZED AN INITIAL AMOUNT OF \$24,000.00 TO PERFORM SMOKE AND DYE TESTS ON THE CITY OF SEVEN HILLS SEWER LINES AS REQUIRED BY THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT, TO INCLUDE THE INSTALLATION AND MAINTENANCE OF FOUR (4) FLOW MONITORS AND ONE (1) TIPPING BUCKET RAIN GAUGE THROUGHOUT THE CITY OF SEVEN HILLS.

**Ordinance No. 90-2015 was read by full title only for its first reading.**

**Ordinance No. 91-2015** – AN ORDINANCE TO AMEND CHAPTER 145, METHODS OF PURCHASE, AS CONTAINED IN TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, BY ADDING NEW SECTION 145.03, ENTITLED 'EMERGENCY EXPENDITURES'.

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**Ordinance No. 91-2015 was read by full title only for its first reading.**

**Ordinance No. 92-2015** – AN ORDINANCE TO AMEND SUBSECTION 148.051(a), COMMUNITY RECREATION COMPLEX MEMBERSHIP FEES, AS CONTAINED IN TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING VERBIAGE FOR ‘ADULT COUPLE’.

**Ordinance No. 92-2015 was read by full title only for its first reading.**

**Ordinance No. 93-2015** – AN ORDINANCE ENACTING NEW CHAPTER 150, ENTITLED “USE OF CITY ADMINISTRATION BUILDING FACILITIES, PARKS, PAVILIONS, AND FIELDS”, AS CONTAINED IN TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

**Ordinance No. 93-2015 was read by full title only for its first reading.**

**Ordinance No. 94-2015** – AN ORDINANCE TO AMEND TITLE FIVE, OTHER PUBLIC SERVICES, OF PART SEVEN, STREETS AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REPEALING CHAPTER 741, ENTITLED “RECREATION HALL AND PARK RULES”.

**Ordinance No. 94-2015 was read by full title only for its first reading.**

**Ordinance No. 95-2015** – AN ORDINANCE TO ENACT NEW CHAPTER 565, ABATEMENT OF CRIMINAL ACTIVITY NUISANCES, AS CONTAINED IN 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 DECLARATION OF A PROPERTY OR CONDITION AS A PUBLIC NUISANCE, TO AUTHORIZE THE ABATEMENT OF NUISANCES BY THE CITY, AND TO ESTABLISH THE PROCEDURES FOR THE ABATEMENT OF NUISANCES.

**Ordinance No. 95-2015 was read by full title only for its first reading.**

**Ordinance No. 96-2015** – AN ORDINANCE TO AMEND SECTION 1125.002, EMBANKMENT AND EARTHWORK, 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 CLARIFYING REQUIREMENTS FOR “DUST CONTROL” AT A CONSTRUCTION SITE; AND DECLARING AN EMERGENCY.

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**MOTION** by Mr. Trafis, seconded by Mr. Fraundorf, to read Ordinance No. 96-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 96-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Trafis, seconded by Mr. Fraundorf, to pass Ordinance No. 96-2015 as an emergency measure.

**Mr. Trafis** stated:

“Since the demolition and construction of the John Glenn site started, I received a number of calls from residents in the area on John Glenn and Dartmoor and Joy Oval regarding all the dust that this project has created. I’ve been told earlier in the project that there was a process in which they would water the area to try to control the dust. As time went by it kind of stopped and there was a lot of dust flying around and getting caked onto houses and whatnot. So, at the last Caucus Meeting Council discussed this, and now we have an ordinance that will make sure that the developer of this project complies with controlling the dust. I’m asking the residents in this room who are in that neighborhood that if that doesn’t happen to contact somebody, and we’ll try to fix it right away.”

**Mr. Leech** stated:

“Yes, thank you Matt – I appreciate you getting calls. I also did, of course, being the Ward Councilman. But, a question to the Law Director. Of course I have not read the latest edition of the State of Ohio Department of Transportation ‘Construction and Material Specifications’, but is it unlimited times that we can ask him to water it down as such?”

**Law Director Pignatiello** replied, “Yes.”

**Mr. Leech** continued:

“I didn’t read that, of course. Thank you very much.”

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 96-2015 IS DECLARED PASSED.**

**Resolution No. 16-2015** – A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.

**MOTION** by Mrs. Lecznar, seconded by Mr. Leech, to read Resolution No. 16-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

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Resolution No. 16-2015 was read by full title only for its first and final reading.

