

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD October 15, 2019

This Regular Council Meeting was called to order by President of Council Anthony D. Biasiotta at 7:38 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Mayor Dell'Aquila, Director of Law Pignatiello, Director of Finance Herwick, Councilman-at-Large Elliott, Councilwoman-at-Large Kelly, Councilwoman-at-Large Stager, Ward 1 Councilman Biasiotta, Ward 2 Councilman Martin, Ward 3 Councilman Snitzky, Ward 4 Councilman Greenwald, Director of Public Service and Properties Johnson, Building Commissioner Houpt, and Engineer Collins.

Council President Biasiotta stated:

"In our last Caucus we distributed and unanimously voted to put the Development Agreement with RFS Seven Hills onto the Agenda. However, due to a clerical error, it did not make the Agenda. I am going to make a motion now to add it -- the Development Agreement for the big project on Rockside Road -- for first reading. There is no action anticipated on this tonight, but I do want to get this out there in the public domain as soon as possible."

Motion to Amend the Agenda

MOTION by Mr. Biasiotta, seconded by Mr. Elliott, to waive the twenty-four-hour delivery requirement for:

Ordinance No. 136-2019- AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH RFS SEVEN HILLS, LLC, AN OHIO LIMITED LIABILITY COMPANY DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO, FOR THE DEVELOPMENT OF CERTAIN PROPERTY LOCATED IN THE ROCKSIDE ROAD SOUTH PLANNED UNIT DEVELOPMENT DISTRICT.

and to amend the Agenda by entering Ordinance No. 136-2019 onto the agenda as **Item No. 9-g-1**, for its first reading.

Roll Call: all yea

MOTION CARRIED

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Snitzky, seconded by Ms. Stager, to accept the Minutes of the Regular Council Meeting held September 24, 2019, as printed.

Roll Call: all yea

MOTION CARRIED

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CONSENT AGENDA

MOTION by Mr. Elliott, seconded by Ms. Kelly, to accept the Consent Agenda of October 15, 2019, as printed, if there is no division of the question.
Roll Call: all yea **MOTION CARRIED**

RESOLUTIONS OF COMMENDATION

Resolution No. 26-2019 – A RESOLUTION OF COMMENDATION TO CHRISTINE PAPCKE, CITY OF SEVEN HILLS HALL OF FAME RESIDENT OF THE MONTH, OCTOBER 2019.

MOTION by Mr. Greenwald, seconded by Mr. Biasiotta, to read Resolution No. 26-2019 in its entirety for its first and final reading.

Roll Call: all yea **MOTION CARRIED**
Resolution No. 26-2019 was read in its entirety by the Clerk of Council for its first and final reading.

MOTION by Mr. Greenwald, seconded by Ms. Stager, to adopt Resolution No. 26-2019 as an emergency measure.

Ms. Kelly stated:

“I would like to wish Ms. Papcke congratulations. Thank you for representing our City so well. I had no idea cornhole was such a huge sport. I had no idea. It is very popular in my family, holiday gatherings, birthdays, we are outside after dinner doing that, hanging out, and it is very competitive. So, what I am thinking, maybe, I can have your number and you can be my secret ringer. *(There was laughter from those present.)* Because I think the game just changed. So, thank you so much for representing our City so greatly. Congratulations to you. Thank you for being here tonight.”

Mr. Elliott stated:

“I was going to ask you the same question. Thank you very much for representing our City in a positive light.”

Mr. Snitzky stated:

“The problem is that you cannot replace a 65-year-old shoulder. That is what you can’t do. I only have one negative comment -- that you have totally wiped out bocce ball. Thanks for doing what you do and for the City as well.”

Mr. Greenwald stated:

“I would just like to congratulate you on all of your success and on this award. Maybe I will take you up on the coaching. Congratulations.”

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Ms. Stager stated:

“I would just like to say congratulations along with everyone else. And, to confess that I played my first cornhole game this past summer. Never have played before.”

Ms. Papcke interjected, “That’s how we all start.”

Ms. Stager continued:

“Yes, indeed. Yes, I may come to you for some instruction as well. Thank you and congratulations.”

