

# City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD October 13, 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, Assistant Director of Law DiChiro, Director of Finance Johnson, Councilman-at-Large Barth, 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. Absentee was Building Commissioner Moro.

## **READING AND DISPOSAL OF JOURNAL**

**MOTION** by Mrs. Lecznar, seconded by Mr. Fraundorf, to accept the Minutes of the Regular Council meeting held September 28, 2015, as printed.  
Roll Call: all yea **MOTION CARRIED**

## **CONSENT AGENDA**

**MOTION** by Mr. Fraundorf, seconded by Mrs. Lecznar, to accept the Consent Agenda of October 13, 2015, as printed, if there is no division of the question.  
Roll Call: all yea **MOTION CARRIED**

## **RESOLUTIONS OF COMMENDATION**

There were no Resolutions of Commendation.

## **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, September 21, 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, October 19, 2015.

### **Public Works**

Public Works Committee Chairman Leech stated that the Committee will hold its next regular meeting on Monday evening, November 2, 2015, at 6:00 p.m.

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## **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 meeting in special session on Monday evening, October 19, 2015.

## **Police and Fire**

Police and Fire Committee Chairman Trafis stated that the Committee last met on Monday evening, September 21, 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, October 19, 2015.

## **Parks and Recreation**

Parks and Recreation Committee Chairperson Lecznar stated that the Committee will hold its next regular meeting on Monday evening, October 19, 2015.

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

Rules, Ordinances, and Ethics Committee Chairperson Ernst stated that the Committee last met on Monday evening, October 5, 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, November 2, 2015.

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

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, October 5, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Barth stated that the Committee will hold its next regular meeting on Monday evening, October 19, 2015.

## **APPOINTMENTS AND CONFIRMATIONS**

There were no appointments or confirmations.

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

The Clerk of Council stated, for the record, that a Proclamation has been issued from Mayor Dell'Aquila's Office declaring **November 13, 2015** as *World Pancreatic Cancer Day*, and same will be designated and recognized as such in the City of Seven Hills.

## **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. 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.

**MOTION** by Mr. Leech, seconded by Mr. Snitzky, to read Ordinance No. 89-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 89-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Leech, seconded by Mr. Snitzky, to pass Ordinance No. 89-2015.

Roll Call: all yea

**MOTION CARRIED**

### **ORDINANCE NO. 89-2015 IS DECLARED PASSED.**

**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’.

**MOTION** by Mr. Barth, seconded by Mr. Fraundorf, to read Ordinance No. 91-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 91-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Barth, seconded by Mr. Fraundorf, to pass Ordinance No. 91-2015.

Roll Call: all yea

**MOTION CARRIED**

### **ORDINANCE NO. 91-2015 IS DECLARED PASSED.**

**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’.

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**MOTION** by Mr. Trafis, seconded by Mrs. Lecznar, to read Ordinance No. 92-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 92-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Trafis, seconded by Mrs. Lecznar, to pass Ordinance No. 92-2015.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 92-2015 IS DECLARED PASSED.**

**MOTION** by Mrs. Lecznar, seconded by Mr. Barth, to amend Ordinance No. 93-2015, as follows:

- (1) On Page 4, under Section 152.05, City Parks and Pavilion Rules/Regulations, Subsection 1, Hours; after hours permit, Line 2, change '10:00 p.m.' to '**dusk**' so that the sentence reads, '*The park is open only during daylight hours to dusk*'; and
- (2) On Page 5, under Section 152.05, City Parks and Pavilion Rules/Regulations, Subsection 8, Disorderly Conduct, Lines 7 and 8, delete the word 'park' in both lines so that the sentence reads, '*No person, except maintenance employees on duty or police officers, shall enter a toilet room set apart for the opposite sex*'; and
- (3) On Page 6, under Section 152.05, City Parks and Pavilion Rules/Regulations, Subsection 10, Parking; use of driveway and paths, Paragraph 2, Line 3, delete the words 'bridle paths' so that the sentence reads, '*Paths established as foot paths or bicycle paths shall not be used for vehicular traffic.*'

Roll Call: all yea

**MOTION CARRIED**

**Amended 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.

**MOTION** by Mrs. Lecznar, seconded by Mr. Trafis, to read Amended Ordinance No. 93-2015 by title only for its third and final reading,

Roll Call: all yea

**MOTION CARRIED**

Amended Ordinance No. 93-2015 was read by full title only for its third and final reading.

**MOTION** by Mrs. Lecznar, seconded by Mr. Trafis, to pass Amended Ordinance No. 93-2015

Roll Call: all yea

**MOTION CARRIED**

**AMENDED ORDINANCE NO. 93-2015 IS DECLARED PASSED.**

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**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”.

**MOTION** by Mr. Snitzky, seconded by Mr. Leech, to read Ordinance No. 94-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 94-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Snitzky, seconded by Mr. Leech, to pass Ordinance No. 94-2015.

**Mr. Leech** asked:

“Just one quick question. Will the old Recreation Center be talked about soon? I understand it’s in deplorable condition.”

**Council President Ernst** answered:

“We had some discussion about it earlier in the year. We don’t have the finances to do any work on it at this time. It is not usable.”

**Mr. Leech** replied:

“Very good – thank you.”

