

City of Seven Hills

Record of Minutes of

SPECIAL COUNCIL MEETING HELD January 28, 2017

This **SPECIAL** Council Meeting was called to order by President of Council Matthew A. Trafis at 1:20 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Mayor Dell'Aquila, Director of Law Pignatiello, Councilman-at-Large Bicker, Councilman-at-Large Kraynak, Councilman-at-Large Trafis, Ward 1 Councilman Biasiotta, Ward 2 Councilman Fraundorf, Ward 4 Councilman Petro, Director of Public Service and Properties Lovece, and City Engineer Collins. Absentees were Ward 3 Councilman Kukral and Building Commissioner Moro.

MOTION by Mr. Trafis, seconded by Mr. Biasiotta, to excuse the absence of Ward 3 Councilman Kukral from today's meeting.

Council President Trafis stated:

"Before we begin, Councilman Kukral was here earlier for our Budget Hearings and had to leave for a family commitment; therefore, I would like to make a motion to excuse Mr. Kukral from this afternoon's Special Council Meeting."

Roll Call: all yea

MOTION CARRIED

OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

READING OF LAW DIRECTOR'S ROAD PROGRAM MEMORANDUM

Council President Trafis stated:

"Before we move on I am going to ask the Clerk of Council to read a memo into the record regarding Ordinance No. 10-2017."

The Clerk of Council read into the record a Memorandum from Director of Law Richard A. Pignatiello, dated January 25, 2017, addressed to Mayor Dell'Aquila and the Members of Council, in reference to the Road Program 2017.

The subject memorandum was read into the record in its entirety by the Clerk of Council, and is appended to these minutes as an exhibit.

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ORDINANCES AND RESOLUTIONS

Ordinance No. 10-2017 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH RICHARD L. BOWEN + ASSOCIATES, INC., OF CLEVELAND, OHIO, IN AN AMOUNT NOT TO EXCEED \$184,530.00, TO SERVE AS THE AUTHORIZED REPRESENTATIVE OF THE CITY AND SUPERVISE THE EXECUTION OF THE 2017 CITY ROAD PROGRAM; AND DECLARING AN EMERGENCY.

MOTION by Mr. Petro, seconded by Mr. Biasiotta, to read Ordinance No. 10-2017 by title only for its second and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 10-2017 was read by full title only for its second and final reading.

MOTION by Mr. Petro, seconded by Mr. Biasiotta, to pass Ordinance No. 10-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 10 2017 IS DECLARED PASSED.

OPEN TO THE AUDIENCE

There were no questions or comments from the audience.

OTHER BUSINESS

Engineer Collins had no miscellaneous comments.

Mayor Dell'Aquila had no miscellaneous comments.

Service Director Lovece had no miscellaneous comments.

Law Director Pignatiello had no miscellaneous comments.

Council President Trafis had no miscellaneous comments.

Mr. Fraundorf had no miscellaneous comments.

Mr. Petro had no miscellaneous comments.

Mr. Kraynak had no miscellaneous comments.

Mr. Bicker had no miscellaneous comments.

Mr. Biasiotta had no miscellaneous comments.

There was no further business brought before Council.

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MOTION by Mr. Trafis, seconded by Mr. Kraynak, to adjourn the meeting.
Roll Call: all yea **MOTION CARRIED**

The January 28, 2017 Special Council Meeting was adjourned at 1:29 p.m.

Matthew A. Trafis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

Transcribed 2/25/17
Lisa Plisko, Council Assistant
(Edited C. Sekerak)

City of Seven Hills

Law Department

7325 Summitview Drive, Seven Hills, Ohio 216-525-6237

TO: Mayor Dell'Aquila
Members of Council

FROM: Law Director Richard A. Pignatiello

DATE: January 25, 2017

RE: Road Program 2017

Council members and the Mayor requested that I research Ohio Ethics Law and related statutes that would prohibit a member of City Council from participating in discussions, deliberating, or voting on issues related to the City's 2017 Road Program. I spoke with the Ohio Ethics Commission Staff Attorney, John Rawski, regarding your concerns. As a result of our discussion, Mr. Rawski forwarded to me the Ohio Ethics Commission Advisory Opinion 88-004 which specifically states

"The Ohio Ethics Law and related statutes do not prohibit a city council member from participating in matters that would provide a general, uniform benefit to citizens within the city.."

Many general issues come before our municipal government that provide a uniform benefit to all residents in the City, including the public officials making the decision. This would include general legislation on such matters as taxes, police and fire, zoning, etc. The benefits derived by the public officials in common with their constituents would ordinarily accrue to them in the performance of their official duties and would not be of such character as to manifest a substantial and improper influence on them. A public official should not be precluded from participating in such decisions that he was duly elected or appointed to make, unless he would secure a particular benefit for himself that creates a conflict of interest.

Therefore, the Mayor and all council members can discuss and vote on matters and/or legislation pertaining to the 2017 City of Seven Hills' Road Program.