Mr. Martin stated:

“Council President, I don’t want to have anything to do with the game having been beaten by my wife two weeks ago.” *(There was laughter from those present.)*

Mayor Dell’Aquila stated:

“Just very briefly.....I just want to say how wonderful it has been an experience for me, and I think everybody up here, to have started this process of recognizing important and significant residents in our City. It has been a revelation to me, of how many just really wonderful people we have in our City doing so many great things that we don’t know about. So, I just want to thank everybody involved in bringing this to our attention causing us to create this program. I wish you the best of luck and success. Thank you so much for continuing to remain a resident of Seven Hills and allowing us to ride on your shoulders and your great accomplishments. Thank you and congratulations.”

Council President Biasiotta stated:

“Well, I will make it a triple because I was going to say what Councilwoman Kelly just did. I will just say that we all want to win. Your accomplishment is no small feat. The sport of cornhole grows every day. It is highly competitive. You are now recognized locally and recognized nationally, and as we stated in the record and in this Resolution, across all types of media, national media, national television, local television, cable television. You turn it on and there has also been a number of articles in local papers, the Sun Post and Scene Magazine. I have friends, as I stated to you earlier, in the field, so I know how competitive it is and how good you have to be to obtain this level. Like I said with other athletes that have come before this Chamber for recognition, you cannot do it alone. If you don’t have a supportive husband you probably could not have put the time in to get to the level of competition you are today. Kudos to your husband as well for being supportive.”

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Council President Biasiotta concluded:

“The last thing to say tonight is, thank you for being a great ambassador for Seven Hills as you travel for these tournaments -- you are representing yourself, your family, and you are representing Seven Hills, and there is no doubt that you are doing an outstanding job being an ambassador to our City. So, on that, thank you. There are no more further comments.”

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 26-2019 IS DECLARED ADOPTED.

There was a hearty round of applause from the audience and all those present upon the adoption of Resolution No. 26-2019.

Council President Biasiotta presented the Resolution of Commendation to Christine Papcke with the congratulations and best wishes of Council and the Administration. Council President Biasiotta invited Ms. Papcke to the podium to say a few words if she so wished.

Christine Papcke stated:

“I very much appreciate it. You guys are awesome. I have lived here for ten to twelve years and I am not going anywhere. I love this City, I love my family, I love my neighborhood. I appreciate it very, very much.”

Council President Biasiotta then stated, “We understand if you don’t care to stick around.”

There was laughter from those present.

There was an additional round of applause from everyone present in recognition of Christine Papcke. There was a short pause before the meeting resumed allowing for members of the audience to exit Council Chambers.

REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

Planning, Zoning, and Economic Development Committee Chairman Snitzky stated that the Committee will hold its next regular meeting on Tuesday evening, October 22, 2019. Mr. Snitzky said that the minutes from the previous meeting (*September 17, 2019*) are on file with the Clerk of Council.

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Public Works

Public Works Committee Chairman Greenwald stated that the Committee last met on Tuesday evening, October 8, 2019, and the minutes from that meeting are pending. Mr. Greenwald said that the Committee will hold its next regular meeting on Tuesday evening, November 6, 2019.

Community Services

Community Services Committee Chairperson Stager stated that the Committee also last met on Tuesday evening, October 8, 2019, and the minutes from that meeting are on file with the Clerk of Council. Ms. Stager said that the Committee will hold its next regular meeting on Tuesday evening, November 6, 2019.

Police and Fire

Police and Fire Committee Chairman Elliott stated that the minutes from the previous meeting (*September 17, 2019*) are pending. Mr. Elliott said that the Committee will hold its next regular meeting on Tuesday evening, October 22, 2019.

Parks and Recreation

Parks and Recreation Committee Chairman Martin stated that the Committee will hold its next regular meeting on Tuesday evening, October 22, 2019.

Rules, Ordinances, and Ethics

Rules Committee Chairperson Kelly stated that the Committee last met on Tuesday evening, October 8, 2019, and the minutes from that meeting are on file with the Clerk of Council. Ms. Kelly said that the Committee will hold its next regular meeting on Tuesday evening, November 6, 2019.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Biasiotta stated that the Committee last met on Tuesday evening, October 8, 2019, and the minutes from that meeting are on file with the Clerk of Council. Mr. Biasiotta said that the Committee will hold its next regular meeting on Tuesday evening, October 22, 2019.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

There were no communications, petitions or claims.