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 94-2015 IS DECLARED PASSED.**

**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.

**MOTION** by Mr. Fraundorf, seconded by Mr. Barth, to read Ordinance No. 95-2015 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 95-2015 was read by full title only for its third and final reading.

**MOTION** by Mr. Fraundorf, seconded by Mr. Barth, to pass Ordinance No. 95-2015.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 95-2015 IS DECLARED PASSED.**

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**MOTION** by Mrs. Lecznar, seconded by Mr. Barth, to amend Ordinance No. 100-2015 by adding the words “**and declaring an emergency**” to the title, and by adding the emergency clause to Section 3.  
Roll Call: all yea **MOTION CARRIED**

**Amended Ordinance No. 100-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ‘AFFILIATION AGREEMENT FOR JOB TRAINING EXPERIENTIAL LEARNING PROGRAM’ ON BEHALF OF THE CITY OF SEVEN HILLS RECREATION CENTER AND THE PARMA CITY SCHOOL DISTRICT BOARD OF EDUCATION OF PARMA, OHIO, FOR THE PURPOSE OF PROVIDING PRACTICAL COMMUNITY-BASED WORK EXPERIENCE FOR THE EDUCATIONAL BENEFIT OF THE STUDENTS IN A NATURAL WORK ENVIRONMENT; AND DECLARING AN EMERGENCY.

**MOTION** by Mrs. Lecznar, seconded by Mr. Barth, to read Amended Ordinance No. 100-2015 by title only for its second and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Amended Ordinance No. 100-2015 was read by full title only for its second and final reading.

**MOTION** by Mrs. Lecznar, seconded by Mr. Barth, to pass Amended Ordinance No. 100-2015 as an emergency measure.  
Roll Call: all yea **MOTION CARRIED**

**AMENDED ORDINANCE NO. 100-2015 IS DECLARED PASSED.**

**Ordinance No. 101-2015** – AN ORDINANCE TO APPROVE, ADOPT, AND ENACT THE 2015 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; AND TO PUBLISH THE ENACTMENT OF NEW MATTER.

**Ordinance No. 101-2015 was read by full title only for its second reading.**

**Ordinance No. 102-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH LYNN A. JOHNSON FOR THE PURPOSE OF PROVIDING ‘INSANITY CLASSES’ AT THE RECREATION CENTER FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$500.00 FOR PAYMENT OF SAID PROFESSIONAL SERVICES.

**Ordinance No. 102-2015 was read by full title only for its second reading.**

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**Ordinance No. 103-2015** – AN ORDINANCE AUTHORIZING THE PURCHASE OF SALT THROUGH THE JOINT MUNICIPAL IMPROVEMENT CONSORTIUM; AUTHORIZING AN AMOUNT NOT TO EXCEED \$300,000.00 FOR THE PERIOD OF NOVEMBER 1, 2015 THROUGH OCTOBER 31, 2016; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Trafis, seconded by Mrs. Lecznar, to read Ordinance No. 103-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 103-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Trafis, seconded by Mrs. Lecznar, to pass Ordinance No. 103-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 103-2015 IS DECLARED PASSED.**

**Ordinance No. 104-2015** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PRO CONSTRUCTION OF CLEVELAND, OHIO, AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$10,500.00, FOR THE ‘2015 CATCH BASIN RECONSTRUCTION PROJECT’ (7 Catch Basins) THROUGHOUT THE CITY OF SEVEN HILLS, OHIO; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Leech, seconded by Mr. Snitzky, to read Ordinance No. 104-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 104-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Leech, seconded by Mr. Snitzky, to pass Ordinance No. 104-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 104-2015 IS DECLARED PASSED.**

**Ordinance No. 105-2015** – AN ORDINANCE TO AMEND SUBSECTION 159.01, COURT COSTS, OF CHAPTER 159, MAYOR’S COURT, AS CONTAINED IN TITLE SEVEN, JUDICIAL, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADDING NEW SUBSECTION 159.01(i), HOUSING MAINTENANCE CODE FINES.

**Ordinance No. 105-2015 was read by full title only for its first reading.**

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**Ordinance No. 106-2015** – AN ORDINANCE TO AMEND SECTION 1143.42, HOUSING MAINTENANCE CODE PROGRAM FUND, AS CONTAINED IN CHAPTER 1143, EXTERIOR MINIMUM MAINTENANCE CODE, OF 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 THE DEPOSIT OF HOUSING MAINTENANCE CODE FINES INTO THE HOUSING MAINTENANCE CODE PROGRAM FUND.

**Ordinance No. 106-2015 was read by full title only for its first reading.**

**Resolution No. 18-2015** – A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Barth, seconded by Mr. Fraundorf, to read Resolution No. 18-2015 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Resolution No. 18-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Barth, seconded by Mr. Fraundorf, to adopt Resolution No. 18-2015 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**RESOLUTION NO. 18-2015 IS DECLARED ADOPTED.**

## **COUNCIL OPEN TO THE AUDIENCE**

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

“Number one, Councilman Bob, I want to thank you for the meeting Saturday. It’s been a long time since Ward 1 has seen a Councilman that actually acts like a Councilman. Good for you. Thanks for the effort.”

