

# City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD March 24, 2020

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***This Council Meeting was closed to the public in keeping with guidelines established by Ohio Attorney General Dave Yost due to the COVID-19 Pandemic Emergency.***

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This Regular Council Meeting was called to order by President of Council Pro Tem Patrick Elliott at 7:00 p.m. with the Pledge of Allegiance.

## **ROLL CALL**

Present and accounted for were Mayor Biasiotta, Assistant Director of Law DiChiro, Councilman-at-Large Elliott, Councilman-at-Large Kulju, Ward 1 Councilman Kiriazis, Ward 2 Councilman Martin, Ward 3 Councilman Snitzky, and Ward 4 Councilman Dell'Aquila. Absentees were Councilwoman-at-Large Kelly, Director of Public Service and Properties Johnson, Building Commissioner Houpt, and Engineer Collins.

**Note:** All Non-Elected City Officials were excused from this Council Meeting in accordance with established guidelines in reference to the COVID-19 Pandemic Emergency.

## **Motion to Excuse Absence**

**MOTION** by Mr. Elliott, seconded by Mr. Dell'Aquila, to excuse the absence of Councilwoman-at-Large Kelly from tonight's Council Meeting due to family illness.

Roll Call: all yea

**MOTION CARRIED**

**Councilwoman-at-Large Kelly was excused from the March 24, 2020 Regular Council Meeting.**

**Assistant Director of Law DiChiro** opened the meeting with the following comments:

"Mr. President of Council, Clerk, Mayor, all Councilmen present, and all members of the Departments that are here. At this time I would like you to consider proposed Ordinance No. 23-2020. As you are all aware our great nation is inflicted with the COVID-19 virus. Some of our Ordinances are in direct contravention with respect to this COVID-19 virus -- it has been devastating not only upon the citizens of the United States and the people of the world, but also the State of Ohio. Unfortunately, some of our Ordinances are in direct contravention to the most recent orders of Dr. Amy Acton, MD, MPH, Director of the Ohio Department of Health, which was issued on March 12, 2020. And, the most recent order that she has issued on March 22, 2020 which caused our Governor, Mike DeWine, to issue a statement 'at home order', if I may directly cite to her order....."

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**Assistant Director of Law DiChiro** continued:

“ *Item No. 3.....All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited.*’

There are some exceptions, but none that I could find that apply to this. There is also a conclusion at the end. The conclusion at the end specifically states.....

*‘The Center for Disease Control reports that people are most contagious when they are most symptomatic, the sickest. However, some spread might be possible before people show symptoms, although that is not the main way the virus spreads. Mass gatherings, ten or more persons, increases the risk of the community transmission of the virus COVID-19.’*

If you go further on, there is an attachment from the U.S. Department of Homeland Security. The attachment says, under Government and Business.....

*‘Everyone should follow guidance from the Center of Disease Control, as well as the State and Local Government Officials, regarding strategies to limit the disease.’*

I think we, as a City, and we, as Councilmembers and the Mayor, have taken an active approach. I think by limiting this gathering tonight with ten or less people is a step in the right direction. It is also us complying with the State of Ohio. It is also us taking advice and counsel from the CDC and, therefore, to bring our Ordinances in compliance with this National Emergency and the State Emergency.

I think we need to pass Ordinance No. 23-2020 which will limit our meetings to just ten or less. It will allow the meetings to be streamed. According to a previous memo issued by Attorney General Dave Yost, I think it will be in compliance with the Open and Public Meetings Act. So, I think that we need to do this, and I know you have taken a proactive approach because tonight everybody has had their temperature taken. So, I want to thank you, Mr. President, Council and Mayor Biasiotta, for their active approach. I hope we can adopt this Ordinance No. 23-2020 going forward, at least until April 6, 2020 when Governor Mike DeWine and Dr. Amy Acton will revisit the Stay at Home Order. I thank you very much. If there any questions, I will entertain them.”

**Mr. Kiriazis** questioned:

“I believe that this is a Resolution and it should be Resolution No. 10-2020. If it is an Ordinance, it should be Ordinance No. 23-2020. So, it says that this is a Resolution. So, I believe it should be Resolution No. 10-2020. Is there some clarification on this?”

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**Clerk of Council Sekerak** stated, "It was presented by the Law Department as an Ordinance resolving the....."