**MOTION** by Mrs. Lecznar, seconded by Mr. Leech, to adopt Resolution No. 16-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**RESOLUTION NO. 16-2015 IS DECLARED ADOPTED.**

**Resolution No. 17-2015** – A RESOLUTION AUTHORIZING THE CITY TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS; TO EXECUTE CONTRACTS AS REQUIRED FOR THE MAPLEVIEW DRIVE AND EAST HILL CIRCLE IMPROVEMENTS; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Fraundorf, seconded by Mr. Snitzky, to read Resolution No. 17-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Resolution No. 17-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Fraundorf, seconded by Mr. Snitzky, to adopt Resolution No. 17-2015 as an emergency measure.

**Mr. Snitzky** stated:

“I just want to say how much I appreciate the Administration’s efforts over the past few years of doing as much as we can with grant money and money from other sources other than directly out of the residents’ pocketbooks. This is another instance of this happening. I am constantly pushing for capital improvements in this City, the streets and infrastructure – especially in Ward 3 – but in the City overall. When I look back at the streets that we’ve done in the last couple of years it just amazes me – Hillside, Crossview, Ridgewood, and now Mapleview. I think it’s good stuff, and we can do this, and I appreciate it.”

Roll Call: all yea

**MOTION CARRIED**

**RESOLUTION NO. 17-2015 IS DECLARED ADOPTED.**

**COUNCIL OPEN TO THE AUDIENCE**

**Mary Lou Suredam, 1014 Joy Oval** made the following comments:

“Good evening. I was left a calling card today. The reason I’m here is with regard to the newly-formed lake on the John Glenn property. Mr. Moga – you left me this -- could you let me know what you saw or tell everyone what you saw – and what are the plans? Are there plans?”

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**Service Director Moga** responded:

“Sure, yes there are. I do my daily rounds, and I did get a call this morning, and my secretary turned it over to the Engineer, but she did bring it to me also. I went down there and I saw a little lake with some water that’s forming. I called Tom Simich, and Tom Simich came down, and he recalled that he was not able to finish the line, so in the next day or two he’s going to put a line in to take care of the water so we don’t have that problem again. The reason why I got involved was that there was water in your back yard, and I didn’t want you to carry the burden of this. So I was working together with you and I brought Tom in to take care of that problem.”

**Mrs. Suredam** said, “Great. So I should see something within the next couple of days?”

**Mr. Moga** replied, “Yes, that’s correct. That’s what Tom said he would do.”

**Mrs. Suredam** concluded, “Okay, great. Thanks. My husband is back there watching.”

**Mr. Moga** said, “My pleasure. Got you, okay! Not a problem.”

**Mr. Leech** added:

“Mary Lou also called me around noon, and I went out there about 1:00 p.m. and I reported that to Mr. Moga, and he had it on his list already. You are right – it is a lake. My question is, is there a back yard drain there that could possibly help this situation?”

**Mr. Moga** said:

“You know what happened – with the magnitude of rain, they didn’t complete the sewer. So once they complete the sewer in two days, it will take care of that problem. They won’t have a problem.”

**Mr. Leech** concluded, “Okay, very good. Thank you so much.”

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

“Jack, a sewer line to where? Simich is going to put a sewer line to where?”

**Service Director Moga** replied, “To Dartmoor.”

**Mr. Jaros** asked, “To Dartmoor?”

**Mr. Moga** answered, “Yes, sir.”

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**Mr. Jaros** continued:

“Okay. The other thing I have a problem with. I just listened to Mr. Snitzky congratulate the Administration on what a dandy job they did with the streets. You mentioned Hillside. You mentioned Ridgewood. And those were both done by the County. You’ll remember – that’s when you got your mystery concrete at your drive. I don’t understand why you would congratulate the Administration itself. Lauding is just ridiculous -- and you ought to stop it. Thank you.”

**Mr. Moga** added, “I can give you an answer to the.....”

**Council President Ernst** interrupted Mr. Moga saying, “To the road?”

**Mr. Moga** responded:

“No, to Tom’s cement apron. I talked to someone from East Ohio Gas. Usually when there’s a gas line in an apron, they’ll put cement. Mr. Jaros brought it up like Tom got something for nothing – but that wasn’t the case. So I just wanted to clarify that.”