**Mr. Leech** replied, “Thank you.”

**Mr. Jaros** continued:

“Number two, you mentioned the Calvin Park Recreation Center – the old Recreation Center – and I heard them say that we don’t have money to do anything with it. That thing has a leaking roof. It’s getting worse the whole time it leaks. We just blew \$23,000.00 on trees at John Glenn Park. You might consider doing something with that roof. Destruction of public property -- you guys started it when you abandoned it.”

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**Mr. Jaros** (continued):

“Number three, Mr. Snitzky. You mentioned that the Planning Commission adopted the Project Next into our Master Plan. Tonight on the 5:00 news Mayor Kurtz stood up there and said they have quite an uproar – Independence people don’t like Project Next either. Mayor Kurtz stood up there and made a very poignant statement. He said the residents have a concern about what’s going to go there, but they’re protected – because they get to vote on anything that is an existing zoning. We don’t have that coverage in Seven Hills. Back in 2006 when the Bentkowski wrecking crew was at work – which included a number of you – voters were hoodwinked into giving up that right. I asked the 2013 Charter Review Committee to consider removing that amendment, and they ignored me. That amendment strips voters of any right on any zoning issue in that area at the Rockside/Seven Hills/Independence border. It’s the only property in Seven Hills that’s like that. Council decides everything. It should go back to where the voters have control over zoning. It’s just wrong. And Kurtz pointed out they have it – other ones don’t. We’re one of the other ones that don’t. The 2013 Charter Review Committee was chaired by Planning Commission Chairman Ed Foley – illegally appointed by Mayor Dell’Aquila. Mr. Barth – illegally appointed to that same Charter Review Committee. They ignored it. The Mayor violated the Charter by putting them on there. I asked Mr. Barth to resign from the Committee and he refused. The Charter Review Committee in 2013 – their sole accomplishment was to remove the provision for a Recreation Board. Take the resident input out of the recreation – running the recreation program in Seven Hills. Keep the Recreation Center the Mayor’s play toy. That’s all it was. And the reason it got pulled out is because I was asking Mayor Dell’Aquila to populate a Recreation Board. Mayor Bentkowski before him didn’t populate a Recreation Board -- \$300,000 / \$400,000 losses. Maybe one of three residents who would have served for free might have said, ‘*Hey, maybe we can save some money here*’. But we had to keep this in the Mayor’s domain only. This is wrong. You guys have to consider giving voters – residents – a voice in development here. You tried to do it your way with the John Glenn deal – it didn’t work out. You’re just going to wind up with another battle of some sort. Put it back to voters where it belongs. Quit violating the damn Charter.”

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

*Mr. Jaros’ comments drew some applause from members of the audience.*

**Lucy McKernan, 755 Hillside Road**, made the following comments:

“Good evening Council. It was brought to my attention last week that at the Mayoral Debate with Northeast Ohio Media Group present, that a CD was presented with information from the Division of Wildlife with a recommendation to handle deer in Seven Hills. And, I don’t know, you said this is not give-and-take, but I wasn’t here for Caucus.....I was at the Parma Council Meeting before I came here – the Parma Safety Committee meeting. And I just wanted to know if that’s true and is it public information, and can you produce the information, Mayor. Thank you.”

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**Mayor Dell'Aquila** stated, "I'll address it. I'll address it during my comments."

**Mrs. McKernan** asked, "Oh, do you want me to sit down?"

**Council President Ernst** replied, "If you have other comments that you would like to make....."

**Mrs. McKernan** said, "Just that any kind of lethal program would ironically create a safety issue. It wouldn't solve one. Thank you."

**Council President Ernst** thanked Mrs. McKernan for her remarks.

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

"I have an issue about the permit for sewers at John Glenn. I've asked a number of times.....other people have asked.....what the basis was for allowing connection for the sewers by the developer. And I've been stonewalled on it. There's been no information and the only thing I've been handed is information I know. I already know what comes out of the back end of a horse. I don't have to be told that. As far as I can see, there is absolutely no basis for permitting him to connect to the sewer system. No one has determined that it's adequate."

**Council President Ernst** answered, "Sir, I understand that you questioned this. The Engineer has answered it. You really need to be directing those questions to our Engineer, who is not here tonight."

**Mr. Maslowski** replied, "I've asked that. Who is the Engineer?"

**Council President Ernst** said, "Mr. James Sickels."

**Mr. Maskowski** continued, "I talked to Sickels, and as far as I'm concerned what Sickels told me, nothing has been done on this. I know what nothing is."

**Council President Ernst** stated, "I understand you don't like the answers.....I understand you don't like the answers. I understand that, Sir. There were studies done. You were given the information from the studies. You need to have that discussion with the Engineer. There were studies done, and that's....."

**Mr. Maslowski** said, "I haven't seen any study. Tell me what it is."

**Council President Ernst** said, "Please discuss that with the Engineer."

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**Mr. Maslowski** replied, “I don’t expect.....I don’t expect the Council to understand the technical details. Tell me.”