**Mr. Kiriazis** responded, "It says Resolution on the top of ....."

**Mr. Elliott** added, "We are going to.....I saw that as well."

**Assistant Director of Law DiChiro** added, "I think with respect to that, it is listed as a Resolution. You're saying, Carol, that it was presented as an Ordinance?"

**Clerk of Council Sekerak** responded, "Yes."

**Assistant Director of Law DiChiro** responded, "Okay, give me one moment, if I may?"

**Mr. Elliott** replied, "Take your time."

**Mayor Biasiotta** interjected, "We are waiving an Ordinance, so I suggest that this being an Ordinance, that we just change the title because it looks like there was a discrepancy. So, on the title it calls for a Resolution. We should change that to an Ordinance, in my opinion."

**Assistant Director of Law DiChiro** explained, "Council President.....Mayor, you are correct. It should be Ordinance No. 23-2020, and I apologize."

**Mr. Elliott** answered, "It's okay."

**Assistant Director of Law DiChiro** continued, "I apologize if I misspoke here."

**Mr. Martin** added, "At this point, as a point of information as well, the date of April 6, 2020 was chosen. So, is this effective through April 6, 2020?"

**Mayor Biasiotta** answered, "Yes. Sorry -- I apologize that I just answered. It was clear to me what the answer was."

**Mr. Martin** asked, "Is that just because it coincides with the Governor's order, or is this something that would be useful to extend beyond April 6, 2020, since our next meeting is scheduled April 14, 2020?"

**Mr. Elliott** answered, "Councilman Martin, read a little further. It is effective to April 6, 2020 or later."

**Mr. Martin** repeated, "Or later. Okay."

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Mr. Elliott continued, "I am going to solve all of our problems right now by making a motion."

## Motion to Amend Agenda

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

**Ordinance No. 23-2020** – A RESOLUTION TO TEMPORARILY WAIVE THE ORDINANCES THAT GIVES THE PEOPLE THE RIGHT TO ATTEND AND SPEAK AT A PUBLIC MEETING DURING THIS TIME OF NATIONAL EMERGENCY; AND DECLARING AN EMERGENCY.

and to amend the Agenda by entering Ordinance No. 23-2020 onto the agenda as Item No. 1A, to be considered by Council immediately follow Roll Call, as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**MOTION** by Mr. Dell'Aquila, seconded by Mr. Elliott, to amend Ordinance No. 23-2020 to reflect, in the title, that this is 'An **ORDINANCE** to temporarily waive' rather than 'A **Resolution** to temporarily waive'.

Roll Call: all yea

**MOTION CARRIED**

**Amended Ordinance No. 23-2020** -- AN ORDINANCE TO TEMPORARILY WAIVE THE ORDINANCES THAT GIVES THE PEOPLE THE RIGHT TO ATTEND AND SPEAK AT A PUBLIC MEETING DURING THIS TIME OF NATIONAL EMERGENCY; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Dell'Aquila, seconded by Mr. Martin, to suspend the Rules of Council and read Amended Ordinance No. 23-2020 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Amended Ordinance No. 23-2020 was read by full title only for its first and final reading.

**MOTION** by Mr. Dell'Aquila, seconded by Mr. Martin, to approve the emergency clause in Section 4 of Amended Ordinance No. 23-2020.

Roll Call: all yea

**MOTION CARRIED**

**MOTION** by Mr. Dell'Aquila, seconded by Mr. Martin, to pass Amended Ordinance No. 23-2020 as an emergency measure.

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**Mr. Dell'Aquila** stated:

"I have a question of Assistant Law Director DiChiro. As this is going to proceed now to effectuate the conduct of tonight's meeting, is it required that the Mayor sign, or not sign, this Ordinance now?"

**Assistant Law Director DiChiro** responded, "Yes, it is an emergency Ordinance."

**Mr. Dell'Aquila** continued:

"So, would it be proper for us to request that the Mayor consider signing the Ordinance so that this legislation will be in effect at the commencement of today's meeting and throughout the meeting?"

