This Regular Council Meeting was called to order by President of Council Anthony D. Biasiotta at 8:06 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 Wrobel, Ward 3 Councilman Snitzky, Ward 4 Councilman Greenwald, Director of Public Service and Properties Johnson, Building Commissioner Vittardi, and Engineer Collins.

READING AND DISPOSAL OF JOURNAL

MOTION by Ms. Stager, seconded by Ms. Kelly, to accept the Minutes of the Regular Council Meeting held July 23, 2018, as printed. 
Roll Call: all yea 
MOTION CARRIED

MOTION by Mr. Wrobel, seconded by Mr. Elliott, to table the Minutes of the Special Council Meeting held August 6, 2018. 
Roll Call: all yea
MOTION CARRIED

The Minutes of the Special Council Meeting held August 6, 2018 were tabled pending editing.

MOTION by Mr. Snitzky, seconded by Mr. Greenwald, to accept the Minutes of Special Council Meeting held September 4, 2018, as printed. 
Roll Call: all yea 
MOTION CARRIED

CONSENT AGENDA

MOTION by Ms. Stager, seconded by Mr. Greenwald, to accept the Consent Agenda of September 10, 2018, 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.
City of Seven Hills
Record of Minutes of

COUNCIL MEETING HELD September 10, 2018

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 Monday evening, September 17, 2018. Mr. Snitzky said that the minutes from the previous meeting (July 16, 2018) are on file with the Clerk of Council.

Public Works
Public Works Committee Chairman Greenwald stated that the Committee will hold its next regular meeting on Monday evening, October 1, 2018. Mr. Greenwald said that the minutes from the previous meeting (September 4, 2018) are on file with the Clerk of Council.

Community Services
Community Services Committee Chairwoman Kelly stated that the Committee last met on Tuesday evening, September 4, 2018, 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 Monday evening, October 1, 2018.

Police and Fire
Police and Fire Committee Chairman Elliott stated that Committee last met on Monday evening, July 16, 2018 and the minutes from that meeting and all previous meetings are on file with the Clerk of Council. Mr. Elliott said that the Committee will hold its next regular meeting on Monday evening, September 17, 2018.

Parks and Recreation
Parks and Recreation Committee Chairman Wrobel stated that the Committee will hold its next regular meeting on Monday evening, September 17, 2018.

Rules, Ordinances, and Ethics
Rules, Ordinances, and Ethics Committee Chairwoman Stager stated that the Committee last met on Tuesday evening, September 4, 2018, and the minutes from that meeting are pending. Ms. Stager said that the Committee will hold its next regular meeting on Monday evening, October 1, 2018.

Finance, Civil Service, and Personnel
Finance, Civil Service, and Personnel Committee Chairman Biasiotta stated that the Committee last met on Tuesday evening, September 4, 2018, and the minutes from that meeting are pending. Mr. Biasiotta said that the Committee will hold its next regular meeting on Monday evening, September 17, 2018.
City of Seven Hills
Record of Minutes of

COUNCIL MEETING HELD ____________ September 10, 2018 ____________

APPOINTMENTS AND CONFIRMATIONS

Mayor Dell’Aquila stated:
“Thank you, Mr. President. After many years of service on the Zoning Board of Appeals, Doug Wagner, the Ward 4 representative, has resigned, and he is leaving the City. We thank him for his service. He has been a wonderful asset to our community on the ZBA -- resolved all the many issues that comes before it. I conducted an extensive search; obviously, we need to replace Mr. Wagner with a Ward 4 resident. I have spoken with Attorney Vincent Ruffa, who is a Ward 4 resident, and who is currently on our Planning Commission. Due to time limitations that he probably has, he has left the Planning Commission, but is willing to serve on the Zoning Board of Appeals. So, therefore, I am asking that Council concur and appoint Vincent Ruffa to fill the now-vacant Ward 4 seat on the Zoning Board of Appeals.”

Council President Biasiotta asked, “Any questions for the Mayor?”

MOTION by Mr. Biasiotta, seconded by Ms. Stager, to concur with the Mayor’s appointment of Vince Ruffa to the Zoning Board of Appeals.
Roll Call: all yea

MOTION CARRIED

The Appointment of Vince Ruffa to the Zoning Board of Appeals, representing Ward 4, is hereby approved.

Mayor Dell’Aquila stated:
“Now that we have a vacancy on the Planning Commission, I am asking that Council concur with the appointment of Mr. Edward Foley to fill the vacant term of Mr. Ruffa, as well as his time remaining as Chairman of the Planning Commission.”

Council President Biasiotta asked, “Questions for the Mayor?”

MOTION by Mr. Wrobel, seconded by Ms. Stager, to concur with the Mayor’s appointment of Edward Foley to the Planning Commission.
Roll Call: all yea

MOTION CARRIED

The Appointment of Edward Foley to the Planning Commission, to fill the remainder of the vacant term, is hereby approved.

COMMUNICATIONS, PETITIONS, AND CLAIMS

There were no communications, petitions, or claims
CITY OF SEVEN HILLS
Record of Minutes of

COUNCIL MEETING HELD September 10, 2018

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

Amended Ordinance No. 109-2018 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH HALL PUBLIC SAFETY UFPITERS, OF TWINSBURG, OHIO, FOR THE PURPOSE OF OUTFITTING THE CITY OF SEVEN HILLS POLICE DEPARTMENT’S NEW 2019 FORD UTILITY INTERCEPTOR POLICE VEHICLE WITH EQUIPMENT AND APPUR TENANCES; AND APPROPRIATING THE SUM NOT TO EXCEED $9,436.35 FOR SAID PURCHASE AND SERVICES.

Amended Ordinance No. 109-2018 was read by full title only for its second reading.

Ordinance No. 115-2018 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A THREE-YEAR AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH JAMES G. ZUPKA, CPA, INC., OF GARFIELD HEIGHTS, OHIO, FOR THE PURPOSE OF PERFORMING PROFESSIONAL ACCOUNTING SERVICES WHICH INCLUDES, BUT IS NOT LIMITED TO, PROVIDING FUND FINANCIAL STATEMENTS AND THE PREPARATION OF FINANCIAL STATEMENTS IN ACCORDANCE WITH GASB STATEMENT 34, FOR THE CITY OF SEVEN HILLS, FOR THE YEARS ENDING DECEMBER 31, 2018, DECEMBER 31, 2019, AND DECEMBER 31, 2020; AND APPROPRIATING A SUM NOT TO EXCEED $48,244.00 FOR SAID SERVICES.

Ordinance No. 115-2018 was read by full title only for its second reading.

Ordinance No. 119-2018 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A ‘PROPERTY USAGE AGREEMENT AND RELEASE’ ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PARMASPACE.COM/PUSKAR CO. LLC, FOR THE PURPOSE OF USING THEIR FACILITY LOCATED AT 11699 BROOKPARK ROAD, PARMA, OHIO, FOR POLICE TRAINING ON VARIOUS DATES IN 2018; AND DECLARING AN EMERGENCY.

MOTION by Mr. Elliott, seconded by Ms. Kelly, to read Ordinance No. 119-2018 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED
Ordinance No. 119-2018 was read by full title only for its first and final reading.