**Council President Ernst** again said, “Then please discuss it with the engineers.”

**Mr. Maslowski** stated, “I talked to Mr. Sickels, and he told me effectively that there is nothing. Effectively they haven’t done any studies. They haven’t any basis for allowing them, and there are a lot of issues. I’m going to go a little further.....with this.....watch. I don’t want to say anything more on that. But I am really disgusted with not being told – given any information at all. I’m on that sewer line. It’s an old sewer line, and I have a strong feeling that it’s close to capacity. And I’m not sure it can handle the added capacity. There are twenty-two homes. And I’m not an expert in hydrology, but I’m beginning to learn there’s a lot of potential problems. With twenty-two homes the foundation drains could be a significant load on this. Nothing.....nothing! I’ve been told nothing. I’ve been told one thing. I’ve been told what the peak capacity of twenty-two homes is. That’s a calculation a fourth grader can make – I know that number. That’s 59,000 gallons per minute peak. I talked to Mr. Sickels. He doesn’t know the difference between a peak and an average.”

**Service Director Moga** replied, “Yes he does.....yes he does!”

**Mr. Maslowski** continued, “Is he our engineer? Because when I talked to him.....well, anyway, I didn’t get a chance to talk further, but I’d love to discuss this. I do have a little background in this. But not in hydraulics – that’s not my field.”

**Council President Ernst** said, “Sir, I would suggest you come in on Thursday and talk to Mr. Sickels. You are retired, correct?”

**Mr. Maslowski** replied, “Well, I did address him, and he didn’t answer me. He said that’s not his responsibility or something. Anyway, on another topic. I’d like to support Mr. Jaros on the Charter – that’s one that bothered me a lot. Not only is it humorous, but it actually violates – may violate the Ohio Constitution, Section XVIII, and the United States Constitution for that matter – and our right of referendum. I know that Squire Dempsey told you that there’s no problem, but Squire Dempsey would tell you the earth is flat if you paid them.”

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

**Mr. Trafis** remarked, “And they’ll charge you \$695.00 an hour to do it, too!”

**Mr. Maslowski** concluded, “That’s all I have to say. I think that..... I think that Charter Amendment is ludicrous. It makes Seven Hills a laughing stock.”

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**Council President Ernst** again thanked Mr. Maslowski for his comments.

*Mr. Maslowski's comments drew some applause from members of the audience.*

**Bill Teribery, 6179 St. Joseph Drive**, made the following comments:

“Last week I had a stop sign installed on our street – the south end of St. Joseph. When I asked about it I was directed by my Councilman to discuss it with the Service Director, which I did, through email. And what I was told was it was pretty much a safety reason. And when I questioned what was the safety reason, the Service Director told me that it was in response to a speeding complaint, and that he made the decision to put up a stop sign. When I asked him if it was permanent he said ‘yes’, and it was within his power to do that. So I question that. Does the Service Director have the power to take over speeding complaints?”

**Council President Ernst** replied, “I don’t know the answer, Sir.”

**Mr. Teribery** continued, “And address them unilaterally and erect stop signs?”

**Council President Ernst** stated, “You need to have this discussion, perhaps, with our Safety Director after the meeting.”

**Mr. Teribery** continued, “And I will. But I would like Council to know – I think Council, as far as what I can read in plain English – Council has the power to establish signage.....traffic control signage, by ordinance. Yes? No? Yes. So, I’d like to know how many other signs have been unilaterally erected – based on the discretion of Directors?”

**Council President Ernst** replied, “I don’t know the answer.”

**Mr. Teribery** continued, “I couldn’t just put up a stop sign in front of my house – as a complaint. Like, I’ve got speeders.....I’ll put up a stop sign. That’s actually, that’s actually covered in the Charter – that it can’t be done. So, I’d like that to be talked about and discussed as to why Council’s power is being – well, I don’t know – disregarded.....the Charter being disregarded. I know we have a meeting Friday. I’m going to be looking for some answers, because what I was told is you have the power. And I want to know where you got your power. Who gave you the power?”

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

*Mr. Teribery's comments drew some applause from members of the audience.*

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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. It was I who asked the Service Director to place the stop sign, and I who asked him to remove it. I would remind Mr. Teribery that he did come to Council with a number of complaints about speeding on St. Joseph, which is the street where he lives. And as a result of those complaints, not only that was done, but I believe Council was motivated to purchase a radar sign. My intent was to place that radar sign on St. Joseph.....

*Mayor Dell'Aquila was interrupted by Mr. Teribery who returned to the podium from his seat in the audience.*

*Council President Ernst attempted to request that Mr. Teribery please return to his seat.*

**Mr. Teribery** interrupted, "I'm fine. I want to know how would a stop sign.....address speeding?"

**Mayor Dell'Aquila** asked, "Madam President, could I have a ruling please."

*Council President Ernst asked Mr. Teribery for order saying, "Sir.....Sir.....please sit down. Sir.....please sit down – you had your time."*

**Mr. Teribery** continued, "No one speeds into a corner."

**Council President Ernst** insisted, "Please sit down. Please sit down. You had your time.....Sir!"

**Mr. Teribery**, ignoring the Council President's call for order, said "It's ridiculous. It's a ridiculous solution."

**Council President Ernst** persisted, "Sir, you had your time.....Sir!"

*Mr. Teribery began to return to his seat.*

**Mayor Dell'Aquila** continued:

Now the other question that I was going to address with Mr. Teribery at our meeting on Friday, and I suppose I can speak with him in the hallway and obviate the need for that meeting, is whether we are going to receive.....Madam President?