**Assistant Law Director DiChiro** responded, "That would be correct."

Roll Call: all yea

**MOTION CARRIED**

**AMENDED ORDINANCE NO. 23-2020 IS DECLARED PASSED.**

*At this point in the meeting Mayor Biasiotta approached the dais and immediately signed Amended Ordinance No. 23-2020 as presented to him by the Clerk of Council. In addition, Council President Pro Tem Elliott then affixed his signature to the legislation, and the Amended Ordinance was attested to by the Clerk.*

***AMENDED ORDINANCE NO. 23-2020 WAS COMPLETELY EXECUTED AND IS DIRECTLY IN FULL FORCE AND EFFECT.***

## **READING AND DISPOSAL OF JOURNAL**

There were no submissions for the journal to be approved.

## **CONSENT AGENDA**

There were no submissions for the March 24, 2020 Consent Agenda.

## **RESOLUTIONS OF COMMENDATION**

There were no Resolutions of Commendation.

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## **REPORTS OF COMMITTEES**

### **Planning, Zoning, and Economic Development**

Planning, Zoning, and Economic Development Committee Chairman Snitzky stated that all previous Committee Meeting Minutes are on file with the Clerk of Council. Mr. Snitzky said that the Committee will hold its next regular meeting on Tuesday evening, April 28, 2020.

### **Public Works**

Public Works Committee Chairman Kulju stated that there is nothing pending at the present time in the Public Works Committee.

### **Community Services**

Community Services Committee Chairman Kiriazis stated that the Committee last met on Tuesday evening, March 10, 2020, and the minutes from that meeting are on file with the Clerk of Council. Mr. Kiriazis said that the Committee will hold its next regular meeting on Tuesday evening, April 14, 2020.

### **Police and Fire**

Police and Fire Committee Chairman Elliott stated that the Committee will hold its next regular meeting on Tuesday evening, April 14, 2020.

### **Parks and Recreation**

Parks and Recreation Committee Chairman Martin stated that the Committee met earlier this evening, Tuesday, March 24, 2020. Mr. Martin said that the Committee will hold its next regular meeting on Tuesday evening, April 28, 2020.

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

Rules, Ordinances, and Ethics Committee Chairperson Dell'Aquila stated that the Committee met earlier this evening, Tuesday, March 24, 2020, and the minutes from that meeting are on file with the Clerk of Council.

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

Finance, Civil Service, and Personnel Committee Chairperson Kelly was not present. Mr. Dell'Aquila reported that the Committee met earlier this evening, Tuesday, March 24, 2020, and the minutes from that meeting are on file with the Clerk of Council.

## **APPOINTMENTS AND CONFIRMATIONS**

There were no appointments or confirmations.

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## COMMUNICATIONS, PETITIONS, AND CLAIMS

**Mayor Biasiotta** stated that he had a Mayoral Proclamation this evening:

“I will be presenting a Proclamation to Councilman Elliott on behalf of the City for his whole family. It is a Proclamation of the City of Seven Hills honoring the memory of Councilman Elliott’s father, John Elliott. He had a long service to the community. He served in the United States Navy, the Cuyahoga County Sherriff’s Department, and most prominently the United States Marshall’s Office. So, on behalf of the City of Seven Hills, please take this back. Our condolences to your whole family, Councilman.”

**Mr. Elliott** replied, “Thank you, Mayor.”

*There was a compassionate and sympathetic round of applause in memory of John Elliott, Councilman Patrick Elliott’s father, from all those present.*

## COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

## ORDINANCES AND RESOLUTIONS

**Amended Ordinance No. 15-2020** – AN ORDINANCE TO AMEND THE APPROPRIATIONS OF THE CITY OF SEVEN HILLS, OHIO, FOR THE YEAR ENDING DECEMBER 31, 2020; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Dell’Aquila, seconded by Mr. Martin, to suspend the Rules of Council and read Amended Ordinance No. 15-2020 by title only for its third and final reading.

Roll Call: all yea

**MOTION CARRIED**

Amended Ordinance No. 15-2020 was read by full title only for its third and final reading.

**MOTION** by Mr. Dell’Aquila, seconded by Mr. Martin, to approve the emergency clause in Section 3 of Amended Ordinance No. 15-2020.