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

**Mike Lehet, 1038 Joy Oval**, made the following comments:

“The question is directed to Mr. Snitzky. Do you have an MBA from Baldwin Wallace?”

**Mr. Snitzky** replied, “I have a partial MBA.”

**Mr. Lehet** said, “Oh, I thought you were telling people on certain linked-in things that you have an MBA.”

**Mr. Snitzky** stated, “No, I have a partial MBA.”

**Mr. Lehet** continued:

“Okay.....Mr. Leech. In an email you sent me, because I’m hearing something about \$4,000.00 for swings for the park at John Glenn, do you recall that what you said? You said in an email that Simich is donating \$60,000.00 to that park. You told me that in an email. Why do we have to pay for it? I thought Simich – as you told me – was going to pay for it.”

**Mr. Leech** responded:

“What I said is that he’s donating the Big Toy – the existing Big Toy – on his own nickel, to the City as such. Subsequently to that time, I think the Parks Committee Chairman, Caryl Lecznar, and the Mayor, suggested that the swing set that we have is not really.....first of all.....”

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**Mr. Lehet** interrupted Mr. Leech, saying, “Pardon me, sir.....I don’t mean to interrupt, but what does this have to do with you telling me \$60,000.00. This is the question I’m asking you.”

**Council President Ernst** said, “Sir.....”

**Mr. Lehet** said, “Ma’am, I’m talking. I’m talking now.”

**Council President Ernst** said, “I understand that. But we have an answer.”

**Mr. Lehet** continued, “I still have two minutes. Thank you. I’m directing this to Mr. Leech.”

**Mr. Leech** said, “I’m not going to debate this, sir. But I bought, as President of Jaycees, two Big Toys – and I think the last one was \$35,000.00 – this is a much larger unit, and I think it originally cost \$100,000.00. So, I just gave you a figure, and I’m sorry if you don’t agree with that. Okay, I’m sorry – I’m sorry.”

**Mr. Lehet** concluded, “And accepted. But please, the next time, get your facts straight first. Thank you.”

**Mr. Leech** added, “I think the job they did and the material they gave is probably worth around \$60,000.00. Thank you.”

**Council President Ernst** stated, “Sir, the swings that we are purchasing are not for the set that Tom Simich donated to us. It is for the set that was already in the park. It is a separate item.”

**Tom Jaros, 224 Crescent Ridge Drive**, returned to the microphone:

“There’s one other thing. Just before I came here I saw an article on cleveland.com, and it was about Mr. Trafis and him being arrested, and it had to do with Longbow. I’ve been at these meetings quite a bit, and I heard the Longbow issue when it first came up. I heard the Mayor sit right there on the dais and talk about some possible State violation of some sort. And now all at once that we’re getting close to election we hear about Mr. Trafis being arrested and having to go to court. I don’t understand the whole deal, I really don’t. I don’t know why this is necessary. According to the Charter, the Mayor is supposed to keep Council informed about all financial matters. The story was the Mayor told Mr. Barth about Longbow leaving and the loss of \$130,000.00 of income for the City, but then you guys went on break, and while you were on break Barth got brain fade and forgot about the \$130,000.00 and didn’t tell anybody else. This was already public knowledge from the minutes of Independence Council Meetings, and I don’t understand. As far as I’m concerned, Trafis did what the Mayor should have done – and what Barth shouldn’t have forgotten – and I don’t know why this happened at all. This is just political obscenity.”

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**Council President Ernst** replied, “I’m not going to comment on an on-going investigation.”

**Mr. Jaros** continued, “Yeah, I’m not really looking for it. I’m just saying, this really stinks. You said you’re getting out of politics because you don’t like Seven Hills politics. This is the kind of stuff that makes people not like it.”

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

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

**Mayor Dell’Aquila** had no formal report.

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

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

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

### **Director of Public Service and Properties Moga:**

Yes, one thing I’d like to say. After that rain that we had Saturday, the water did not come up in the Finance Department offices. So, I think that we did the right thing, and we got it completed right, so we’re going to move on with restoration for the Finance Department. Thank you much.