*Mr. Teribery continued to make inaudible comments away from the microphone.*

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**Mayor Dell'Aquila** asked, "Madam President, may I speak?"

**Council President Ernst** replied, "Yes, sir."

**Mayor Dell'Aquila** again continued:

I'm going to ask him whether we're going to have a similar objection if the radar sign is placed for the first time on St. Joseph. That was also my intent, since he was the loudest complaint that we received about speeding in the City.

Secondly, a number of things with regard to Mr. Jaros. We're used to a number of exaggerations and off-the-wall complaints from Mr. Jaros. I would just remind that the people voted, and voted down the John Glenn proposal. And, so, therefore, Mr. Jaros, they did have a voice.

With regard to Charter Review, our Law Director interprets the meaning of our Charter. The Charter Review Commission is a recommending body. It doesn't make any decisions, as you know – or you should know. Council had every opportunity, and they did exercise this right, to either accept those recommendations, deny them, or insert something other. And they didn't do that. So your argument fails on several different points. Again, we are used to these kinds of complaints from Mr. Jaros. I think it was he who warned us that we were going to have a maximum security prison where Hannibal Lecter could be your neighbor. So, please Mr. Jaros.

**Mr. Jaros**, from his seat in the audience, asked "How about the illegal appointments?"

**Mayor Dell'Aquila** continued, "Mr. Jaros, I just addressed that."

Now, with respect to ODNR. Yes, that subject did come up. This is a highly polarized issue within our City. And, yes, there was a disc prepared by ODNR and I did present that at that meeting to the reporters. That was my one and only copy. But the folks from ODNR that we've been meeting with for the last three quarters of the year told us that there are others available. If someone wanted to contact them, you may contact them, and I'm sure they would provide to you whatever you want with respect to that request.

Actually some good news – and I don't know that Mr. Jaros will think so. We just got news today that a developer has closed on the Fifth-Third property along Rockside Road. A developer just closed. The name of the firm that they put together who is going to be presenting a proposal to the City is LSB Seven Hills, LLC. This is a part of the original contracting organization that has been approaching us for a number of months. But, as of this weekend, I'm told that they actually closed and title is soon to transfer into their name on most of that property.....not the former First Energy land. So we're very hopeful that what this means is we are going to be seeing a formal proposal and set of drawings and, obviously, the residents are going to be free to comment on that before any action is taken on it. Thank you, Madam President.

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**Council President Ernst** thanked Mayor Dell'Aquila for his report.

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

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

**Assistant Director of Law DiChiro** had no formal report.

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

**Building Commissioner Moro** was not present.

## **MISCELLANEOUS**

### **Mr. Leech:**

Thank you, Madam President. Last Saturday, October 10<sup>th</sup>, we had our 67<sup>th</sup> Ward 1 Meeting. This was not our first rodeo, believe me. The other 66 were over a period of 23 years. I had them usually four times a year. Half of them were at North Park, and most of the first 20 of them were at the old Recreation Center upstairs, which is kind of interesting. Anyhow, it was a very successful meeting, I feel, and I think it's very important to stay in touch with residents all the time and throughout our term of office – not just at election time.

I want to especially thank my three co-sponsors – Councilmen Barth, Trafis, and Lecznar. Also, Mayor Dell'Aquila and Council President Ernst, for not only attending, but answering some very tough questions and adding some valuable information for the residents. And I thank you very much for that. There were a lot of questions that I wasn't able to answer because I wasn't in office. Mr. Barth, you are correct about the guesstimate on the amount of people – fifty. Thank you very much for that – good guess.

I presented my vision – and this is just a vision, looking ahead. It's a template for what the park could look like, with a very big emphasis on budget. We all know that we got cut by \$700,000.00 by our lovely Governor, and that's hard to absorb as such. We had a short discussion this afternoon about not really having money now in the parks fund. But if you really examine what I proposed, there are a lot of items that are either free or very inexpensive, and work has already been done to start to clean up.

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**Mr. Leech** (continued):

First of all, North Park -- and I thank our great Service Director, Mr. Moga, for meeting with WDOK and they took immediate action cleaning up the east end of the park. We discussed the west end, and that's going to be looked at in the future...in the near future. And he also patched not only the street leading to the park but also at the park entrance where there were craters in which you could sink a battleship in some of them. And I thank Mr. Moga for doing that.

Again, this is a template. Hopefully some of the items can be used in the future. I hope you consider them at least. I would like to be involved somehow, in some way. Of course, I live very close to one of the parks, and I moved there for that reason. And there were some people, of course, who were at that meeting who, as you well know the old phrase, 'not in my back yard'.....that came through loud and clear from a few people. And that's a shame, because they were not positive, of course. But I hope to see some of these ideas used in the future by a future Council. I'm sure Councilwoman Lecznar, who is Chairperson of that Committee, and who has done a great job with the deer, and where the antelope play -- I'm going to pass that on to you when I leave Council in December, and I'll have the maps for you. I hope we can discuss implementing some of these items before I leave Council in December.