Roll Call: all yea

**MOTION CARRIED**

**MOTION** by Mr. Dell’Aquila, seconded by Mr. Martin, to pass Amended Ordinance No. 15-2020 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**AMENDED ORDINANCE NO. 15-2020 IS DECLARED PASSED.**

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**Ordinance No. 18-2020** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH JACKSON, DIEKEN & ASSOCIATES, OF WESTLAKE, OHIO, AND APPROPRIATING A SUM NOT TO EXCEED \$94,846.00 FOR THE FURNISHING OF COMPREHENSIVE MUNICIPAL LIABILITY INSURANCE COVERAGE FOR THE POLICY PERIOD COVERING APRIL 1, 2020 THROUGH MARCH 31, 2021.

**Ordinance No. 18-2020 was read by full title only for its second reading.**

**Ordinance No. 19-2020** – AN ORDINANCE TO AMEND SECTION 1143.08, PARKING OF RECREATIONAL VEHICLES, AS CONTAINED IN CHAPTER 1143, EXTERIOR MAINTENANCE, OF TITLE THREE, LOCAL BUILDING PROVISIONS, OF PART ELEVEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

**Ordinance No. 19-2020 was read by full title only for its second reading.**

**Ordinance No. 22-2020** – AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$23,208.00 FOR A CHANGE ORDER TO ORDINANCE NO. 172-2018 WHICH AUTHORIZED AN INITIAL AMOUNT OF \$22,174.00 FOR THE ANNUAL CREATIVE MICROSYSTEMS SOFTWARE FEE IN THE FINANCE DEPARTMENT; THE ADDITIONAL SUM OF \$23,208.00 WILL COVER YEAR TWO AND YEAR THREE OF A THREE-YEAR CONTRACT; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Kiriazis, seconded by Mr. Snitzky, to suspend the Rules of Council and read Ordinance No. 22-2020 by title only for its first and final reading.  
Roll Call: all yeas **MOTION CARRIED**  
Ordinance No. 22-2020 was read by full title only for its first and final reading.

**MOTION** by Mr. Kiriazis, seconded by Mr. Snitzky, to approve the emergency clause in Section 4 of Ordinance No. 22-2020.  
Roll Call: all yeas **MOTION CARRIED**

**MOTION** by Mr. Kiriazis, seconded by Mr. Snitzky, to pass Ordinance No. 22-2020 as an emergency measure.  
Roll Call: all yeas **MOTION CARRIED**

**ORDINANCE NO. 22-2020 IS DECLARED PASSED.**



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**Resolution No. 9-2020** – A RESOLUTION AUTHORIZING THE CITY OF SEVEN HILLS TO PARTICIPATE IN THE ODOT WINTER CONTRACT FOR ROAD SALT; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Kulju seconded by Mr. Dell'Aquila, to suspend the Rules of Council and read Resolution No. 9-2020 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Resolution No. 9-2020 was read by full title only for its first and final reading.

**MOTION** by Mr. Kulju, seconded by Mr. Dell'Aquila, to approve the emergency clause in Section 3 of Resolution No. 9-2020.

**MOTION CARRIED**

Roll Call: all yea

**MOTION** by Mr. Kulju, seconded by Mr. Dell'Aquila, to adopt Resolution No. 9-2020 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**RESOLUTION NO. 9-2020 IS DECLARED ADOPTED.**

## **COUNCIL OPEN TO THE AUDIENCE**

There were no questions or comments from the audience.

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

**Mayor Biasiotta** gave the following report.

The Police Chief wants me to check with you all if Ordinance No. 22-2020 did the three proper motions.

Council's response was, "Yes."

First and foremost, I would like to thank the residents of Seven Hills for their absolute understanding throughout this crisis. We have had many changes here at City Hall. Considering the magnitude of change, relatively seamlessly, so the residents are really quick to respond to this emergency. So, thank you on behalf of myself and the whole Administration.

There will be more later on, but I would like to thank my staff. Over two weeks ago when we shut down Senior Activities, and all the way up to the changes we made this evening and late afternoon, have just been outstanding. The situation has been fluid and things have been coming in by the hour at some points. Every member of the staff has been here every day, and myself. We are reacting to it and being proactive where we can. I think they are doing a great job. I want to thank the whole Administration for their support in this difficult time.

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

**Mayor Biasiotta** stated, "We have no reports from the Directors. They have been excused so we can abide by the mass gathering rules."

### **Assistant Director of Law DiChiro:**

On behalf of our Law Department, Director of Law Pignatiello, Assistant Director of Law Tobin, and myself, we would like to express our sincere condolences to Pat Elliott and his entire Family.

