

City of Seven Hills

Record of Minutes of

SPECIAL COUNCIL MEETING HELD March 2, 2017

This *SPECIAL* Council Meeting was called to order by President of Council Matthew A. Trafis at 6.37 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 3 Councilman Kukral, Ward 4 Councilman Petro, Director of Public Service and Properties Lovece, and Engineer Collins. Absentee was Building Commissioner Moro.

OPEN TO THE AUDIENCE ON LEGISLATION ONLY

Bob Leech, 5739 Rockhaven Drive made the following comments:

"I am delighted, finally, that something is happening on Rockside Road. So I am not against this project -- I think it's fantastic. It's taken an enormous amount of time on your behalf to get this far and I congratulate you for that, really. It has been a partnership. I have some real concerns about preliminary things. When you make a deal, it's always supposed to be good for both parties. I don't know, and I haven't seen anything yet that really, really puts their feet to the fire, per se about a lot of things that are proposed -- and when you have preliminary things, it might be far reached from what actually happens. I am afraid of the grading, uphill, and you have some water problems further in there. I am just not so sure that we have enough guarantees, monetary and otherwise, as far as if they don't go through there. Are we going to be left with a desert there rather than a beautiful area that has many, many large trees?"

Mr. Leech continued:

"The other side note that I would like to hear. Are they going to sell the trees? It is a lot of money, really -- there are some very large trees there. We talked about parks in great length for a couple months now. The parks fund could certainly use the money that would be generated from that as such. I am a little concerned. I know it's not proper to ask questions but can I have an answer on that first? Before I proceed."

Council President Trafis asked, "Which question would you like an answer to first?"

Mr. Leech replied, "Is there any kind of contract or fiscal responsibility that they have to put up? They did not do this preliminary."

Council President Trafis responded:

"We are currently in the process of negotiating a development agreement and it's moving along quite well, I think."

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Council President Trafis continued, “Regarding your question with the grading, I would ask Engineer Collins to give input on that. Regarding the question about selling the trees, Alan, if you don’t mind, approach the podium and answer that -- I would appreciate that.”

Engineer Collins commented:

“The grading plan has not been officially submitted yet. It is at a preliminary level and will be submitted at a final development plan approval. The staff and administration in my department will be reviewing that accordingly. One of the biggest goals of a new development is to not adversely affect drainage on downstream properties and upstream properties and that is one thing that I know my department looks at seriously. We reviewed the calculations that are submitted and we, of course, review against the City Codified Ordinances to make sure that they are meeting that. So, if they are meeting the Codified Ordinances, they are not going to be adversely effecting properties, as far as drainage goes.”

Mr. Leech continued:

“Drainage was my next question. It was a pleasure working with Councilmen Kraynak and Petro for many years, and we have always had sewer problems, as such. I have been around for quite a few years, on Council a lot of those years, and I am quite sure the sewers on the North part of the City on Rockside will not be able to accept the amount of water, be it sewage, be it storm water. Are you looking at that, first? Can I ask that question?”

Engineer Collins responded:

“Yes, that is a valid concern and that is something that we will be analyzing when they do submit the final plan and we know the exact sewer runs and where they will be discharging to. The way the storm water code is written is that, water running off of that site now okay will be improved after development, the flow rates will be actually lowered than they are right now. Any water that is getting in the storm sewer now, the storm sewers are already handling that, relatively speaking, from what I understand based on the Codified Ordinances and it is probably based on a ten-year storm design, afterwards, will actually be improved so that it is pretty much a wash -- the storm sewers. The sanitary sewers, is another issue and the Sewer District will be looking at that with us, and we will be analyzing and making sure that the flows from that Development can indeed be handled. So, that is something that, yes, we are not going to permit if our sewers are under capacitated.”

Mr. Leech continued:

“Mr. Chairman, in the event that the storm sewer or the sanitary sewer needs oversizing on the North Side, would that be the responsibility of the City to pay for -- or the new Contractors?”

Council President Trafis referred the question to Engineer Collins.

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Engineer Collins replied, "That would be the responsibility of the Developer."

Mr. Leech asked, "Oversizing?"

Engineer Collins answered, "Oversizing, if necessary, if needed."

Mr. Leech continued:

"Okay, I want to get that on the record. This is a very important question. Is there a contract that has been signed for this preliminary? Is there a sub-contract on it?"

Council President Trafis responded:

"I am not understanding what you are asking. What do you mean by that?"

Mr. Leech asked, "Has there been a legal document and bonding for what they are proposing to do right now?"

Council President Trafis questioned, "With the removing of the trees?"

Mr. Leech answered, "Yes."

Council President Trafis replied, "There is a bond required. I do not know where that is in the process."

There were some inaudible comments from an unidentified woman speaking in the audience.

Mr. Leech asked, "Has there been a density study?"

Engineer Collins answered:

"Yes, the preliminary plan has already been already approved and has all the densities of each use on that plan. You are welcome to have a copy of that, upon request."

Mr. Leech said, "That fulfills all our requirements as far as the City. Correct?"

Engineer Collins replied, "That is correct."