**Building Commissioner Moro** was not present.

## **MISCELLANEOUS**

**Mr. Snitzky** had no miscellaneous comments.

### **Mr. Fraundorf:**

Yes, I have some comments. I look out over the audience here and I see there are several candidates that are currently running for office. And it’s a shame, in my opinion, that the balance are not here. And the reason I say that is because I wish that they were here to hear what I’m about to say.

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**Mr. Fraundorf** (continued):

Much has been said in Seven Hills, written in the newspapers, quoted in the newspapers, about infighting in Seven Hills and politicizing of issues, and the lament that *why don't things like this stop*. Well, listen to what I have to say, and then you be the judge of why this never seems to stop.

I'm going to start with.....and I'll preface it by saying.....normally, normally I couldn't care less – and I mean I couldn't care less – what a Councilman in another ward says in his political flyer or literature – campaign literature. But when I get dragged into it, that bothers me. That bothers me, Tom. I'd just like to read a couple of things. This is from Ward 3 Councilman Tom Snitzky. First he talks about Normandy High School. And he says, *This is why I fought so hard to keep Normandy High School. Remember it was saved by just one vote on the School Board. One vote on the School Board. And then he goes on to say, That's why I'm so disappointed by Councilmen Trafis and Fraundorf who backed my opponent.* Tom, I have to tell you, I looked at your Facebook website, and you are endorsing my opponent, so I'm not sure the point that you're trying to make there. But, you also go on to say that, *And voted against – Mr. Trafis and I – voted against the Council Resolution supporting Normandy High School.* Then he further said, and I'm having a hard time reading this, but *I firmly believe that keeping Normandy is far more important than anyone's political agenda.* I guess what you're implying is that there was some sort of political agenda attached to my voting against the Resolution.

Now let me read to you what I said. This is Amended Resolution No. 14-2014. *Mr. Fraundorf stated: Amended Resolution No. 14-2014 – I am voting against Amended Resolution No. 14-2014. In my opinion this is a politically motivated resolution. This Ordinance's verbiage supporting the retention of Normandy High School is burdened by reference to a Parma City School Board member. Let's call it what it is. Those who have been around the Seven Hills political scene recognize this as a thinly veiled criticism of Parma School Board member Kathy Petro and by extension her husband, Frank Petro. Despite the never-ending statements to the contrary, the politicizing of issues in Seven Hills continues, unabated, with Amended Resolution No. 14-2014. Therefore, I publicly state that I am fully supportive of Normandy High School as an integral part of the fabric of Seven Hills. Now listen to this. I taught for two years at Normandy. My two children graduated from Normandy. But I cannot vote for this Amended Resolution in its present form.*

And then it goes on to say, and this is what our Council President Ernst said about it. *I will also be voting 'no'. I would like to state that my vote of 'no' on Amended Resolution No. 14-2014 should not be construed as a lack of support for retaining Normandy High School. My 'no' vote is in response to what I see as a political posturing in the wording of the Resolution. When the Resolution was drafted, I respectfully requested that the second statement referencing a Parma City School Board member be removed from the Resolution.*

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**Mr. Fraundorf** (continued):

*My reason was that a political statement did not belong in a City resolution, and while I supported the intent of the Resolution, I could not vote for it as written. My request was declined by the President of Council. At that time it was Council President Barth. I cannot in good conscience vote 'yes' on the Resolution as written.*

Mr. Trafis also made a statement, and Mr. Barth made a statement, and Tom, you didn't say anything at that time. There is no record of you saying anything.

Let me further go on. Let me read.....and this is where it gets interesting.....about the one vote saving Normandy High School. Kathy Petro submitted a letter to Council on May 12, 2014, and she said, *My comments in the Sun News were in reference to our Strategic Plan Questions for the Board of Education at our special meeting on April 17, 2014. The question asked was 'if you could push a reset button and change something about our district or make it disappear, what would it be?'* She said, *My comments were in reference to the 2012 Consolidation Plan.* So I spoke with Board President Petro and this Consolidation Plan had nothing to do with the closing of Normandy. It had everything to do with consolidating Grades 8 through 12. So when I read a political message from Ward 3 Councilman Tom Snitzky that Normandy was saved by just one vote, I've got to say it's not true.