**MOTION**
by Mr. Elliott, seconded by Ms. Kelly, to pass Ordinance No. 119-2018 as an emergency measure.
Roll Call: all yea

**MOTION CARRIED**

**ORDINANCE NO. 119-2018 IS DECLARED PASSED.**

**Ordinance No. 120-2018** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH BARCOL DOOR OF CLEVELAND, OF CLEVELAND, OHIO, FOR THE PURPOSE OF REPLACING THE POLICE DEPARTMENT’S SOUTHWEST REAR DOOR AND FRAME WITH ONE (1) 3670 STEEL DOOR, ONE (1) 16-GAUGE STEEL FRAME WITH UPPER SOLID TRANSOM, TWO (2) SOLID SIDE PANELS, AND APPURTEYNANCES; AND APPROPRIATING THE SUM NOT TO EXCEED $6,290.00 FOR SAID SERVICE.

Ordinance No. 120-2018 was read by full title only for its first reading.

**Ordinance No. 121-2018** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH DALENE M. PRIDE, AN INDEPENDENT GOVERNMENTAL AFFAIRS CONSULTANT, TO CONDUCT A TWO-YEAR MOTOR VEHICLE REGISTRATION AUDIT OF CERTAIN OHIO BUREAU OF MOTOR VEHICLES RECORDS FOR, AND ON BEHALF OF, SEVEN HILLS, CUYAHOGA COUNTY, OHIO, FROM JANUARY 1, 2017 THROUGH DECEMBER 31, 2018.

Ordinance No. 121-2018 was read by full title only for its first reading.

**Ordinance No. 122-2018** – AN ORDINANCE TO AMEND ORDINANCE NO. 74-2017, PASSED BY COUNCIL JUNE 12, 2017, WHICH AUTHORIZED AND DIRECTED THE MAYOR TO ENTER INTO AN ECONOMIC DEVELOPMENT JOB CREATION AND JOB RETENTION AGREEMENT WITH FUTURI MEDIA, FOR THE PURPOSE OF EXTENDING THE ABATEMENT ONE YEAR, EXTENDING THE AGREEMENT ONE YEAR, AND AMENDING A TERMINATION CLAUSE IN THE EXISTING AGREEMENT.

Council President Biasiotta inquired, “A question for the Finance Director. Is it okay to have this on for a first reading, or do we need action tonight?”
Director of Finance Herwick answered, “They would obviously prefer action. They actually submitted it at the end of July. They weren’t counting on the recess, so they weren’t really aware of that. So, they were hoping to have it passed by this point. So, if you are willing they would much prefer an emergency happening.”

Council President Biasiotta stated, “I would have liked this to have been talked about in Caucus. Please inform Futuri that we are thankful and appreciative, and that we will take action in our next voting meeting.”

Director of Finance Herwick replied, “Thank you.”

Council President Biasiotta continued, “And, Council, this is the Economic Development deal, and I ask you all to reach out, and I am good with the numbers. We will briefly talk about this again in Caucus. The matter is of a confidential nature -- please do your due diligence and be ready to act in two weeks.”

Ordinance No. 122-2018 was read by full title only for its first reading.

MOTION by Mr. Wrobel, seconded by Mr. Biasiotta, to amend Ordinance No. 123-2018 by adding the words ‘and declaring an emergency’ to the title and by adding the emergency provision to Section 2.
Roll Call: all yea

MOTION CARRIED

Amend Ordinance No. 123-2018 – AN ORDINANCE REPEALING ORDINANCE NO. 127-2016 THAT AUTHORIZED THE FINANCE DIRECTOR TO CREATE A RESERVE ACCOUNT WITH MONIES TO BE DESIGNATED FOR INFRASTRUCTURE REPAIRS WITH 5% OF THE ANNUAL INCOME TAX COLLECTIONS BEGINNING JANUARY 1, 2017; AND DECLARING AN EMERGENCY.

MOTION by Mr. Wrobel, seconded by Mr. Biasiotta, to read Amended Ordinance No. 123-2018 by title only for its first and final reading.
Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 123-2018 was read by full title only for its first and final reading.

MOTION by Mr. Wrobel, seconded by Ms. Biasiotta, to pass Amended Ordinance No. 123-2018 as an emergency measure.

Ms. Stager stated, “I have three letters from the Auditor of State, Dave Yost, for Ordinance No. 123-2018, Ordinance No. 124-2018, and Ordinance No. 125-2018, concurring with the repeal of these three specific funds. I would like to pass these letters to be entered into the record.”
Council President Biasiotta asked, “Do the letters concur or do the letters state that they need to be repealed?”

Ms. Stager replied, “The letters state that they need to be repealed.”

Council President Biasiotta responded, “Thank you for your clarification. The three letters will be submitted into the meeting minutes for support on why these Ordinances.......”

Three separate letters from Auditor of State Dave Yost, Unice S. Smith, Chief, Local Government Services, dated March 27, 2018, addressed to Finance Director Sonja Herwick, have been appended and affixed to these Minutes in their entirety as Exhibits and marked Communication No. 1, Communication No. 2, and Communication No. 3, respectively.

Mr. Wrobel interjected, “I’d just like to add that the reason they caught the attention of the State Auditor, is that this was to create a reserve account and that is what they questioned. We cannot create this type of account in the General Fund, at least not the way the Ordinance was worded.”

Roll Call: all yea  

AMENDED ORDINANCE NO. 123-2018 IS DECLARED PASSED.

MOTION  

by Mr. Greenwald, seconded by Ms. Kelly, to amend Ordinance No. 124-2018 by adding the words ‘and declaring an emergency’ to the title and by adding the emergency provision to Section 2.  

Mr. Greenwald stated:  

“The reason for the emergency, being as in the previous Ordinance, that we have been told that it is an inadmissible fund by the State Auditor.”

Roll Call: all yea  

MOTION CARRIED

Amended Ordinance No. 124-2018 – AN ORDINANCE REPEALING ORDINANCE NO. 128-2016 THAT AUTHORIZED THE FINANCE DIRECTOR TO CREATE A LINE ITEM IN THE GENERAL FUND ENTITLED ‘RAINY DAY FUND’ COMPRISED OF 2% OF THE ANNUAL INCOME TAX COLLECTIONS BEGINNING JANUARY 1, 2017 WITH MONIES FROM THIS FUND TO BE SPENT ON ITEMS DEEMED TO BE OF AN EMERGENCY NATURE; AND DECLARING AN EMERGENCY.  

MOTION  

by Mr. Greenwald, seconded by Ms. Kelly, to read Amended Ordinance No. 124-2018 by title only for its first and final reading.

Roll Call: all yea  

MOTION CARRIED
Amended Ordinance No. 124-2018 was read by full title only for its first and final reading.

**MOTION** by Mr. Greenwald, seconded by Ms. Kelly, to pass Amended Ordinance No. 124-2018 as an emergency measure.
Roll Call: all yea  **MOTION CARRIED**

**AMENDED ORDINANCE NO. 124-2018 IS DECLARED PASSED.**

**MOTION** by Ms. Stager, seconded by Mr. Snitzky, to amend Ordinance No. 125-2018 by adding the words ‘and declaring an emergency’ to the title and by adding the emergency provision to Section 2.
Roll Call: all yea  **MOTION CARRIED**

**Amended Ordinance No. 125-2018** – AN ORDINANCE REPEALING ORDINANCE NO. 129-2016 THAT AUTHORIZED THE FINANCE DIRECTOR TO CREATE A LINE ITEM IN THE GENERAL FUND ENTITLED ‘CAPITAL IMPROVEMENT FUND’ DEDICATED TO PROJECTS OUTSIDE OF THE CITY’S INFRASTRUCTURE, COMPRISED OF 1% OF THE ANNUAL INCOME TAX COLLECTIONS BEGINNING JANUARY 1, 2017; AND DECLARING AN EMERGENCY.

