

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD April 10, 2017

This Regular Council Meeting was called to order by Council President Matthew A. Trafis at 7:42 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, and Ward 4 Councilman Petro. Absentees were Director of Public Service and Properties Lovece and Building Commissioner Moro.

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Fraundorf, seconded by Mr. Biasiotta, to accept the Minutes of the Regular Council Meeting held December 27, 2016, as printed.
Roll Call: all yea **MOTION CARRIED**

MOTION by Mr. Fraundorf, seconded by Mr. Kukral, to accept the Minutes of the Regular Council Meeting held February 27, 2017, as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mr. Fraundorf, seconded by Mr. Bicker, to accept the Consent Agenda of April 10, 2017, 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 Trafis stated that the Committee last met on Monday evening, March 20, 2017, 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, April 17, 2017.

Public Works

Public Works Committee Chairman Petro stated that the Committee last met on Monday evening, April 3, 2017, and the minutes from that meeting are on file with the Clerk of Council.

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Community Services

Community Services Committee Chairman Bicker stated the Committee last met on Monday evening, April 3, 2017, and the minutes from that meeting are forthcoming. Mr. Bicker stated that the Committee will hold its next regular meeting on Monday, May 1, 2017.

Police and Fire

Police and Fire Committee Chairman Kraynak stated that the Committee last met on Monday evening, March 20, 2017, and the minutes from that meeting are in transit. Mr. Kraynak stated that the Committee will hold its next regular meeting on Monday evening, April 17, 2017.

Parks and Recreation

Parks and Recreation Committee Chairman Kukral stated that the Committee will hold its next regular meeting on Monday evening, April 17, 2017.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairman Biasiotta stated the Committee last met on Monday evening, April 3, 2017, and the minutes from that meeting are pending. Mr. Biasiotta stated that the Committee will hold its next regular meeting on Monday evening, May 1, 2017.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Fraundorf stated the Committee last met on Monday evening, April 3, 2017, and the minutes from that meeting are on file with the Clerk of Council.

Mr. Fraundorf stated that Committee will hold its next regular meeting on Monday evening, April 17, 2017.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

There were no communications, petitions or claims.

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. 42-2017 -- AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REIMBURSEMENT GRANT AGREEMENT WITH THE CUYAHOGA COUNTY SOLID WASTE DISTRICT ALLOWING THE CITY TO ACCEPT A REIMBURSEMENT GRANT AWARD UP TO A MAXIMUM AWARD AMOUNT OF \$2,148.00; AND DECLARING AN EMERGENCY.

MOTION by Mr. Petro, seconded Mr. Kraynak, to read Ordinance No. 42-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 42-2017 was read by full title only for its first and final reading.

MOTION by Mr. Petro, seconded Mr. Kraynak, to pass Ordinance No. 42-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 42-2017 IS DECLARED PASSED.

Ordinance No. 43-2017 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SOUTHWEST FLOORS OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF PURCHASING MATERIAL AND LABOR, WITH APPURTENANCES FOR CARPET AND LABOR, TO INSTALL FLOORING, PER PLANS AND SPECIFICATIONS, AT THE CITY OF SEVEN HILLS POLICE DEPARTMENT, CITY HALL MAIN HALLWAY, AND RECEPTIONIST ROOM AT THE CITY OF SEVEN HILLS ADMINISTRATION BUILDING, IN AN AMOUNT NOT TO EXCEED \$35,000.00; AND DECLARING AN EMERGENCY.

MOTION by Mr. Biasiotta, seconded by Mr. Kukral, to read Ordinance No. 43-2017 by title only for its first and final reading.

Mr. Petro stated:

“I am going to recuse myself from any voting on this Ordinance, since I own a Flooring Company”.

Roll Call: Biasiotta, yea; Fraundorf, yea; Kraynak, yea; Kukral, yea; Petro (recused); Trafis, yea; Bicker, yea.

6 yea, 0 nay Petro (recused)

MOTION CARRIED

Ordinance No. 43-2017 was read by full title only for its first and final reading.

MOTION by Mr. Biasiotta, seconded by Mr. Kukral, to pass Ordinance No. 43-2017 as an emergency measure.

Roll Call: Biasiotta, yea; Fraundorf, yea; Kraynak, yea; Kukral, yea; Petro (recused); Trafis, yea; Bicker, yea.