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COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

Amended Ordinance No. 125-2019 – AN ORDINANCE AUTHORIZING THE CITY OF SEVEN HILLS TO ENTER INTO A ONE-YEAR RATE GUARANTEE AGREEMENT COMMENCING NOVEMBER 1, 2019 AND ENDING OCTOBER 31, 2020, WITH UNUM LIFE INSURANCE COMPANY OF AMERICA, FOR THE FURNISHING OF LIFE INSURANCE FOR QUALIFIED FULL-TIME CITY EMPLOYEES, IN AN AMOUNT NOT TO EXCEED \$4.50/\$25,000 LIFE INSURANCE, \$0.50/\$25,000 AD&D, AND \$2.43/DEPENDENT LIFE; AUTHORIZING AND DIRECTING THE MAYOR TO SIGN, ON BEHALF OF THE CITY OF SEVEN HILLS, ANY AND ALL DOCUMENTS NECESSARY TO IMPLEMENT AND GIVE FORCE AND EFFECT TO SAID LIFE INSURANCE COVERAGES; AUTHORIZING AN AMOUNT NOT TO EXCEED \$4,600.00 ANNUALLY FOR SAID COVERAGE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Greenwald, seconded by Ms. Stager, to read Amended Ordinance No. 125-2019 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 125-2019 was read by full title only for its third and final reading.

MOTION by Mr. Greenwald, seconded by Ms. Stager, to pass Amended Ordinance No. 125-2019.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 125-2019 IS DECLARED PASSED.

MOTION by Mr. Snitzky, seconded by Mr. Martin, to amend Ordinance No. 130-2019 by correcting the word 'SCAW' to 'SCAG' in the title and throughout the body of the ordinance when referring to the type of mower being purchased.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 130-2019 – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$21,670.00 FOR THE PURCHASE OF TWO (2) NEW 2018 SCAG 72" GAS TURF TIGER ZERO TURN MOWERS (\$10,835.00 each), WITH APPURTENANCES, FOR USE IN THE SERVICE DEPARTMENT OF THE CITY OF SEVEN HILLS, OHIO, SAID PURCHASE TO BE MADE FROM BEST TRUCK EQUIPMENT, INC., OF WILLOUGHBY, OHIO, THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES OFFICE OF STATE PURCHASING CONTRACT (STS #800604); AND DECLARING AN EMERGENCY.

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MOTION by Mr. Snitzky, seconded by Mr. Martin, to read Amended Ordinance No. 130-2019 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Amended Ordinance No. 130-2019 was read by full title only for its first and final reading.

MOTION by Mr. Snitzky, seconded by Ms. Kelly, to pass Amended Ordinance No. 130-2019 as an emergency measure.
Mr. Snitzky stated the reason for the emergency provision was that the City was getting quite a deal on this equipment and it was necessary to act quickly to accomplish the purchase.
Roll Call: all yea **MOTION CARRIED**

AMENDED ORDINANCE NO. 130-2019 IS DECLARED PASSED.

Ordinance No. 131-2019 – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$2,500.00 FOR THE PURCHASE OF ONE (1) TC1601 PEQUEA DECK OVER TRAILER, TANDIUM AXEL WITH FOLDING RAMPS, WITH APPURTENANCES, FOR USE IN THE SERVICE DEPARTMENT OF THE CITY OF SEVEN HILLS, OHIO, SAID PURCHASE TO BE MADE FROM BAKER VEHICLE SYSTEMS, INC., OF MACEDONIA, OHIO, THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES OFFICE OF STATE PURCHASING CONTRACT (STS#800604); AND DECLARING AN EMERGENCY.

MOTION by Mr. Elliott, seconded by Ms. Kelly, to read Ordinance No. 131-2019 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 131-2019 was read by full title only for its first and final reading.

MOTION by Mr. Elliott, seconded by Ms. Kelly, to pass Ordinance No. 131-2019 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 131-2019 IS DECLARED PASSED.

Ordinance No. 132-2019 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH SPECIALIZED CONSTRUCTION, INC., OF CUYAHOGA HEIGHTS, OHIO; APPROPRIATING AN AMOUNT NOT TO EXCEED \$67,000.00 FOR THE 2019 STREET CRACK SEALING PROGRAM; AND DECLARING AN EMERGENCY.