**MOTION** by Ms. Stager, seconded by Mr. Greenwald, to read Amended Ordinance No. 125-2018 by title only for its first and final reading.

**Ms. Stager** stated:

“I would like to add that the emergency, again, is due to the Auditors’ decision that you cannot have a fund within a fund.”
Roll Call: all yea  **MOTION CARRIED**

Amended Ordinance No. 125-2018 was read by full title only for its first and final reading.

**MOTION** by Ms. Stager, seconded by Mr. Snitzky, to pass Amended Ordinance No. 125-2018 as an emergency measure.
Roll Call: all yea  **MOTION CARRIED**

**AMENDED ORDINANCE NO. 125-2018 IS DECLARED PASSED.**

**Resolution No. 19-2018** – A RESOLUTION ACCEPTING AND APPROVING THE FINAL PLAT OF THE RIDGETOP SUBDIVISION IN THE CITY OF SEVEN HILLS, OHIO, FOR RECORD PURPOSES ONLY; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Elliott, seconded by Mr. Snitzky, to read Resolution No. 19-2018 by title only for its first and final reading.
Roll Call: all yea  **MOTION CARRIED**
Resolution No. 19-2018 was read by full title only for its first and final reading.

**MOTION**
by Mr. Elliott, seconded by Mr. Snitzky, to adopt Resolution No. 19-2018 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**RESOLUTION NO. 19-2018 IS DECLARED ADOPTED.**

**Resolution No. 20-2018** – A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Resolution No. 20-2018 was read by full title only for its first reading.

**COUNCIL OPEN TO THE AUDIENCE**

**Tom Jaros, 224 Crescent Ridge Drive,** made the following comments:

“We out here helped drain the Seven Hills swamp last November. Got you guys. Tonight, it went back up an inch. I don’t know how you guys handle this confirmation deal. Ed Foley -- you just put Ed Foley on the Planning Commission. Ed Foley quit the Planning Commission because I talked mean to him. Actually, I told the Planning Commission that they -- we’d -- be held accountable for their actions and awakened Seven Hills. Ed and three members resigned after that. The Ordinance that states residents have to be able to speak -- that came because of the Foley incident......because Foley wanted residents silenced at Planning Commission Meetings. The old Council, and one of the few things they did, passed the Ordinance that residents should be able to talk. Great deal, one good thing they did.”

**Mr. Jaros continued:**

“Putting Foley back on the Planning Commission is beyond comical. I don’t know if any of you knew this......but, that’s why he isn’t on the Planning Commission now. In 2013, he served on the Planning Commission and the Charter Review Committee, simultaneously, because he was appointed to the Charter Review Committee by the Mayor and approved by the Council and placed in. And, that simultaneous service is forbidden by Seven Hills law. But, he served anyway. Because a dummy like me would have objected, and nobody was going to do anything anyhow. Just let the swamp keep swamping.”

**Mr. Jaros continued:**

“Vince Ruffa -- we just played checkers with -- we moved him to Zoning. Vince Ruffa, Chair of the Planning Commission, when in 2013, they approved the Pre-Development Application for the Glenn’s Landing Development on Rockside.”
Mr. Jaros continued:

“They approved that, despite being fully aware that the Army Corps of Engineers had been hoodwinked -- they have been lied to on a wetland application for that property. The whole Planning Commission had been notified of that -- so was Council. Actually, Councilman Biasiotta was made aware of that fact. The property was landlocked. There was no way in or out of it. Two principals in the Glenn’s Landing Development recently admitted that property was landlocked. But, Ruffa’s Planning Commission approved it. The old Council accepted it. They confirmed it. So, now we are just playing checkers with this Mayoral appointment thing. And……the swamp just went back up. What the hell?”

Mr. Jaros concluded:

“This is very disappointing, to say the least. The biggest one being illegal participation in a Charter Review Committee, knowingly on the Mayor’s part. The Mayor appointed him and now we are going to get Ed Foley back. We need Ed Foley. We need more people like Ed Foley. We need more people that want residents to talk. That’s working really good. It worked really good for the last guys. We’ll see how it works now. Thank you.”

Eric Newton, 5759 Rockhaven Drive, made the following comments:

“Thank you very much for the opportunity once again to speak. I apologize if I yawn -- I’m not bored, I am just tired. I’m going to summarize what I talked about at zoning regarding this Drees Homes development. I am a First Responder. I have been one for 17 years and I can tell you firsthand what happens when you get there on time and I know what happens when you don’t. And, that is why the traffic situation with the North Park property is very important to me, for myself, for my family -- but also for my current neighbors and potential future ones when a development goes into that property.”

Mr. Newton continued:

“I do understand full well that one day that property will be developed. I’m not here to sit here and tell you, please never develop it. What I am saying is develop it the right way. Develop it properly. The way it was being laid out, hopelessly unsafe. The developer, himself, even talks about aesthetics being the selling point that it’s all enclosed. It’s only one way in and one way out. And, the people who live there don’t have to see everybody else. What he doesn’t talk about is how that compromises safety. He talks about an emergency access road at the North end of the property that is mandated by FEMA but won’t be used by a fire truck because it’s just a dirt road with a gate on it. Talked at the Zoning Commission meeting about the hardship and why he needs zoning variances. Tom Sutcliffe’s hardship is Tom Sutcliffe’s. He wants to have as many houses as possible so he can make as much money as possible. He has all but said that at every meeting that we have been to. I have no issue with somebody who wants to make a bunch of money, but I don’t want to see someone make a bunch of money at our expense.”
Mr. Newton continued:

“You know, when I moved here three years ago, I didn’t just end up here -- I looked high and low. I looked very hard for where I want my family to grow, and Seven Hills was picked. It was picked over all the other suburbs from North Olmstead, Independence, and Bay Village. I picked Seven Hills, and this is where I want my family to grow. This is where I want to live for the rest of my life. I am not the only one that feels that way.”

Mr. Newton continued:

“One my street alone we have 22 houses -- you have six of what Tom refers to as these young professionals. Tom Sutcliffe talks about these young professionals that he wants to bring into the City. They are already here, and it is not because of the houses that he builds -- it’s because of the City itself. There are five kids on my street. Those kids are the very reason why I come here to each of these meeting to talk about the need for safety, and safety over aesthetics. Twelve of my co-workers, young professionals, they chose the same thing I did to come to Seven Hills. They are all younger than I am.”

Mr. Newton continued:

“We talked about an aging population.......Tom talks about an aging population and this master plan as being his reasons for why we need to capitate to his whims. He is using a 2010 census. It is my observation that Seven Hills is already getting younger without his help. Houses in Seven Hills sell like hotcakes. These houses that he says that are out of date, that are archaic -- we don’t need and -- need to buy something that he wants us to have. Seven Hills is doing just fine. But, hear Tom Sutcliffe talk, you would think that this is a failing organization that needs bailout. I don’t agree with that. If I thought that way, I wouldn’t of came here.”

Mr. Newton concluded:

“My observation is that we are doing just fine, and if Tom wants to develop in our City, then he should capitulate to what we want, not the other way around. We’re the ones that have the land. We’re the ones that have a beautiful City. So, Mr. Biasiotta mentioned, if Tom wants to get some contraction here, maybe you should talk to residents and find out what we want because like I said, Seven Hills is doing just fine. We don’t need a bailout from anyone. That’s it.”