I want to thank Chris Benny, who is the new President of the Baseball Federation, for not only appearing but spoke very well on behalf of the Baseball Federation and the need for a t-ball field, really a mini field for the little kids. That was discussed in length, of course -- and, of course, not in my back yard. My back yard is fine, actually. We do need another field for the small kids in the community.

And to that end I will be donating one-half of my salary from here on out to that cause for the park for a baseball field. So I talked to Finance Director Johnson on that, and we worked out a way of doing that. I look forward to donating to the City, in that respect, on behalf of the Baseball Federation.

One drawback that happened last week that kind of bothered me. Diane Koski, who is a very sharp, young woman, who has very high educational degrees, withdrew from the election. And her reasoning is basically that she didn't like the political climate -- and I don't blame her. That has to improve, and I hope it improves immensely next term. However, we will be receiving a very sharp individual, Mr. Tony Biasiotta, who will be representing Ward 1. He already won the election because I voted last week, so you're in already. I know Tony will do a great job. I am sorry that Diane left, because I think she would have added a lot to this Council, as Tony will, I'm sure. Thank you, Madam President.

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

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**Mr. Fraundorf** had no miscellaneous comments.

**Mr. Trafis:**

A few quick things. I wanted to mention that I read all the emails that Mr. Teribery was sending about the stop signs, and I'd like to ask Pat to have Rich come back to us next week to give us a determination on who has the authority to put up stop signs and other traffic signs. Thanks, Pat.

The radar sign was mentioned. I don't know, about two to four weeks ago I think I asked for somebody in the Administration to provide us procedures on how to request where to put the radar sign. I've had – geez -- half a dozen requests for that sign to be on certain streets. If you come back to us this coming Caucus meeting with that procedure, that would be appreciated.

Finally, I just wanted to give my condolences to the Kukral family. Jim's father-in-law passed away last night, and my thoughts are with you.

**Mrs. Lecznar:**

I just want to thank my fellow Council people for passing Amended Ordinance No. 100-2015. This is a very important project. It helps young adults that are mentally challenged to get out in the work force and actually have productive lives. So, it has proved to be a very fruitful project.

I also would like to publicly, on the record, hand Mr. Trafis and Mr. Fraundorf a copy, and then an additional copy for the Council Clerk, of an Ohio Ethics Commission report that I have that will hopefully stop the misinformation that they are putting out there. Thank you.

**Mr. Trafis** asked, "I would be curious as to why Mrs. Lecznar gave this to me, because I haven't said anything about you in any of my literature."

**Council President Ernst** stated, "You two can have that discussion."

**Mr. Trafis** responded, "Well, I'm bringing it up on the dais because it was just given to me."

**Council President Ernst** replied, "She wanted to have you have a copy."

**Mr. Trafis** answered, "Well, thank you – I look forward to reading this."

*A six-page Advisory Opinion from Jennifer A. Hardin, Chief Advisory Attorney, of the Ohio Ethics Commission, Columbus, Ohio, dated May 24, 2007, addressed to Councilwoman-at-Large Caryl Lecznar, has been appended and attached to these minutes as an exhibit.*

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**Mr. Barth** had no miscellaneous comments.

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

**MOTION** by Mrs. Lecznar, seconded by Mr. Leech, to adjourn the meeting.  
Roll Call: all yea **MOTION CARRIED**

**The October 13, 2015 Council Meeting was adjourned at 8:28 p.m.**

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Michele K. Ernst, President of Council

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

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

# OHIO ETHICS COMMISSION

Sarah M. Brown, Chairman  
Dr. Robert Browning, Vice Chair



8 East Long Street, 10<sup>th</sup> Floor  
Columbus, Ohio 43215  
Telephone: (614) 466-7090  
Fax: (614) 466-8368  
Web site: [www.ethics.ohio.gov](http://www.ethics.ohio.gov)

David E. Freel, Executive Director

May 24, 2007

Caryl Lecznar  
Councilwoman-at-Large  
City of Seven Hills  
7325 Summitview Drive  
Seven Hills, Ohio 44131

Dear Ms. Lecznar:

On March 15, 2007 the Ohio Ethics Commission received your letter requesting an advisory opinion. In your letter, you explained that you are a Councilwoman for the City of Seven Hills (City). You have also explained that your husband is a captain for the city fire department. You have asked for more information about the Ethics Law restrictions on a council member given her husband's employment with the city.

### Brief Answer

As explained more fully below, R.C. 2921.42(A)(1) prohibits you, as a council member, from participating in any matters before council related to the employment of your husband. Further, R.C. 102.03(D) prohibits you from taking any action to secure any employment benefits, such as raises, promotions, or resolutions of disciplinary actions, which affect your husband. Where the law prohibits you from participating, you cannot participate in any way, including voting, making motions, and participating in executive sessions.

With respect to a collective bargaining agreement, R.C. 2921.42(A)(1) and R.C. 102.03(D) do not prohibit you from ratifying or participating in the negotiation of the contract as long as: (1) your husband will be affected by the contract terms in the same manner as all other members of the union; (2) your husband is not an officer or employee of the union, and is not on the union negotiating team; and (3) you are not covered by health insurance your husband receives from the city. The Ethics Law also does not prohibit you from participating in matters that affect the fire department as a whole, such as decisions regarding the departmental budget and purchases of equipment for the department.