**Director of Public Service and Properties Johnson** was excused from tonight's meeting.

**Engineer Collins** was excused from tonight's meeting.

**Building Commissioner Houpt** was excused from tonight's meeting.

## **MISCELLANEOUS**

### **Mr. Kiriazis:**

I would like to offer my condolences for the loss of your father, Councilman Elliott.

I would like to thank all the First Responders, Police Departments, and Firefighters, Health Care Workers, and anybody that is out there on the front lines going through this crisis right now. We will get through this. It will take a while, but we will get through it.

### **Mr. Martin:**

My condolences from both myself and my family regarding your father, Councilman Elliott. Quite an impressive cut of a man -- let's put it that way. Again, blessings to your family.

I did want to say one note to the citizens out there who are getting their Census letter in the mail. As you read it, and you're getting ready to go online -- and I encourage everyone to do that -- to ensure that Seven Hills is the size of the community that we really are by counting everybody.

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**Mr. Martin** (continued):

Do not be disappointed when you see the mailing address is out of Independence, Ohio. They truly will understand where you live. I called to make sure that we are getting credit for Seven Hills, because they know your street address and your zip code. I am sure my neighbor to my right has some background historical knowledge of this system pretty deeply. Anyway, so I encourage everyone to be involved in that.

I ask all of you to just be smart out there and be safe. Be kind to your neighbors. But God Bless our Mayor and the staff that is working throughout this whole process. God Bless all of your families as well.

**Mr. Snitzky:**

These gentlemen make it hard to follow.

Blessings to you and your family, Pat. I know you lost your mom not too long ago. I have been there. It is tough to become an orphan, you know, at any age. God Bless you.

Everyone be safe. Check on your elderly neighbors. Old people are especially susceptible to being lonely. It does not hurt to make a phone call and see if your neighbors need you to pick up some groceries for them. I am personally going to Marc's at 6:00 in the morning tomorrow because I do not want my wife to go. She is just coming off of pneumonia. Everybody be safe. People here that are taking chances to serve their community -- our Fire and our Police -- God Bless them. Thank you.

**Mr. Dell'Aquila:**

Condolences, Pat, to you and your entire family. You do honor to your dad through the service that you provide to the City, as well as the career path that you and the rest of your family have chosen. A wonderful family -- as I expressed to you previously. Your dad must have been a really great guy judging by the family he raised.

We need to be mindful that this crisis is not over yet. We are probably in the midst of one of the worst weeks to come. I think if anybody has been following this on the news, you have heard that President Trump has indicated, or his support staff has indicated, that this coming week may be -- will be -- one of the most difficult in the entire process.

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**Mr. Dell'Aquila** (continued):

Please bear that in mind. Understand that our safety forces are there for your protection as well as the necessity of their own protection. We are all living in very difficult, unprecedented times, but if we do what we are being asked to do, it is quite likely that we will be able to attenuate this situation and restore ourselves back to the position that our Country has earned and deserves to be in.

Please remember there are a limited number of people in our City who are doing this work. They deserve our gratitude, deserve our attention, and deserve our support. Thank you all for what you are doing for our community.

**Mr. Kulju:**

Councilman Elliott, may God Bless you and your family at this trying time. Love, thoughts, and prayers to you guys. You know, if there is anything I can do for you guys, you know I will.

Also, to the Fire and Police Departments.....you guys are going through trying times right now and it may get worse. Hopefully, it does not, but in reality it probably will get a little bit worse than what is. So I hope God Blesses and watches over you guys and keeps you guys safe as well.

**Mr. Elliott:**

I want to thank everyone for the well wishes.

I want to thank Mayor Biasiotta for his response time with this crisis. This has been amazing in my opinion. Not a day goes by that we are not receiving some type of email from you. So, I appreciate that.

Police and Fire -- I am with you on it. Stay safe. We have to still go out and do our jobs. Unfortunately, we have to do that. It is going to get worse before it gets better. So, stay safe and thank you everyone else.

**Mr. Kulju** added, "And, thank you to Mayor Biasiotta as well."

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

**The March 24, 2020 Regular Council Meeting was adjourned at 7:31 p.m.**

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Patrick Elliott, President of Council Pro Tem

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

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

Transcribed 4/07/2020  
Lisa Plisko, Council Assistant  
(Edited C. Sekerak)