Bob Leech, 5739 Rockhaven Drive, made the following comments:

“It’s so good to see you back, Jack (referring to Jack Johnson, Director of Public Service and Properties). You’re a good, intelligent man, and I am glad the Mayor found another job for you. I am delighted about that. I have a couple issues. I want to thank, especially the Zoning Board of Appeals. We had, I think, 49 residents here a week ago with our Council President and Ward 1 Leader.”
Mr. Leech continued:

“About the zoning of WDK, I think it is getting referred to as North Park, it is really WDK property. But, first, I would like to ask about the flag that was supposed to be on all the different radio antennas. I sent a memo through to several people, and I thank you Rich and Carol, for answering -- and the Mayor. But, for those who don’t know, or haven’t seen, these flag poles are so big, the antennas, for the people with the radio antennas, we’re supposed to have flags on them all the time. They made a huge change on the top third of them about three weeks ago and according to their workers they were instructed not to put a flag back up there.”

Mr. Leech continued:

“I want to tell you something -- I am going to beat this to a pulp because those things look like hell otherwise. We have North Park, of course we are talking about here, and I happen to live there, too, and it looks ridiculous without the flag. So, Mayor, I think that is on your jurisdiction, and I thank you Mr. Law Director, my good friend, Rich Pignatiello, that said he would look into the contract on that.”

Mr. Leech continued:

“Okay, this Drees Homes, it goes back a while here. Several years ago, they put in twelve houses, I believe, over there where the School Property used to be, where John Glenn School was. I have yet to meet one person who likes the idea that those houses are that close together. I’m sure most of you have driven that, but it looks like heck, it really does. This is what we would have gotten, okay. And, that’s not what we want. I was on Council 26 years. We changed the Ordinance three times to make each of our properties larger than what we had when we moved in 43 years ago, alright. We changed that. You know as well as I do now, and the Zoning Board knows now, that it takes sometimes several years to pass zoning changes. I am sure that you are going to find that out as you go through here as such.”

Mr. Leech continued:

“The zoning that we put in over the years, made it bigger and bigger and bigger. That’s how we envisioned the City to look. The new properties that have gone in, in the last few years, except for John Glenn, looks like that, and they look beautiful. He wanted to match our properties with bigger houses, it doesn’t work. Doesn’t work. There was a lot of people who spoke a whole lot of times about the same things, which is true. I mean, nobody wants it in their backyard, of course. Moving in there 43 years ago, you have to be a damned fool to realize it, that someday some houses will be there. I don’t have a problem with houses being there. Follow the Ordinances! You guys work really hard to pass any Ordinance. We worked 26 years to put those Ordinances in places. Follow the Charter! The Charter says that they can’t grant variances and this should be given to the builders when they come in, not find out three months later when they make a big statement and they have all us down their back because it’s ridiculous. The duties of the Charter falls under and might be a good idea while you’re watching Swamp Fox or something or other to read this sometime -- the Charter.”
Mr. Leech continued:

“There is a lot of good stuff in there, you’d be amazed. Under Article V, Section 8(d), ‘Determination, The Board of Zoning Appeals shall determine matters properly presented to it in writing. Where difficulties and unnecessary hardships shall result from the enforcement of the zoning ordinance.....’ Now, what does that mean to you? Usually it means that if there’s a cliff right here, you can build there. Right? Okay.”

Mr. Leech continued:

“Rich and I were back on Council together 300 years ago, but we used to talk about the Zoning Board of Appeals at that time, they would at that time, they would probably grant a variance for a silo next to a house to shoot rockets out of. Seriously, they granted every variance that came through. It doesn’t say that. It doesn’t say that. ‘......The Board of Zoning Appeals shall have the power to grant variances in harmony with the general intent of the Ordinance and to secure the general welfare and substantial justice in the promotion of the public health, comfort, convenience, morals, safety and general welfare of the City. The Council shall have the power to approve (rubber stamp them basically -- we all know that) amend, modify, or reverse any decision of the Zoning Board of Appeals if Council finds that the decision of the Board of Zoning Appeals is contrary to the purpose and intent of the zoning ordinances.’ Very simple. Come on in -- follow the Ordinances. That’s what we should be saying to builders who come in. And, we know that they are way bigger than what we want.”

Mr. Leech continued:

“These variances that they want are from 15%-30% more, the house being larger than what we allowed. What you have is a big house like this on a property that’s like that square. That’s not the intent of what we said all those years, working in conjunction with the Zoning Board of Appeals and the Planning Commission. Those things didn’t come out of thin air. There are a lot of great people, a lot of great Mayors eventually who were involved with this, and put these into a thing and we do not want to see those variances and the Charter abused. It’s ridiculous. When they do come back in, and I’m sure they will, a great idea, a terrific idea is to have them, and I don’t know if you have to have a separate Ordinance at this point, I’m not quite sure, but have a 4-foot fence put around the entire property. We did that way back in the 70’s at K-Mart and Valleywood Park, and there has never been a problem. With fences like that next to a park and residential, they make good neighbors.”

Mr. Leech continued:

“I’m sure the people here behind me are all saying the same thing, but you know the houses are much, much too big for the property. That simple. We want good looking properties. We want to have safety as my good friend here talked about as such, but we want it to be right. Follow the Ordinances. And, they come in and then they can all rubber stamp it, and go home. Okay? But, to do this and this really upsets me because there was too much said, and there is too much where that went back and forth.”
Mr. Leech concluded:

"They listened to the people, the Zoning Board of Appeals, they listened, they voted – one for it and three against. They listened to the people for three hours that night and they were correct in their findings. I appreciate the hard work that they put in, in that decision. And, tonight you’re going to be acting on it -- and I thank you for your time."

Karen Lisick, 5751 Rockhaven Drive, made the following comments:

"Just so you know, I don’t talk as much as these guys do. I let my neighbors talk for a long time. All I want to say is that I have been in Seven Hills for a couple of years now. This is not the first house I have owned, it’s actually the third house I’ve owned. I moved to Seven Hills by choice. I didn’t have to move to Seven Hills. I looked at a lot of houses, a lot of places, and I kept coming back to Seven Hills, and looked at more houses in Seven Hills, then I would go look somewhere else, and then I would come back. I realized that I kept coming back to Seven Hills because Seven Hills represents what I was looking for. Those were the Ordinances that were in place when my house was built. So, I am just here to ask you to please agree with the Zoning Board, and I guess you’re supposed to vote ‘yes’ today -- because ‘yes’ means ‘no’. Right, Tony?"

Council President Biasiotta answered, “Yes.”

Ms. Lisick responded, “Right -- awesome.”

Council President Biasiotta added, “Today only.”