Now this is interesting. Back in 2011.....let's see, what's the date here.....October 11, 2011, I, as a member of the Concerned Residents of Seven Hills, and also as an individual, Tim Fraundorf, there was a complaint filed against me by a former Councilperson with the Ohio Elections Commission. And it was interesting because of what was claimed is that there were false statements being made in the Seven Hills Reporter, a publication of which I was a part. Now it's interesting because he claimed under Ohio Revised Code 3517.21 which says, *Infiltration of Campaign – False Statements in Campaign Materials – Election of Candidate.* Oh, there's also another one, it's called, *Infiltration of Campaign – False Statements in Campaign Materials – Issues.* And here's what it says. It says.....this is in the Ohio Revised Code.....it says you cannot, *Post, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate.* And there's verbiage when it comes to issues.

So now we have campaign literature out there that, in my opinion, there are some false statements that are being made – and I'm sure that Mr. Snitzky feels otherwise – but, maybe it should be left up to the Ohio Elections Commission to determine whether those are, in fact, a violation of Ohio Revised Code. And, by the way, I had to go to Columbus four times because of that complaint, and it was ultimately dismissed thirteen months later.

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**Mr. Fraundorf** (continued):

So I became pretty familiar with downtown Columbus, and I would say this, Tom – if there were a complaint filed against you, your Garmin is going to take you through some construction on I-71 – I can give you some directions on how to get there directly.....to the street. Let's see, the street is 21 West Broad Street, Suite 600. I can also give you some tips on parking that is close by. And, then, just one-half block down.....you'll be there all day.....there's this little sandwich shop where you can have lunch.

**Council President Ernst** tried interrupting Mr. Fraundorf, saying, "Tim.....Councilman Fraundorf....."

I guess the point of all this is.....this is interesting.

**Council President Ernst** stated, "Councilman Fraundorf – can you get back on point?"

I am getting back on point. And thank you for allowing me. This is the crux of all of this. If you're found guilty of these two ORC statutes – this is what, this is what a person faces. This is what I faced. Whoever violates Section 3517.21 or 3517.22 of the Ohio Revised Code shall be **imprisoned** for not more than six months, or **fined** not more than \$5,000.00, or both. That's a pretty healthy thing. And so now, back to my point. You know, why don't things change in Seven Hills? Because people ignore the rules, and they ignore the laws, and they do and they say whatever they want to say. And they are never held accountable for it. And I'll tell you what. It's going to stop! And it's going to stop at this election! Thank you, Madam President.

*There was a boisterous round of applause from members of the audience in response to Mr. Fraundorf's comments.*

**Council President Ernst** thanked Mr. Fraundorf for his remarks.

**Mr. Leech:**

I didn't realize last meeting that when our Finance Department, which does a fine job, was awarded the Ohio Auditor of State Award, how really important this was. I found out later through some friends of mine. The award was presented to our Finance Department for their record keeping. When our City is in the financial shape that we're in, I think it's fantastic that we're right on the ball and we get an A+ on that. I commend you gentlemen, I really do – and the ladies in the Department of course.

I took part in the round-up today – and it looked really good. It looked like we had a lot of stuff, and I think it's a great idea. I'm glad that the City is doing that, I think it's a fantastic program.

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**Mr. Leech** (continued):

Mr. Moga was also involved with myself in meeting with WDOK's Tom Ambrosia who is really a great guy. I've known the family for forty years that I've been here. There was a complaint basically through the Baseball Federation that in North Park, which I live very close to of course, all the way down the kids were having real problems with the baseballs and the poison ivy that had been overgrown into the park.

Jack jumped on it right away, and he was very efficient, and he was very professional in his handling of that. And I thank him for that. He's going to take care of it – it's a week and one-half worth of work – and thank you for saving that 60-foot oak tree. I appreciate that.

I have to thank my wife here. Many of you know that I had a very bad break back in May. As a matter of fact, I almost died. Anyhow, I went to Florida to rehabilitate. I spent four and one-half hours every day rehabbing, and my wife was there with me on the beach at 9:00 a.m., and we walked for two hours. Of course, I had to stop every couple hundred feet to rest. But I improved I would say at least 25%, and I just wish next time my wife's eyes were open by 9:00 when we were done. But, she was fantastic. We also did a lot of work in the pool, and I got to ride a bicycle. And I just want to thank her for that.

You guys don't know it, but on the 25<sup>th</sup> of this month, I will be a very lucky man. I will be with this woman – who has been my childhood sweetheart – and it will be our 50<sup>th</sup> Wedding Anniversary. And I just want to tell her I love her. Thank you.