**Facts**

In your letter to the Ethics Commission, you explained that the city is engaged in labor negotiations with the fire department. Neither you nor your husband is participating in the negotiating process. You asked what restrictions the Ethics Law places on you in regards to the negotiations with the fire department and whether you are permitted to vote on the contract once it has been finalized. You further asked whether the Ethics Law restricts your participation and decision making authority on any other issues related to the fire department.

**Public Official and Family Member Hires**

Your question first raises issues under the public contract law, R.C. 2921.42(A)(1), which provides that no public official shall knowingly:

Authorize, or employ the authority or influence of his office to secure authorization of any public contract in which he, a member of his family, or any of his business associates has an interest.

The term "public official" is defined to include "any elected or appointed officer, or employee, or agent of . . . any political subdivision." See R.C. 2921.01(A). A city council member is an elected officer of a political subdivision and is therefore a "public official" for purposes of the prohibition of R.C. 2921.42(A)(4). Ohio Ethics Commission Advisory Opinion No. 2000-04.

A "public contract" is defined as the purchase or acquisition of property or services, including "the employment of any individual," by any political subdivision of the state. R.C. 2921.42(G)(1). Thus employment of a firefighter by a city is a public contract. Adv. Op. No. 97-004.

The term "a member of his family" includes the public official's: (1) grandparents; (2) parents; (3) spouse; (4) children, whether dependent or not; (5) grandchildren; and (6) siblings. It also includes any other person related to the official by blood or by marriage and residing in the same household as the official. Adv. Op. No. 80-001. Your husband is a member of your family for purposes of R.C. 2921.42(A)(1).

The Ethics Commission has held that a public official will be deemed to have "authorized" a public contract where the contract could not have been awarded without the official's approval. Adv. Ops. No. 87-004, 88-008, and 92-008. Accordingly, R.C. 2921.42(A)(1) prohibits a public official from voting or participating in any way in her public agency's decision-making process that authorizes or approves employment for a member of her family. Adv. Ops. No. 82-003, 89-005, and 90-010.

R.C. 2921.42(A)(1) also prohibits a public official from using her "authority or influence" to secure the authorization of a public contract in which a member of her family has an interest. Adv. Ops. No. 91-007 and 92-012. The words "authority or influence" specifically characterize a broader range of activity than that described by the word "authorize." Adv. Op. No. 92-012. Therefore, R.C. 2921.42(A)(1), by prohibiting a public official from employing the "authority or influence of [her] office," prohibits a public official from exercising the power and influence inherent in the position and prestige of her public office to affect the decision-making process regarding employment of a family member even if the official abstains from voting and participating in official proceedings. *Id.*

The prohibition of R.C. 2921.42(A)(1) extends beyond the initial hire of a family member. It prohibits a public official from participating in any matter or decision that could affect the continuation, implementation, or terms and conditions of a family member's employment. Adv. No. Op. 97-004.

With respect to a union contract, R.C. 2921.42(A)(1) prohibits a public official from participating if: (1) her family member will be affected by the contract in any way that is unique or differential from the other members of the union; or (2) her family member is an officer or employee of the union, or is on the union negotiating team. Adv. Op. No. 89-005. As long as the official's family member is affected by the contract in the same manner as all other members of the union and does not have any relationship with the union beyond mere membership, R.C. 2921.42(A)(1) does not prohibit the official from participating in the ratification of the contract. Adv. Op. No. 89-005.

**Soliciting or Using Position to Secure Benefit for Family Member—R.C. 102.03(D) and (E)**

R.C. 102.03(D) and (E) also apply to actions of a public official or employee when a family member is employed by the same public agency. R.C. 102.03(D) and (E) prohibit a public official or employee, which would include a city council member, from soliciting or using her position to secure "anything of value" that could have a substantial and improper influence upon the official with respect to the performance of her duties.

A city council member is a "public official" subject to R.C. 102.03(D) and (E). Employment, and the compensation and benefits that accompany it, are within the definition of anything of value. Adv. Op. No. 92-012.

R.C. 102.03(D) prohibits a public official or employee from using her authority or influence, formally or informally, to secure the employment of her family member or to affect her family member's ongoing employment. *See* Adv. Ops. No. 92-012 and 97-004. R.C. 102.03(E) prohibits a public official from soliciting employment or related benefits for a family member.

Matters in which the official would be prohibited from participating include, but are not limited to, any of the following: (1) changes in compensation or benefits that are determined by individual working conditions; (2) the assignment of duties; (3) performance evaluations; and (4) actions involving promotions, discipline, lay-offs, and termination. Adv. Op. No. 90-010 and 97-004. Furthermore, R.C. 102.03(D) prohibits a public official or employee from using her office, formally or informally, to influence the decisions or actions of other officials or employees in matters that would affect the interests of her family member's individual employment relationship.

### Health Insurance

There is one other issue that affects the application of these restrictions. Where a public official's spouse is employed by the same public agency, the employee may receive health insurance from the agency. If the official is covered by health insurance her spouse receives as a city employee, there are additional restrictions that apply to the official.

In that case, because of the official's interest in the employment contract, R.C. 2921.42(A)(1) prohibits the official from taking any action related to the contract, including participating in negotiations, discussion, deliberation, or voting to ratify the contract. R.C. 102.03(D) also prohibits the official from soliciting any benefit related to the contract, or participating in the authorization, ratification, or discussion of the contract.