Jerry Dabrowski, 5660 Chatham Drive, made the following comments:

“I would like to thank you, for the last time we met, for voting unanimously against the Drees Homes project. And, to our surprise, he showed up again, made one little change, and we have to go through this whole process again. The only change that he made was, he went from a 65-foot lot to a 75-foot lot. He said that, that now makes his development match equally to the surrounding area. Not even close. We discussed this extensively at the Zoning Meeting, so I am not going to bore you with all the details again. But, the big thing is, is the size of the lots. Our Ordinance here in Seven Hills calls for a minimum lot size of 15,750 square feet. His plan, which he sneaks around talking about, he never really comes out and says it. He went from 8,500 square feet to 9,600 square feet -- that’s it. He can put……and there were I believe eight or nine lots at 9,600 square feet in his new proposal -- and that’s only because he went from 65 feet to 75 130-foot deep lots. The number of variances that he is asking for is not needed. We brought up the master plan, how he has been throwing it into our face this whole time. Well, it made some very interesting reading. I just received it a few weeks before the Zoning Meeting, and it just seemed like he picked little pieces out of it that met his needs, not the City’s needs.”
Mr. Dabrowski continued:

“Well, when we went through there, we then showed him or told Zoning that the master plan is great, it’s going to work. But, there were a lot of parts in there that we presented to the Zoning Board that were in complete reversal of what Drees Homes was talking about. So, what we are here tonight for is to ask you again to please vote this project down. We will probably see in another month or so, but we’re not going to stop, we’re coming back. And, actually I wish Tom was here tonight. I would thank him.”

Mr. Dabrowski concluded:

“We have a rock-solid neighborhood on Chatham Drive, and I’m sure you guys all do, too. We all wave at each other. Twenty-one years I’ve lived in this City. We wave at the neighbors. But, you know what he has done to us? He has now made us close. We now talk to each other. People that we waved at for years, never talked to, now we became friends and we’re united. We are not going to let it stop. We are going to continue to fight this. But, all we are asking for is to do it according to the Code. We realize one day that property will develop, but just do it to the Code, please. So, thank you.”

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell’Aquila gave the following report:

Thank you, Mr. President.

I just want to briefly thank the members of the audience who approached the dais and spoke respectfully and had cogent points to make. There were some exceptions to that, which I will address here, in no particular order.

Let me touch briefly on the cell phone tower -- flag poles first. They are privately owned and there is a contract which I understand that the Law Department is reviewing. There have been logistic issues in the past with putting a flag on a poll that size and that high. The flag gets ripped up in the strong winds. The lanyard beats against the poll and makes a lot of noise in the neighborhood, it damages the poll. As Bob, you’re aware, at night you are supposed to illuminate a flag, you’re not supposed to leave it up in the rain. There is an obligation to lower at half-mast at certain points. All of these became issues, and that is why it is not being done any longer. It was not a City decision though. So, we will have the Law Department look at it and come to a decision on what, if anything, can be done to put the flags back up. But, it is definitely an issue.

I was glad to hear some of the comments this evening regarding the Dress Homes last proposal. Some of the comments regarding the master plan and the pre-planning meetings. These are all things that Ed Foley was responsible for going back into the early 2000’s.
Mayor Dell’Aquila (continued):

Bob, I see you nodding your head, you know that very well. I could not disagree more with the comments that the gentleman made about Ed Foley. In my experience here, there is no single individual in our City who has the experience, the professionalism, the knowledge, that it is going to take to manage these very large projects that are coming here. I know how he works, I know his background, and I think everybody up here does as well -- especially those of us that have been around here for a while. This is a gentleman at a Ph.D. level. He is a College Professor. He wrote the original Master Plan. He is responsible for the amendment to the Master Plan in recent years.

When these large projects come to our City, we will be hard-pressed to bring anybody else to the table who will be able to go toe-to-toe with these large developers we are going to be negotiating with. I could not disagree more with the insults that I heard this evening about Ed Foley. Personally, I think I speak for a lot of folks, if not all of them up on this dais. I thank God that Ed Foley is willing to come back and help this City. Never mind everybody, this job pays something like $300 a year. It pays nothing. I think once you have an opportunity to see how Ed works, you’re all going to be favorably impressed with him and the results that he will deliver for our town.

I want to touch briefly on the request to have Drees Homes come to us for some sort of outside meeting before they come with a firm proposal. Although I certainly sympathize with that idea, I don’t believe that as a legal construct we, the City, can impose extra obligations on any particular developer to do something other than what our laws require. That would be an instantaneous invitation to a lawsuit. I know that in the past, Dresses Homes has had some meetings at the library where they kind of went over these concepts. I would certainly be more than willing to invite them to a meeting. I don’t believe, and I will stand corrected if the Law Director disagrees, I don’t believe that we can force them to do more than what our laws require.

But, I can also tell you, that when Ed Foley was in, he instituted a procedure of pre-approval meetings, where rather than coming to the Planning Commission cold he started a procedure where have initial meetings where the developer comes in and floats the idea in an informal way and kind of gets feedback. That certainly is what I am expecting Ed Foley is going to be doing.

So, with all that being said, I am very grateful for the opinions that we heard this evening. I think I have a sense of what is going to happen here. But, I want you to be assured, that anyone who comes to our City will be forced to comply with at least the procedural requirements that we impose. That is all by law. We do not favor anyone or disfavor anyone. We are doing our very best to comply with the legal obligations that we as your representatives must comply with.

Thank you, Mr. President.
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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 had no formal report.

Engineer Collins had no formal report.

Building Commissioner Vittardi had no formal report.

MISCELLANEOUS

MOTION by Mr. Snitzky, seconded by Mr. Biasiotta, to concur with the findings of the Planning Commission of August 15, 2018, in the matter of the referral to the Planning Commission by Drees Homes and OSWGI Ltd. Partnership, dated August 1, 2018, regarding the proposed North Park Subdivision submittal with 49 Single-Family Home Sublots – Recommended and Approved by the Planning Commission.
Roll Call: all yea

MOTION CARRIED

Council Concurs with the Findings of the Planning Commission of August 15, 2018 in reference to the proposed Drees Homes North Park Subdivision submittal with 49 Single-Family Home Sublots.

Council President Biasiotta explained that Council concurred with the findings of the Planning Commission and the residential property could be built. In terms of the number of homes and variances, that was up to the Zoning Board of Appeals.

Council President continued by saying Point of Order to the Law Director regarding four Variances, the next items on Council’s meeting agenda. Council President Biasiotta asked if Council is able to do this in one motion?

Director of Law Pignatiello replied, “Yes”.
Council President Biasiotta addressed the following in the matter of Variance requests heard at the September 5, 2018 Zoning Board of Appeals Meeting by Drees Homes, OSWGI Ltd.:

"1935 Rockside Road, 551-10-01, 551-06-003, 551-06-089, Drees Homes, OSWGI Ltd.

The Board moved whether (or not) to grant the applicant, Thomas Sutcliff, Drees Homes and property owner OSWGI Limited Partnership, of 1935 Rockside Road (PP 551-10-001, 551-06-003, 551-06-089) area lot size variances to Ordinance No. 989.01(a), First Residential District Area, as depicted on exhibit B “Lot Size Variance Detail”, of their submission, to allow the proposed use and development of parcels as shown on the drawings submitted with the application.

Roll Call: 3 nay, 1 yea

Motion Defeated
Variance Denied"

"1935 Rockside Road, 551-10-01, 551-06-003, 551-06-089, Drees Homes, OSWGI Ltd.

The Board moved whether (or not) to grant the applicant, Thomas Sutcliff, Drees Homes and property owner OSWGI Limited Partnership, of 1935 Rockside Road (PP 551-10-001, 551-06-003, 551-06-089) variances to Ordinance No. 989.06(a), First Residential District Lot Width, as depicted on exhibit C “Frontage Variance Detail”, of their submission, to allow the proposed use and development of parcels as shown on the drawings submitted with the application.

Roll Call: 3 nay, 1 yea

Motion Defeated
Variance Denied"

"1935 Rockside Road, 551-10-01, 551-06-003, 551-06-089, Drees Homes, OSWGI Ltd.