**Council President Ernst** thanked Mr. Leech for his comments.

**Mr. Trafis**:

I have a number of items tonight. I'm going to start with some official City business, and that would be some variances from the Zoning Board of Appeals meeting that was held on September 9<sup>th</sup>. We discussed all these variance requests at our previous Caucus meeting so I'm going to make a motion.

At the September 9, 2015 Zoning Board of Appeals Meeting, the Board made the following motion regarding a variance request heard:

“That the Board grant (or not) to grant applicant, Jeff Bryda, the property owner of 2341 Parmalee Drive, a variance to Ordinance No. 963.02(b)(1) to construct a 10' x 14' shed in the side yard lot line per the submitted plans.

Roll Call: 4 yea, 0 nay

Motion Carried”

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**Mr. Trafis** (continued):

**MOTION** by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of September 9, 2015, in granting the variance request of Jeffrey Bryda, the property owner of 2341 Parmalee Drive, concerning the construction of a 10' x 14' shed in the side yard lot line per the submitted plans.

Roll Call: all yea

**MOTION CARRIED**

Also at the September 9, 2015 Zoning Board of Appeals Meeting, the Board made the following motions regarding variance requests heard:

“That the Board grant (or not) to grant applicant, Daniel Schmotzer, the property owner of 6436 Crossview Road, an 1168-square-foot variance to Ordinance No. 963.02(a)(1) to allow an addition to the existing detached garage that will then result in a total detached garage space of 1968 square feet per the submitted plans.

Roll Call: 3 yea, 1 nay

Motion Carried”

**MOTION** by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of September 9, 2015, in granting the variance request of Daniel Schmotzer, the property owner of 6436 Crossview Road, concerning an addition to the existing detached garage.

Roll Call: all yea

**MOTION CARRIED**

“That the Board grant (or not) to grant applicant, Daniel Schmotzer, the property owner of 6436 Crossview Road, a 5-foot variance to Ordinance No. 987.02, Exceptions, to allow the overall height of the garage to be 20 feet per the submitted plans.

Roll Call: 4 yea, 0 nay

Motion Carried”

**MOTION** by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of September 9, 2015, in granting the variance request of Daniel Schmotzer, the property owner of 6436 Crossview Road, concerning the overall height of a garage addition.

Roll Call: all yea

**MOTION CARRIED**

Also at the September 9, 2015 Zoning Board of Appeals Meeting, the Board made the following motion regarding a variance request heard.

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**Mr. Trafis** (continued):

“That the Board grant (or not) to grant applicant, Suresh Thakker, the property owner of 6440 Ruth Drive, a variance to Ordinance No. 1106.02(d), Driveway Construction, to allow the new driveway extension to be installed without the ‘vee’ and/or the installation of a curb at least 4” wide and 4” high on the edge of the driveway to direct the flow of water per the submitted drawings.

Roll Call: 0 yea, 4 nay

Motion Denied”

This one is the variance request that failed at the Zoning Board of Appeals with a vote of 0 to 4, so I will entertain a motion.

**MOTION** by Mr. Trafis, seconded by Mrs. Lecznar, to concur with the findings of the Zoning Board of Appeals of September 9, 2015, in denying the variance request of Suresh Thakker of 6440 Ruth Drive, concerning the extension of the driveway without the ‘vee’ or 4” high curbing.

Roll Call: all nay

**MOTION DEFEATED**

*Councilman Trafis addressed Mr. Daniel Schmotzer, who was seated in the audience, in reference to his request for a variance, as follows:*

Mr. Schmotzer, that’s the end of the process. You will be contacted by the City within the next week or so I would imagine, and then you can begin the construction. You are free to leave if you so choose.

Okay, I have a number of items this evening. Real quickly, I just wanted to thank the Law Director for putting together Ordinance No. 96-2015 on the dust control so quickly. I appreciated that.

Councilman Leech mentioned the Auditor Award for our Finance Department. I think that is a great thing for our City, but I also have to mention that does not account for the over-spending the City is currently doing. We’re spending \$700,000.00 more than the revenue we’re generating for the year. All this award is for is the bookkeeping of that. So this doesn’t mean that our finances are in good shape, it just means that we’re keeping the books correctly. But congratulations to the Finance Department for doing that.