Mr. Leech concluded, "Thank you, Mr. President."

Council President Trafis said, "No Problem. Thank you."

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ORDINANCES AND RESOLUTIONS

Amended Ordinance No. 27-2017 – AN ORDINANCE TO AMEND SECTION 979.07 PRELIMINARY DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS, AS CONTAINED IN CHAPTER 979, ROCKSIDE ROAD SOUTH PLANNED UNIT DEVELOPMENT DISTRICT, OF TITLE NINE, ZONING USE DISTRICTS, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING THE PROHIBITION AGAINST TREE/VEGETATION REMOVAL OR GRADING ON PROPERTY IN THE ROCKSIDE ROAD SOUTH PUD DISTRICT PRIOR TO THE APPROVAL OF FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH THIS CHAPTER, AND TO PROVIDE FOR A PROCEDURE WHEREBY AN APPLICANT WITH A PRELIMINARY PLAN APPROVED PURSUANT TO THIS CHAPTER MAY APPLY FOR AND OBTAIN APPROVAL FOR TREE/VEGETATION AND GRADING, ON ALL OR PART OF THE PROPERTY IDENTIFIED AS BEING THE PRELIMINARY DEVELOPMENT PLAN AREA IN SUCH APPROVED PRELIMINARY DEVELOPMENT PLAN, PRIOR TO APPROVAL OF A FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH THIS CHAPTER.

MOTION by Mr. Fraundorf, seconded by Mr. Kukral, to read Amended Ordinance No. 27-2017 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Amended Ordinance No. 27-2017 was read by full title only for its third and final reading.

MOTION by Mr. Fraundorf, seconded by Mr. Kukral, to pass Amended Ordinance No. 27-2017.

Council President Trafis stated:

“I would like to explain on the record why we are doing this. As everybody probably recalls, the PUD was a very long process. Everybody was aware that it really was a working document, some things happened that we did not anticipate, and we have the ability to amend it. The reason we are doing this tonight is because of, believe it or not, the Indiana bats. Trees cannot be cleared after March 30th or 31st, due to the Indiana Bat mating season. If we do not clear these trees prior to March 31, 2017, it will delay the project for six months, roughly. So, in order to allow the City and the developers to move forward, we will be passing this tonight. This allows for more progress on a quicker basis.”

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 27- 2017 IS DECLARED PASSED.

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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.

Mr. Biasiotta had no miscellaneous comments.

Mr. Bicker stated:

“Yes, I spent yesterday afternoon walking up and down East Ridgewood regarding the garbage bin issue. I talked to some residents and most of them did not know the law existed. I did knock on their door and explained to them that garbage cans cannot be visible from the curb.”

There were some inaudible comments from an unidentified gentleman speaking from the audience.

Mr. Kraynak had no miscellaneous comments.

Mr. Kukral had no miscellaneous comments

Mr. Petro had no miscellaneous comments.

Mr. Fraundorf had no miscellaneous comments.

Council President Trafis stated:

“I have a statement I would like to make tonight. It is unrelated to Rockside. My statement is because of all things that have been going on in the City the past few months. I was hoping I wouldn't have to do something like this and it has been weighing on my mind for a while. With all the progress that I believe we are making, I feel this statement is justified.”

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Council President Trafis (continued):

“Our job as Councilmen is to protect the public trust, to be a voice of City Hall for our Residents, and to involve Residents in the decision-making process as much as we can. There is no better way to give residents a choice on how they want us to run the City than by going to the ballot box and allowing people to vote on particular issues. We have been seeing a trend from our Ward 1 Councilman, Tony Biasiotta, that is attempting to restrict the voice of our Residents, and it is really, really starting to bother me.

At the July 25, 2016 Council Meeting, Councilman Biasiotta voted “no” on a Resolution to place the Fire Levy Renewal and Increase on the ballot. This issue will generate a projected \$1,602,000.00 annually and its passage literally changed the direction of our City for many years to come and has allowed us to begin a street repair program. This plan will resurface approximately 3 streets, set money aside for parks, create new funds to save money for infrastructure repair, capital improvements, debt payment, and even enabled us to set aside nearly \$300,000.00 to pay down the upcoming balloon payments due to that restructuring. The passage of this Levy also allowed us to purchase a new police vehicle, have money available for upcoming Union negotiated raises, and appropriate money for upcoming Recreation Center improvements. The passage of this Levy allowed us to balance our budget this year and actually provide for a small projected surplus in 2017. All that being said, Councilman Biasiotta voted “no” in an attempt to not place this on the ballot. In Ward 1, 638 residents voted on this Levy, of which, majority voted in favor. 638 voters had their Ward 1 Representative vote no on allowing them a choice, on whether or not they wanted their City to receive the needed money to move forward.

This past Monday, Ward 1 Councilman Biasiotta again voted to restrict residents the right to decide if they want their City to move forward and have a full-time Mayor and Safety Director. His stated reasoning was that he received two dozen emails -- residents in opposition. I don't buy that for one second, but even if that were true, there will be thousands of potential Ward 1 voters in the May Primary whose representative voted to take their voice away. Even though, Councilman, you had no opposition in the last Election and you were unopposed, some residents in Ward 1 voted for you, because they expected you to give them a choice on how they wish the City to operate. Your actions to attempt to suppress their voice and right to vote confused and, frankly, bothers me. Let the people decide.