The Board moved whether (or not) to grant the applicant, Thomas Sutcliff, Drees Homes and property owner OSWGI Limited Partnership, of 1935 Rockside Road (PP 551-10-001, 551-06-003, 551-06-089) variances to Ordinance No. 991.02(1), First Residential Lot Front Set Back” as depicted on exhibit D “Front Setback Variance Detail”, of their submission, to allow the proposed use and development of parcels as shown on the drawings submitted with the application.

Roll Call: 3 nay, 1 yea

Motion Defeated
Variance Denied"

"1935 Rockside Road, 551-10-01, 551-06-003, 551-06-089, Drees Homes, OSWGI Ltd.

The Board moved whether (or not) to grant the applicant, Thomas Sutcliff, Drees Homes and property owner OSWGI Limited Partnership, of 1935 Rockside Road
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(PP 551-10-001, 551-06-003, 551-06-089) variances to Ordinance No. 993.01(a), First Residential Rear Yard Setback, as depicted on exhibit E “Rear Yard Setback Variance Detail”, of their submission, to allow the proposed use and development of parcels as shown on the drawings submitted with the application.  
Roll Call:  3 nay, 1 yea  

Motion Defeated  
Variance Denied”

MOTION  
by Mr. Biasiotta, seconded by Mr. Greenwald, to concur with the findings of the Zoning Board of Appeals of September 5, 2018 in denying the variances requested by Drees Homes, OSWGI Ltd., if there is no division of the question.  
Roll Call:  all yea  

MOTION CARRIED

Council Concurs with the Findings of the Zoning Board of Appeals of September 5, 2018 in reference to Variances requested by Drees Homes, OSWGI Ltd.

There was a round of applause from the audience.

MOTION  
by Mr. Snitzky, seconded by Mr. Biasiotta, to allow for the scrapping of the two (2) former Rooftop Air Conditioning Units from the Community Recreation Center, and of the goal posts that are currently stored at the Service Garage, if there is no division of the question.  
Roll Call:  all yea  

MOTION CARRIED

The scrapping of the Air Conditioning Units and the Old Goal Posts has been approved.

The following request was addressed in the matter of a Variance heard at the September 5, 2018 Zoning Board of Appeals Meeting by Tom and Lisa Compernolle, 7672 Pleasant Run Drive, in reference to installation of a privacy fence.

“7672 Pleasant Run Drive, Tom and Lisa Compernolle
The Board moved whether (or not) to grant the applicant and property owners, Tom and Lisa Compernolle, 7672 Pleasant Run Drive, variances to the following Ordinance Nos.: a 2’ variance to 997.03(d)(2), a variance to 997.03(d)(3), a 6’ variance to 997.03(e)(2), and an 11’ variance to 997.03(3)(1) to allow the installation of a 6’ high privacy fence, not of an open design, 6’ from the existing driveway on the property, and 1’ from the public sidewalk/right-of-way on the southerly side of the home, which is on a corner lot, as depicted on the submitted drawings.  
Roll Call:  all yea  

Motion Carried  
Variance Granted”
MOTION by Mr. Greenwald, seconded by Mr. Wrobel, to concur with the findings of the Zoning Board of Appeals, of September 5, 2018, in granting the variances requested by Tom and Lisa Compernolle, of 7672 Pleasant Run Drive, in reference to installation and privacy fence.
Roll Call: all yea

MOTION CARRIED

Council Concurs with the Findings of the Zoning Board of Appeals of September 5, 2018 in reference to Variances requested by Tom and Lisa Compernolle.

Mr. Wrobel:

Just for the record, I would like to discuss the Zoning Variance that was granted concerning the Compernolle fence. This was passed at a second Zoning Board meeting. During the first meeting there was lots of discussion. It was decided that in order to help the people get what they wanted, that they needed some help, and that came from the Building Commissioner.

When the Zoning Board of Appeals decides on things there are several factors that they consider. I will just read these. Is it a good value for the homeowner and for the City? In this case, yes. How substantial the Variance is? On the one Variance for the side, was moderately substantial, they said that was okay. Is the character of the neighborhood affected? No. Affect on delivery of City services? None. Was the property purchased with the knowledge of the Zoning? No. No other means to accomplish? That is correct. The spirit and intent preserved? That was, in this case.

So, there is a lot that went into it. Although, this is as a side note, it seems like this was a corner lot and, apparently, they seem to think that the Ordinances that refer to corner lots need some revision, so we might want to take a look at that at some point. Thank you.

Mr. Snitzky had no miscellaneous comments.

Mr. Greenwald:

I would like to thank you all for coming. I have spent a lot of time considering this. I remember when Drees Homes came with their presentation. I thought it was a great idea with a bunch of homes there, and it seems like they will do well. Obviously, I have learned a lot since then. I think that the first presentation was before I even took office. This is a bedroom community and as a result the homes and the character of the homes here are one of the most defining factors of the City. I think I have said it privately a number of times -- at this juncture, I think that I am not in favor of any housing development that does not comply with our current Zoning Board of Appeals. That is all. Thank you.
Ms. Stager:

Yes, just very briefly again, thank you for coming forward and speaking Ward 1 residents. I am a Ward 1 resident as well. There is a lot of stuff that is going to be happening in our Ward. So, it is really cool to hear that we all come together. And, yes, we wave on my street as well. We get to know our neighbors and talk to each other. I live on a cul-de-sac — well, not a cul-de-sac — it is U-shaped. I am just really glad that we are all coming together. Thanks.

Mr. Elliott had no miscellaneous comments.

Ms. Kelly had no miscellaneous comments.

Council President Biasiotta:

First, I want to thank you all for coming. I know it has been a long journey. I will never abandon you. It’s not just this subject. I know many of you have contacted me on many things over the last almost three years now. Without exception, I believe I have always gotten back. If anyone has not had that service, please speak up. I have endeavored really hard to be the best representative I can be. Thanks again for your support, your faith in me, and the faith of the system, for attending all the meetings, and doing all the homework you did to bring about the outcome that came tonight.

Ultimately, whatever happens in any particular development, I think the end result is better with citizen participation and many voices heard from. As long as I am sitting up here, there will be no attempt ever to silence anyone. So, when big projects come ahead, I will defend your right to speak and have your concerns addressed in an open and straightforward manner. I think I have gained a reputation of being a straight shooter on these matters and a man who follows up on his word. We say we are going to have a meeting, we’re going to have a meeting. If we are going to get you an answer, we’re going to get you an answer. A number of people here asked for copies of the master plan and all kinds of other data, and you got it without post haste. Is that correct? Yes. Okay.

So, with that said, I need to make a clarification on my last Council Miscellaneous from last week. I had said during my last miscellaneous comments that a prior Councilperson took personal shots at me, specifically my weight. No big deal. I wasn’t clear on who that was. It was the former Councilperson in Ward 2. So, it may have been construed that it was someone else, but it was not. It was the former Ward 2 Councilperson. In my opinion there, it goes with the job. It is almost impossible to slander a Public Official. I have come to expect it, and it does not bother me in any way. In fact, what I said is it motivates me to do even better. That’s the way I am and I haven’t backed down from anything in my life -- and I never will. I really believe what we are trying to accomplish here.
Council President Biasiotta (continued):

So, petty insults like how I look or what my weight is, isn’t going to deter me at all. It is going to make me work harder. Thank you all for letting me make that clarification on who those comments were attributed to.