MOTION by Mr. Martin, seconded by Mr. Elliott, to read Ordinance No. 132-2019 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**

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Ordinance No. 132-2019 was read by full title only for its first and final reading.

MOTION by Mr. Martin, seconded by Mr. Elliott, to pass Ordinance No. 132-2019 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 132-2019 IS DECLARED PASSED.

Ordinance No. 133-2019 – AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$1701.10 FOR A CHANGE ORDER TO ORDINANCE NO. 140-2014 (FIVE-YEAR SERVICE AGREEMENT), PASSED BY COUNCIL NOVEMBER 10, 2014, WHICH AUTHORIZED AN INITIAL AMOUNT OF \$5,400.00 TO CINTAS CORPORATION FOR STANDARD UNIFORM AND SERVICE PRODUCT RENTAL TO BE USED BY THE CITY OF SEVEN HILLS SERVICE DEPARTMENT; THE ADDITIONAL SUM OF \$1701.10 BEING FOR THE REMAINDER OF THE YEAR 2019; AND DECLARING AN EMERGENCY.

MOTION by Ms. Kelly, seconded by Ms. Stager, to read Ordinance No. 133-2019 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 133-2019 was read by full title only for its first and final reading.

MOTION by Ms. Kelly, seconded by Ms. Stager, to pass Ordinance No. 133-2019 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 133-2019 IS DECLARED PASSED.

Ordinance No. 134-2019 – AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$650.00 FOR A CHANGE ORDER TO ORDINANCE NO. 29-2019, PASSED BY COUNCIL FEBRUARY 11, 2019, WHICH AUTHORIZED AN INITIAL AMOUNT OF \$20,000.00 TO BANK OF AMERICA MERCHANT SERVICES FOR CREDIT CARD PROCESSING FEES FOR FEES COLLECTED THROUGH MAYOR'S COURT, BONDS, BUILDING DEPARTMENT, AND RECREATION CENTER; THE ADDITIONAL SUM OF \$650.00 BEING FOR THE REMAINDER OF THE YEAR 2019; AND DECLARING AN EMERGENCY.

Council President Biasiotta stated he would be recusing himself in reference to Ordinance No. 134-2019.

MOTION by Mr. Martin, seconded by Mr. Snitzky, to read Ordinance No. 134-2019 by title only for its first and final reading.

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Roll Call: Kelly, yea; Elliott, yea; Stager, yea; Greenwald, yea;
Snitzky, yea; Martin, yea; Biasiotta (recused).

6 yea, 0 nay (Biasiotta recused)

MOTION CARRIED

Ordinance No. 134-2019 was read by full title only for its first and final reading.

MOTION by Mr. Martin, seconded by Mr. Snitzky to pass Ordinance No. 134-2019 as an emergency measure.

Roll Call: Kelly, yea; Elliott, yea; Stager, yea; Greenwald, yea;
Snitzky, yea; Martin, yea; Biasiotta (recused).

6 yea, 0 nay (Biasiotta recused)

MOTION CARRIED

ORDINANCE NO. 134-2019 IS DECLARED PASSED.

Ordinance No. 135-2019 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT RENEWAL WITH ASURE SOFTWARE (ASURE COBRASOURCE LLC), FOR THE ADMINISTRATION OF THE CITY OF SEVEN HILLS COBRA SOFTWARE SERVICES; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$620.00 FOR A ONE-YEAR PERIOD FOR SAID SERVICE.

Ordinance No. 135-2019 was read by full title only for its first reading.

Ordinance No. 136-2019- AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH RFS SEVEN HILLS, LLC, AN OHIO LIMITED LIABILITY COMPANY DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO, FOR THE DEVELOPMENT OF CERTAIN PROPERTY LOCATED IN THE ROCKSIDE ROAD SOUTH PLANNED UNIT DEVELOPMENT DISTRICT.

Ordinance No. 136-2019 was read by full title only for its first reading.

Resolution No. 25-2019 – A RESOLUTION SUPPORTING THE OHIO MUNICIPAL LEAGUE (OML) POSITION ON H.B. 49 AND H.B. 5 (CENTRALIZED TAX COLLECTION) AND ASKING THE OML TO INCLUDE THE CITY OF SEVEN HILLS AS A MUNICIPALITY SUPPORTING THE OML AMICUS BRIEF BEFORE THE OHIO SUPREME COURT.