6 yea, 0 nay Petro (recused)

MOTION CARRIED

ORDINANCE NO. 43-2017 IS DECLARED PASSED.

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Ordinance No. 44-2017 – A MORAL CLAIM AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO PAY MR. JOHN HOMENKO OF 5751 SKYLINE DRIVE, SEVEN HILLS, OHIO, A SUM NOT TO EXCEED \$63.00 FOR REIMBURSEMENT OF HIS HOMEOWNER BOND FEE AND RESTITUTION FOR PROPERTY DAMAGE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Kraynak, seconded by Mr. Petro, to read Ordinance No. 44-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 44-2017 was read by full title only for its first and final reading.

MOTION by Mr. Kraynak, seconded by Mr. Petro, to pass Ordinance No. 44-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 44-2017 IS DECLARED PASSED.

Ordinance No. 45-2017 – AN ORDINANCE TO AMEND SUBSECTION 521.07(a), FENCES, AS CONTAINED IN CHAPTER 521, HEALTH, SAFETY, AND SANITATION, OF PART FIVE, GENERAL OFFENSES, CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REVISING SNOW FENCE REGULATIONS.

Ordinance No. 45-2017 was read by full title only for its first reading.

Ordinance No. 46-2017 -- AN ORDINANCE TO AMEND SUBSECTION 997.04(f), PROHIBITED FENCES, AS CONTAINED IN CHAPTER 997, FENCES, OF TITLE ELEVEN, PROVISIONS AFFECTING USE, STRUCTURE AND AREA, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REVISING SNOW FENCE REGULATIONS.

Ordinance No. 46-2017 was read by full title only for its first reading.

MOTION by Mr. Kukral, seconded by Mr. Fraundorf, to amend Resolution No. 7-2017 by removing the emergency clause in the title and in the body of the Resolution, and reverting the Resolution to its first reading.

Roll Call: all yea

MOTION CARRIED

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Amended Resolution No. 7-2017 – A RESOLUTION AUTHORIZING THE CITY TO ACCEPT A MONETARY CONTRIBUTION IN THE AMOUNT OF \$25,000.00 FROM LSB SEVEN HILLS, LLC, TO BE USED TOWARD PAYMENT OF EXPENSES, COSTS, AND FEES, INCLUDING BUT NOT LIMITED TO LEGAL FEES, WHICH HAVE BEEN AND/OR WILL BE INCURRED IN THE FUTURE BY THE CITY IN CONNECTION WITH ALL MATTERS RELATING TO THE ROCKSIDE ROAD SOUTH PLANNED UNIT DEVELOPMENT DISTRICT INCLUDING, BUT NOT LIMITED TO, THE ESTABLISHMENT AND DEVELOPMENT OF THE SAME AND THE PROPERTY OWNED BY THE CITY IN SAID DISTRICT.

Amended Resolution No. 7-2017 was read by full title only for its first reading.

MOTION by Mr. Bicker, seconded by Mr. Petro, to amend Resolution No. 8-2017 by removing emergency clause in the title and in the body of the Resolution, and reverting the Resolution to its first reading.

Roll Call: all ye

MOTION CARRIED

Amended Resolution No. 8-2017 – A RESOLUTION AUTHORIZING THE CITY TO ACCEPT A MONETARY CONTRIBUTION IN THE AMOUNT OF \$25,000.00 FROM GLENN'S LANDING LLC, TO BE USED TOWARD PAYMENT OF EXPENSES, COSTS, AND FEES, INCLUDING BUT NOT LIMITED TO LEGAL FEES, WHICH HAVE BEEN AND/OR WILL BE INCURRED IN THE FUTURE BY THE CITY IN CONNECTION WITH ALL MATTERS RELATING TO THE ROCKSIDE ROAD SOUTH PLANNED UNIT DEVELOPMENT DISTRICT INCLUDING, BUT NOT LIMITED TO, THE ESTABLISHMENT AND DEVELOPMENT OF THE SAME AND THE PROPERTY OWNED BY THE CITY IN SAID DISTRICT.

Amended Resolution No. 8-2017 was read by full title only for its first reading.

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.

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REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Law Pignatiello had no formal report.

Director of Public Service and Properties Lovece was not present.

Building Commissioner Moro was not present.

MISCELLANEOUS

Mr. Fraundorf had no miscellaneous comments.

Mr. Petro had no miscellaneous comments.