Now, next, I am going to address the other parts of my last miscellaneous statement, and I am going to make an exception. All throughout my tenure as Councilman and tenure as Council President, virtually at every avenue, I have taken the high road. I am looking forward -- the future is bright and there are big projects coming. Comments are made, lies are made, half-truths, no truths......it didn’t matter. I have had a laser vision on the future because that is what the citizens want, and that is what I hear from people -- that they are tired of fighting. So, I just look past it.

However, I am speaking up today because it is the residents that have asked me to speak up. They are tired of being caught in the crossfire. They are being told one thing by one group of people and then they get angry because they think something is wrong. And, then they contact me, and then I tell them the truth, and then they are angrier because they were lied to in the first place. They are saying, “Hey, you have to speak up because sooner or later the lie becomes the truth”.

First of all, I am going to give you an example of how I have always taken the high road. This is just one example of many. Back on March 12, 2018, I nonchalantly announced during a Caucus Meeting that the City needs to renegotiate the contract with Glenn’s Landing. I did not state why.......I just said it was in the best interest of the City. Here is what happened by a former Councilperson immediately after I said we are going to renegotiate. Former Ward 2 Councilman......“Council President Biasiotta embarrassedly announced on March 12, 2018 Council/Caucus, Glenn’s Landing desires to renegotiate the contract for the purchase of the City land on Rockside.” And, that is the last I am ever going to say about the former Councilman from Ward 2.

Now, I am going to move on to the former Councilman from Ward 3. In many, many of his posts he says, “I am never going to run for anything again”, and has been very consistent since the last election. All the way up until last week. Yet, earlier this year, he did run for something. He was on the ballot and was elected as the Ward 3 Democratic Precinct Committee Person. So, he is elected, and he is a leader in the community -- Democratic Party Official representing Seven Hills. I would hold a person elected to office to represent the people of Seven Hills to a higher standard.

So, I am going to make an exception tonight and correct many falsehoods that have been perpetuated -- and it is truly an exception. Because, from this point forward I am only looking forward to the bright future that is ahead.
Council President Biasiotta (continued):

So, after I made my comments that we need to renegotiate with Glenn's Landing, here is what the Democratic Party Official wrote...... "And there goes the Rockside Development completely. It's over. Now, not only is what the Mayor called a Food Court dead in the water, but now the other developer for the Mayor's Super Senior Complex is backing out."

I am going to stop there and just note, I do not understand...... this is one of the things I wanted to clarify for the record. There have been many, many derogatory remarks made about Senior Living Centers by this person over the last several months. And, I get it -- and I will touch upon that a little later. But, I want to point out for the record, that while on Council, this is the main 50-Acre Development on Rockside. That the Councilperson that continually refers to it as the 'Mayor's Super Center' and all these derogatory comments. We don't need this.

On October 11, 2016, a Preliminary Developments Plan was approved for 260,000 square feet as Senior Living on the big development by the Councilperson that now continues to deride it. This was further revised on February 18, 2017, also the big project, to have 200,000 square feet of Senior Living. I will come back to what is proposed for the future. That's what I am saying. Why was it a great idea last year to have 200,000/260,000 square feet on the main development, the most valuable property?

Now, first correction here......on the small property with no access to Rockside Road. The Omni Senior Living is well underway. The construction is there. It is a different parcel so it has no frontage. We hired a real estate professional before we agreed to it. They said that there were not a whole lot of options for this because people with businesses want access to main roads and they want to be visible and this and that. A very unique piece of property that is going to bring a lot of money over the next fifteen years to the City. It is not the main property, and I will get to that later. Okay.

This is back in March when I said merely we have to renegotiate and, furthermore, right after that, this former Councilperson and current Democratic Party Official -- "Now, we the residents, get nothing, no tax dollars, no food court, not even a super senior center. Nada. How sad. We had it all ready to go. The food court would have started construction this month. Every single candidate for Council said one way or another that they are going to fix Rockside Road. And, the residents bought it – hook, line, and sinker. You were lied to. Hey, its politics. I just hope you hold them accountable. Think about it every time you drive by the dirt pile for the next two years and probably longer.” Please remember these comments from this.

This is me talking now -- that the construction would have started in March and then it was all ready to go. Table that thought for a second. This is the theme that will be going to come many times in the next few comments. Okay, so all this was written about me.
Council President Biasiotta (continued):

I got notes from residents, “Awe, too bad -- you tried your best. Rockside is dead.” Because this was out there and I explained it to them. It’s not dead -- we are just renegotiating for better terms for the sale of the property.

And, months go by, and I just keep turning the positive note and taking the high-road until the former Council President came in and challenged me point blank about comments related to this contract. At that point, when confronted point blank, I let it be known that we were advised by our outside attorneys, Squire Patton Boggs, that the contract that we approved during the last Council term, the Council President was advised, “Do not approve this........there are a number of problems with the contract, and we do not believe that it is in the best interest of the City.” I did not say that. I took the high-road for months. I just said.......I rolled up my sleeves, and it took months and thousands of dollars in legal fees, to renegotiate this contract. But, it ended up in a good place. It vetted more money and built-in protection -- such as time frames, specific amounts for the TIF, and a whole lot of other things.

We bifurcated the TIF Agreement for the Purchase Agreement and a lot of other things that protected the City. And, all these things were recommended, but most of them were ignored -- nor were they shared with me, a Council Member, that our counsel attorneys had objections. At no point during the Spring and Summer did I ever bring that up because it has always been my intention to take the high-road and look to the future. I stayed silent and looked ahead. And, I continue to do that with a lot of things.

Alright, let’s get back to Rockside Road. August 22, 2018, Democratic Party Official Jim Kukral writes this, “The current Council President and the rest of the Council made all kinds of promises about how we are going to fix Rockside Road during the campaign, but it was never broken.” I never said such a thing during the campaign. I’m not sure I said anything ever about it. I was silent on this issue. So, the current Council President, that’s me.......I never made any comments during the election whatsoever. Says here that I did. I would like to be proven wrong or I would like that retracted. It further goes on, “The food court with the banks, coffee shops and restaurants would have all been done by the Fall -- but now nothing.”

There are recurring themes.......ground would have been broken in March, and it would have been completed in the Fall -- by Democratic Party Official Jim Kukral. Alright. Then last week, he writes his Ward as leader and, once again, he comments that he is not running for Office. I have already said that he has run for a Democratic Precinct Committeeman. Not running for Office? It is my opinion -- but he will run for some Office. He will run for Ward 3, he will run At-Large, and he may even run for Mayor. That is just my opinion, and I preface that. When you say you are not running, that is just an attempt to get credibility. I am unbiased. I don’t have any hand in the game so, what I am about to tell you is 100% the truth.
Council President Biasiotta (continued):

So, throughout the last several months he says he is running for Democratic Party Official, so keep that in mind. And, come next November, November 2019, one is he is running and he’ll say, “Well, the residents spoke up, and I needed to do this. I felt there needed to be change.” There will be some comment to that effect, and he will be a candidate, in my opinion. But, I bring that up because, once again, I said in the beginning, Democratic Party Official elected by the people, who represents their Ward, should be held to a higher standard and tell the people the truth.

So, last week he wrote to his followers, “All the developer did, LSB, was go find a partner to develop it because they didn’t want to do it any longer after the Mayor crapped all over it. They were disgusted with the entire thing.” I will address that in a minute. He further goes on and says, “The developer shopped and sold it to Fairmount and then LSB told them about it and said, Fairmount you deal with these nifty politicians”, and this is in quotes. He specifically says, “The developer, LSB, told them about it and said, Fairmount, you deal with these nifty Politicians.”