What is even more surprising are the comments that Councilman Biasiotta made at the January 23, 2017 Caucus Meeting. He said ‘everyone would not debate that we need a full-time Mayor, I'm not going to debate that’. He went on to say ‘this is a pretty major change for the City, one for the better, it's the right thing to do.’ Councilman Biasiotta, you can't have it both ways anymore. Pandering to a small group of residents who are active on social media is not a justifiable reason to vote. To restrict all of your Residents from their right to vote on an Issue.”

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Council President Trafis concluded:

“It’s time you start letting all residents in your Ward make up their own mind. The days of having it both ways are over, Councilman. Make decisions that allow the people you represent to have a voice at City Hall.”

At this point in the meeting, Council President Trafis made a motion to adjourn. Councilman Biasiotta requested the floor for a brief rebuttal prior to adjourning. Council President Trafis withdrew his motion to adjourn.

MOTION

by Mr. Trafis, seconded by Kukral, to withdraw the motion to adjourn.

Roll Call: Biasiotta, yea; Fraundorf, yea; Kraynak, nay; Kukral, yea;
Petro, yea; Trafis, yea; Bicker, yea;

6 yea, 1 nay

MOTION CARRIED

Council President Trafis recognized Councilman Biasiotta.

Mr. Biasiotta stated:

“You caught me off guard, but that is okay. You are certainly entitled to your opinion. I take issue with the point that you don’t think I got two dozen emails. Bringing emails forward or reading them would only do more damage. If my integrity is on the line, then maybe that needs to happen.

Briefly, I want to talk about Issue 91. I do agree that when there is not a great risk, you should have the opportunity to bring something to vote. The specific thing with Issue 91 was that, originally, replacement/renewal, and if it didn’t pass, it would have hurt the City, the \$2.5 million a year -- and I thought that was a little risky and kind of aggressive. I do not dispute one thing that the Council President said of all the great benefits that we are deriving from that vote. We can say about having it both ways, but it was purely a financial decision that I didn’t want to run the risk of losing the money and putting the City in peril. If residents of Ward 1 were unhappy with that decision, they can vote me out. But after it was passed and put on the ballot, I supported it, put a newsletter out, went door-to-door, and many that attended these meetings regularly helped me distribute that letter, so I did not obstruct in any way. I advocated for it because it was the best thing for the City. My vote was not to suppress the residents of Ward 1, but to protect the City as a whole from potentially losing \$500,000.00 that we will never get back. I am happy that is passed, in large part through efforts of the people on this dais. I would not change my mind on that.

In terms of the full-time Mayor, it’s been my observation, observations of other Cities, that the Mayor is putting in certainly a tremendous number of hours and so did at least one former Mayor that I spoke to. Its current salary is ridiculous, and the comments that were made in Caucus were my personal opinion, and I stand by those as well.”

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Mr. Biasiotta (continued):

“I started to get feedback on this issue. It made me say that I need to ask more questions, ask for further updates. My email list is about 270 large, and I had 24 respondents. I compared that to the deer issue we had earlier in the year -- I had 12. Based upon my experience, of only a year and one-half, it was a large enough number that I felt the “no” vote was warranted over my own personal opinion. It was not about denying the right to people. One of the comments was for a change this large to be on the November ballot -- so we can argue that a “no” vote was actually to increase the number of people that would more than likely have a voice in a major change of the City. That was the first thing that I derived from the feedback I got from my residents -- and the number one reason I stated at the last Council meeting.

We can disagree, that’s fine. If the Residents of Ward 1 think I misinterpreted their 100% response, telling me not to do this -- they wanted to vote in November as opposed to May. They want more people to vote, and the word they used exceedingly throughout all the emails was they felt that we, myself included, were trying to sneak something in. Given the history of the City, I don’t think we need to sneak anything.

This Council is doing well, and a lot of things have been accomplished, and we need to shy away any resident feeling that we are sneaking anything. A “no” vote is saying no that I disagree, that is fine, with a full-time Mayor. The residents that provided their feedback disagreed with how we went about it. They want it on the November ballot and they like that our Charter has a provision for a Charter Commission. So, those were the high-level reasons I voted “no”.

Thank you for giving me a chance to rebuttal and I still think the best things are ahead and I am going to maintain a positive attitude.”

Council President Trafis further commented:

“Thank you. All I heard was circling the wagons. With all this stuff going on in the City there is a lot of confusion in social media, with what we are doing to move Seven Hills forward. Your “no” vote has created more chaos on social media. You gave another platform to people to discuss things that are simply not factual. Every time you continue to pander and do exactly what you did, I’m calling you out from here on. I am tired of it.”

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

The March 2, 2017 Special Council Meeting was adjourned at 7:03 p.m.

Matthew A. Trafis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

Transcribed 3/24/17
Lisa Plisko, Council Assistant
(Edited C. Sekerak)