Resolution No. 25-2019 was read by full title only for its second reading.

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COUNCIL OPEN TO THE AUDIENCE

There were no questions or comments from the audience.

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 Herwick had no formal report.

Director of Law Pignatiello had no formal report.

Director of Public Service and Properties Johnson:

Thank you, Mr. Chairman. I just want to thank Council for voting affirmatively on Ordinance No. 129-2019 and Ordinance No. 130-2019. These ordinances for the lawnmower and trailer are going to help us become more efficient in providing services to our residents.

Engineer Collins had no formal report.

Building Commissioner Houpt had no formal report.

MISCELLANEOUS

Mr. Martin

Councilman Martin said, at the October 9, 2019 meeting of the Zoning Board of Appeals, the Board made the following motions regarding variances requested:

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“310 E. Decker, Michael Pinkozie

The Zoning Board of Appeals voted whether (or not) to grant applicant and property owner Michael Pinkozie, of 310 E. Decker Drive, a 2’ variance to Ordinance No. 997.03(d)(2) to allow the installation of a 6’ high fence on the easterly side of the home as depicted on the submitted drawings and pending approval by the Building Commissioner of a clear sightline of the right-of-way.

Roll Call: 4 Yea, 0 Nay

Motion Carried”

“310 E. Decker, Michael Pinkozie

The Zoning Board of Appeals voted whether (or not) to grant applicant and property owner Michael Pinkozie, of 310 E. Decker Drive, a variance to Ordinance No. 997.03(d)(4) to allow installation of a 6’ high fence forward of the rear building line but no closer to 5’ of the South driveway on the easterly side of the home as depicted on the submitted drawings and pending approval of clear sightline of the road right-of-way.

Roll Call: 4 Yea, 0 Nay

Motion Carried”

MOTION by Mr. Martin, seconded by Mr. Biasiotta, to concur with the findings of the Zoning Board of Appeals of October 9, 2019, in granting the variances requested by Michael Pinkozie, 310 E. Decker Drive, in reference to the installation of a fence, if there is no division of the question.

Roll Call: all yea

MOTION CARRIED

Councilman Martin said also at the October 9, 2019 meeting of the Zoning Board of Appeals, the Board made the following motion regarding a variance requested:

“7665 Pleasant Run Drive, Ron and Mary Benedek

The Zoning Board of Appeals voted whether (or not) to grant applicant and property owners, Ron and Mary Benedek, 7665 Pleasant Run Drive, a variance to Ordinance No. 997.03(d)(4), to allow the installation of a 5’ high fence 27’ forward of the rear building line on the northerly side of the home as depicted on the submitted drawings.

Roll Call: 4 Yea, 0 Nay

Motion Carried”

MOTION by Mr. Martin, seconded by Mr. Biasiotta, to concur with the findings of the Zoning Board of Appeals of October 9, 2019, in granting the variance requested by Ron and Mary Benedek, 7665 Pleasant Run Drive, in reference to the installation of a fence.

Mr. Biasiotta stated:

“Note that this, too, was passed unanimously by the Zoning Board of Appeals.”

Roll Call: all yea

MOTION CARRIED

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Mr. Snitzky had no miscellaneous comments.

Mr. Greenwald had no miscellaneous comments.

Ms. Stager had no miscellaneous comments.

Mr. Elliott:

Just one thing. I want to thank Fairmount Properties and everyone up here who has played a hand in road development. It is a long process. This is one step further and one step closer to getting this thing done. I appreciate all the hard work from everybody. Thank you, guys, for your patience.

Ms. Kelly had no miscellaneous comments.

Council President Biasiotta had no miscellaneous comments.

Council President Biasiotta concluded, "Thank you all for coming tonight. I will let you get home to your families."

MOTION by Mr. Biasiotta, seconded by Ms. Stager, to adjourn the meeting.

Roll Call: all yea

MOTION CARRIED

The October 15, 2019 Regular Council Meeting was adjourned at 8:11 p.m.

Anthony D. Biasiotta, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

Transcribed 10/26/19
Lisa Plisko, Council Assistant
(Edited C. Sekerak)