### Ratification and Negotiation

Your first question involves limits in the Ethics Law related to participation in negotiations and ratification of the union contract.

R.C. 2921.42(A)(1) prohibits you from voting or taking any other action to secure a public contract in which your husband has an interest. However, the law does not prohibit you from negotiating or voting to ratify a union contract as long as: (1) your husband will be affected by the contract terms in the same manner as all other members of the union; (2) your husband is not an officer or employee of the union, and is not on the union negotiating team; and (3) you are not covered by health insurance your husband receives from the city.

If you are covered by the health insurance provided to your husband as a city employee, R.C. 2921.42(A)(1) would prohibit you from taking any action to negotiate or secure the collective bargaining agreement with the fire department. Adv. Op. No. 92-017. This would include voting on ratification of the agreement and participating in the negotiation of the contract. R.C. 102.03(D) would also prohibit you from voting, discussing, deliberating, recommending, or otherwise using your authority or influence as a council member to negotiate or secure ratification of the collective bargaining agreement by the other members of council.

If you are not covered by the health insurance your husband receives under the collective bargaining agreement, you are not prohibited from voting to accept or reject a negotiated collective bargaining agreement that would affect your husband, in the same manner it affects all other employees in the fire department, unless your husband is an officer, board member, or member of the negotiating committee of the employee organization. Adv. Ops. No. 89-005 and 98-003. Given these facts, you are also not prohibited from participating in the negotiation of the contract. However, the Commission has cautioned that a public official should refrain from taking a more active role in the negotiation of a collective bargaining agreement where a family member is a member of the union covered by the agreement. See Adv. Op. No. 89-005 ("Although a [public official] whose spouse is [an employee of the agency] is not generally prohibited from voting to ratify a collective bargaining agreement, he should refrain from taking a more active role in serving as the [agency's] representative in negotiations with the employee organization, since such an active role may create the appearance of impropriety.").

#### Participating in Matters Not Related to Employment

Your second question is whether the Ethics Law restricts your ability to participate in deliberations and votes on other related issues concerning the fire department.

R.C. 2921.42(A)(1) and R.C. 102.03(D) would prohibit you from participating in matters before council that would definitely and directly affect your husband's individual employment relationship with the city. Therefore, you would be prohibited from taking any action, formally or informally, on matters of the kind described above, such as any promotion of your husband, any disciplinary matters that would affect your husband's position with the city, or any layoff or removal of your husband. You would be prohibited from voting, discussing, deliberating about, formally or informally lobbying, or taking any other action, within the scope of your public position, on these matters. However, R.C. 102.03(D) does not prohibit a public official from participating in a general budget appropriation which includes money to fund a family member's compensation and benefits where either of two sets of facts is present.

First, the Commission has stated that R.C. 102.03(D) does not prohibit a public official from participating in such a general budget appropriation provided that the amount of the family member's compensation and benefits has been established by an action separate from the appropriation and the appropriation measure does not provide the official with the authority or discretion to alter the compensation and benefits. Adv. Op. No. 92-012. See generally Adv. Ops. No. 90-004 and 91-004. Second, the Commission has held that R.C. 102.03(D) does not prohibit a public official from participating in a general budget appropriation provided that the family member's compensation and benefits are identical to and in common with the entire class of city employees who are not subject to a collective bargaining agreement. See Adv. Ops. No. 92-010 and 92-012. In either of these two situations, you would not be prohibited from participating in budget hearings or approval, or voting on and participating in executive sessions concerning the fire department as a whole.

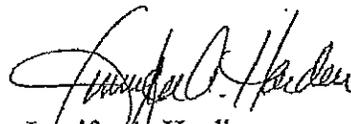
Conclusion

As explained more fully above, R.C. 2921.42(A)(1) prohibits you from participating in any matters before council related to the employment of your husband. Further, R.C. 102.03(D) prohibits you from taking any action to secure any employment benefit, such as raises, promotions, or resolution of disciplinary actions that affect your husband. Where the law prohibits you from participating, you cannot participate in any way, including voting, making motions, and participating in executive sessions.

With respect to a collective bargaining agreement, R.C. 2921.42(A)(1) and R.C. 102.03(D) do not prohibit you from ratifying or participating in the negotiation of the contract as long as: (1) your husband will be affected by the contract terms in the same manner as all other members of the union; (2) your husband is not an officer or employee of the union, and is not on the union negotiating team; and (3) you are not covered by health insurance your husband receives from the city. The Ethics Law also does not prohibit you from participating in matters that affect the fire department as a whole, such as decisions regarding the departmental budget and purchases of equipment for the department.

This opinion is based on the facts presented. It is limited to questions arising under Chapter 102, and Sections 2921.42 and 2921.43 of the Revised Code and does not purport to interpret other laws or rules. I have enclosed several advisory opinions that may provide more information about the issues you raised in your letter. If you have any questions or desire additional information, please feel free to contact this office again.

Sincerely,

  
Jennifer A. Hardin  
Chief Advisory Attorney

Enclosures: Advisory Opinions No. 89-005, 92-017, and 98-003