Mr. Kukral had no miscellaneous comments.

Mr. Kraynak had no miscellaneous comments.

Mr. Bicker had no miscellaneous comments.

Mr. Biasiotta had no miscellaneous comments.

Council President Trafis:

We might get this meeting done in record time. The only thing I have is a couple of variance requests from our previous Zoning Board of Appeals Meeting.

Mr. Trafis said, at the April 5, 2017 Zoning Board of Appeals Meeting, the Board made the following motion regarding the variance requests heard.

DREES HOMES

1. Width of Lot

“I move that the Board vote whether (or not) to grant the applicant, Drees Homes, property owner Eleanor Lisicki, Co-trustee, of 547 East Ridgewood, (551-22-023), a maximum 12’ variance to Ordinance No. 989.06 to allow the width of 12 lots to be 80’ in order to match the existing lot widths in the neighborhood which is 80’ per submitted plan VAR01 dated March 20, 2017 and as shown as amended “Exhibit A”.

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2. Front Building Setback Line

“I move that the Board vote whether (or not) to grant the applicant, Drees Homes, Property owner Eleanor Lisicki, Co-trustee, of 547 East Ridgewood, (551-22-023), a variance to Ordinance No. 991.02 to allow the front building setback line to be a minimum 17 feet for the proposed use and development; (there will be 2 lots at 20’, 1 lot at 17’ 8 lots at 30’, 1 lot at 35’, 1 lot at 50’, and 1 lot at 100’) per the submitted plan VAR01 dated March 20, 2017 and as shown amended “Exhibit A”.

3. Rear Yard

“I move that the Board vote whether (or not) to grant the applicant, Drees Homes, Property owner Eleanor Lisicki, Co-trustee, of 547 East Ridgewood, (551-22-023), a 10-foot variance, a 21-foot variance, and a 19-foot variance to Ordinance No. 993.01 (a)(2) to allow a minimum 40-foot rear yard depth, a minimum 29-foot rear yard depth, and a minimum 31-foot rear yard depth for the proposed use and development. (11 lots at 40’, 1 lot at 29’ and 1 lot at 31’) per the submitted plans VAR01 dated March 20, 2017 and as shown as amended “Exhibit A”.

MOTION by Mr. Trafis, seconded by Mr. Bicker to concur with the findings of the Zoning Board of Appeals of April 5, 2017, in granting the variance request of Eleanor Lisicki, Co-Trustee, of 547 East Ridgewood, in reference to the 15-home subdivision development.

Roll Call: all yea

MOTION CARRIED

Mr. Trafis said, also at the April 5, 2017 Zoning Board of Appeals Meeting, the Board made the following motion regarding a variance request heard.

“I move that the Board vote whether or not to grant the applicant and property owner, Jeff Nemet, 314 Nemet Drive, a 3’5” variance to Ordinance No. 1106.02(c) to allow the construction of a 12’ x 32’ concrete pad within 18” of the property line.

MOTION by Mr. Trafis, seconded by Mr. Kukral to concur with the findings of the Zoning Board of Appeals of April 5, 2017, in granting the variance request of Jeff Nemet, of 314 Nemet Drive, concerning a concrete pad.

Roll Call: all yea

MOTION CARRIED

Council President Trafis continued:

Council, Mayor -- we previously had on the agenda a while back an Ordinance to amend our existing ordinance regarding the amount of money that new developers will pay for the Tree Fund and the Parks Fund. It came to our attention that we need to refer this to the Planning Commission before we can vote on it for the third reading.

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Council President Trafis (continued):

I apologize for not having discussed this previously. It is really simple -- we just have to refer to Planning and they need to do their thing and kick it back to us. Does anybody have a problem doing that this evening? I will then make a motion to refer Ordinance No. 23-2017 to the Planning Commission.

MOTION by Mr. Trafis, seconded by Mr. Bicker, to refer Ordinance No. 23-2017 to the Planning Commission for recommendation and approval.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 23-2017 has been referred to the Planning Commission.

MOTION by Mr. Trafis, seconded by Mr. Bicker, to adjourn the meeting.

Roll Call: all yea

MOTION CARRIED

The April 10, 2017 Council Meeting was adjourned at 8:03 p.m.

Matthew A. Trafis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

Transcribed 4/22/17
Lisa Plisko, Council Assistant
(Edited C. Sekerak)