Now my comments are a little bit more interesting, I think I’ll say. I also need to comment on the perceived Normandy High School issue that has been coming back into the political landscape in recent weeks.

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**Mr. Trafis** (continued):

As Councilman Fraundorf mentioned, there was a newsletter that was distributed by Ward 3 Councilman Tom Snitzky and he stated, *Remember it – meaning Normandy – was saved by just one vote.* And I apologize if some of this is a little bit redundant, but I feel I need to get this on the record. *Was saved by just one vote on the School Board. If Seven Hills lost Normandy our property values would drop and our children would suffer. This is why I'm so disappointed by Councilmen Trafis and Fraundorf who backed my opponent and voted against a Resolution supporting Normandy High School. I firmly believe that keeping Normandy is far more important than anyone's political agenda. I proved that I will fight to keep Normandy High School.*

Now what Mr. Snitzky just demonstrated is exactly what's wrong with Seven Hills right now. I have a copy of the minutes, just like Councilman Fraundorf does, from the meeting in which this Resolution was voted on, and I was intending on reading the comments from Councilwoman Ernst, but since that was already read I'll forego that. But I do want to say to Councilwoman Ernst that I couldn't agree with you more on your statement about that particular Resolution. I think everybody knows, and everybody in the room and everybody on this dais knows, that even though you voted against the Resolution, it doesn't mean you want to close Normandy.

So now I'd like to read the comments that I made at the meeting of June 9, 2014 regarding Normandy High School. I said, *Over the years I've made my support for Normandy High School and all the schools in the Parma City School District very clear. Normandy is a very important part of the history of Seven Hills and the future of Seven Hills and I certainly continue to support Normandy's existence. This particular Resolution, in my viewpoint, is nothing but political posturing.* And – side note -- it looks like I was right about a year ago. *There are absolutely no formal discussions within the School District about closing Normandy to date. I have suggested numerous times that we remove the first two 'Whereas' clauses in this Resolution, and I would certainly vote for it then. In this form, I believe that the Resolution is simply inappropriate.* Those were my comments at the time.

Over the years I have been very, very active in helping the children in our school district. When the district first implemented the pay-to-play program, I personally raised over \$10,000.00 and gave out scholarships to children who needed help paying to participate in activities such as band, theater, and sports. For the past five years I have been a volunteer coach in the Seven Hills Baseball Federation and have coached countless kids from Hillside, Normandy, and other schools within the district. I've continually donated time and money to local children's organizations. I have served on committees to pass school levies to help our kids. And because of all of this work a number of years ago I was awarded an honorary membership to the Parma Education Association for my work and dedication to the Parma City School District.

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**Mr. Trafis** (continued):

Mr. Snitzky, I take extreme offense to you alluding to our residents that I want to close Normandy High School. This is the furthest thing from the truth, and it is so obvious that you are spinning facts because it is convenient to your political agenda and your re-election campaign. I believe you should acknowledge that what you printed was wrong. Will you, Tom? No? I'll take your silence as a 'no'.

On a separate subject, lastly, many of you are probably aware by recent news stories from the previous few days that last week I was served with a complaint and a summons to appear in Parma Municipal Court regarding release of public record information. I have only one thing to say regarding this. You can always tell when it's election time in Seven Hills because someone will always file an anonymous complaint and bring charges to hopefully derail a clean election process.

Here we are again. This election year is no different and this time, as usual, I'm the target. I guess I shouldn't have announced earlier that I might be running for Mayor. The charges are ludicrous and simply a reaction to the City of Seven Hills dropping the ball and losing one of its largest, if not largest, employers.

I'll end this by saying that if any resident here this evening, or if anyone reading these minutes, or listening to this dialogue on the internet, want to discuss any of the comments that I have made tonight, please do not hesitate to contact me. My phone number is 216-410-4062. My email address is [matt@trafis.com](mailto:matt@trafis.com). And I would be more than happy to tell you what's really going on in Seven Hills right now. Thank you.

*There was a round of applause from members of the audience in response to Mr. Trafis' remarks.*

**Council President Ernst** thanked Mr. Trafis for his comments.

**Mrs. Lecznar** had no miscellaneous comments.

**Council President Ernst** had no miscellaneous comments.

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

Roll Call: all yea

**MOTION CARRIED**

**The September 14, 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: \_\_\_\_\_