I spoke with partners from LSB, and that was never said in regard to this group. I will get more to my point soon. “They didn’t do crapolla -- it fell on their lap.” Well, that’s not true either. Since I have become Council President, I have been collaborating on behalf of Council and the Mayor, and often the Mayor joined me with LSB and we went over many proposals. The partners at LSB had a couple of different ideas for the land, a couple different developers. They sat down with us and they said, “What we want is one that the leadership of this City can get behind.” And, ultimately, I think we got there. So, this part about it fell on our lap -- no. It took several months of talking and negotiating what we think would work and what wouldn’t before ultimately bringing this to the public and the rest of Council. I am quoting Democratic Party Official Jim Kukral, “It appears this is going to be almost the exact same thing.” No, it won’t. I will tell you right now, a lot of it is on the calm and we are going to do this. It is better to do right than quick. This is the last big project, and we are going to take our time and get it right. One thing I will tell you is, no -- it will not be the exact same thing. Our architectural will be completely different, and it will not have any Senior Living. The new Development Partner feels that is not good use for the property -- it is off the table -- it is gone. So, that is one less thing to argue about. Another falsehood statement of the former Ward Councilman that it is going to be the same thing.

One more thing, “So, watch closely, because if this isn’t way better than it would have been already, you were lied to and lost years of revenue.” So, here are the salient points Democratic Party Official Jim Kukral has mentioned Rockside being an eyesore, mentioned it being a dirt pile, he mentions it is lost revenue because it hasn’t started, he mentions a Spring start and he mentions a Fall open. To the best of my knowledge, these are all false statements.
Council President Biasiotta (continued):

Here is what really happened. LSB presented a new option to the City in July of 2017. Prior to developing this, they had meetings with then-Councilman Jim Kukral and other Council people. Then-Councilman Kukral assured LSB and their partner that what they were about to propose was a great idea and they were going to support it. LSB and the other prominent developer in the Cleveland area then spent a lot of money and time developing a new plan. That plan was introduced to the City, then-Councilman Kukral changed his mind and went against it publicly without notifying LSB, as did the other Councilman involved. At this point, the project was stopped.

LSB pulled their plans and they rescinded their application in July of 2017 months before the election -- months before any of these people were elected. And, there it sat through the Winter, through the Spring, until the new Council was elected. I reopened negotiations that were very cordial, and collaborated with LSB and our eventual new partner, Fairmount Properties.

So, there are the facts. The developer did not pull out because they had any issues with any of these people on the dais. The project was never slated for Spring -- it wasn’t going to open until Fall. These are all false statements. I speak today to set the record straight. It brings me no happiness or joy. It is the worst part of the job.

Now, I am sure that this will get spun in a million different ways. But, I count on the people here and the people listening at home to keep the record straight. It has been my experience that if politics is what I cared about -- I will tell you this -- I could keep all the posts from the prior Council people and Democratic Party Official Jim Kukral -- the dozens and dozens I have -- never say a word, and get the most political bang for the buck and bring these up next election time. And I say here -- you’re running for office, so it is time to be accountable for all the lies. That would be the best political move to make. However, I didn’t do this for political reasons. The people came to me and they are tired of being put in the middle. They read something online, false, 100% untrue, and then they contact me and they are angry. Because, they are like, “Hey, how did you drop the ball -- why did the Mayor do this? What’s going on, on Rockside? Oh, you put the City at risk. What did you do to make LSB walk away?” And, taking the high-road, I’ve never mentioned it was rescinded in July. I never mentioned the property was put up for sale prior to the election of these individuals to my left.

I take the high-road and say we are working on a new plan that’s going to be.......every single time. And, the people accept it mostly -- and other times they write back they don’t care because I am in charge now and ask me how come I haven’t done something? And, they are quoting the social media lies. After I say, ma’am and mister, that they have been misinformed, don’t know what to tell you, and I don’t want to get into specifics because I want to take the political rhetoric down.
Council President Biasiotta (continued):

I have done that dozens of times throughout this year and we got to a point, where the residents themselves say, “Tony, please set the record straight. Who is telling the truth? What really happened?” On resident demand, I speak up tonight -- and that is it. It is the only reason. Hopefully, this puts to bed what really happened on Rockside.

Now, over the next several weeks we should get a submission from Fairmount Properties and we will schedule a Planning Commission Meeting and we will go from there. We have several months of hard work ahead.

I am not making any promises. I am just saying that we are going to do our best to bring a first-class facility that we are all going to be proud of -- and from the preliminary negotiations, I know the architectural is better. It will not have Senior Living. And, I think the people will really like the improved and expanded plan. I am very thankful for LSB having patience and being a good partner. I am really excited about the relationship with Fairmount Properties.

Now, people will say this thing has been spun, and I don’t know if you have seen my memo. My memo merely stated that I am excited to announce that we have a new Lead Developer, Fairmount Properties. Here is some example of their work. In my writings to the community there is no spin. There are just facts, and then I back them up.

So, I thank you for this long, especially-long indulgence of these miscellaneous comments, and on that I wish you all a good night.

That is all I have for miscellaneous comments tonight.
MOTION by Mr. Biasiotta, seconded by Ms. Kelly, to adjourn the meeting.
Roll Call: all yea  
MOTION CARRIED

The September 10, 2018 Regular Council Meeting was adjourned at 9:29 p.m.

Anthony D. Biasiotta, President of Council

Attest: ____________________________
Carol L. Sekerak, Clerk of Council

Date: ________________________________

Transcribed 10/05/18
Lisa Plisko, Council Assistant
(Edited C. Sekerak)
March 27, 2018

Sonja Herwick, Finance Director
City of Seven Hills
7325 Summit View Drive
Seven Hills, Ohio 44131

Dear Ms. Herwick:

I am writing in response to your request to create the Infrastructure Repairs Fund.

Your request has been denied. The establishment of an Infrastructure Repairs Fund should be created under Ohio Revised Code §5705.13(C) or submitted with a capital plan that demonstrates the need for the fund.

If you have any questions concerning this letter, please do not hesitate to contact David B. Thompson at 1-800-345-2519.

Sincerely,

Unice S. Smith
Chief, Local Government Services
March 27, 2018

Sonja Herwick, Finance Director
City of Seven Hills
7325 Summit View Drive
Seven Hills, Ohio 44131

Dear Ms. Herwick:

I am writing in response to your request to create the Rainy Day Fund.

Your request has been denied. This type of fund must be established under the guidelines of Ohio Revised Code §5705.13(A).

If you have any questions concerning this letter, please do not hesitate to contact David B. Thompson at 1-800-345-2519.

Sincerely,

Unice S. Smith
Chief, Local Government Services
March 27, 2018

Sonja Herwick, Finance Director
City of Seven Hills
7325 Summit View Drive
Seven Hills, Ohio 44131

Dear Ms. Herwick:

I am writing in response to your request to create the Capital Improvement Fund.

Your request has been denied. It is unclear if the purpose of your request is to record activity in the general fund or a Capital Improvement Fund. The establishment of a Capital Improvement Fund should be created under Ohio Revised Code §5705.13(C) or submitted with a capital plan that demonstrates the need for the fund.

If you have any questions concerning this letter, please do not hesitate to contact David B. Thompson at 1-800-345-2519.

Sincerely,

Unice S. Smith
Chief, Local Government Services