

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD October 22, 2018

This Regular Council Meeting was called to order by President of Council Anthony D. Biasiotta at 8:22 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 Stager, Ward 1 Councilman Biasiotta, Ward 2 Councilman Wrobel, Ward 3 Councilman Snitzky, Ward 4 Councilman Greenwald, Director of Public Service and Properties Johnson, and Building Commissioner Vittardi. Absentees were Councilwoman-at-Large Kelly and Engineer Collins.

Motion to Excuse Absence

MOTION by Mr. Biasiotta, seconded by Mr. Greenwald, to excuse the absence of Councilwoman Kelly from tonight's Council Meeting due to illness.
Roll Call: all yea **MOTION CARRIED**

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Greenwald, seconded by Mr. Biasiotta, to accept the Minutes of the Regular Council Meeting held September 24, 2018, as printed.
Roll Call: all yea **MOTION CARRIED**

MOTION by Mr. Snitzky, seconded by Mr. Elliott, to accept the Minutes of the Regular Council Meeting held October 9, 2018, as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Ms. Stager, seconded by Mr. Elliott, to accept the Consent Agenda of October 22, 2018, as printed, if there is no division of the question.
Roll Call: all yea **MOTION CARRIED**

RESOLUTIONS OF COMMENDATION

Resolution No. 21-2018 – A RESOLUTION OF COMMENDATION TO JOHN BANASZAK – HALL OF FAME 2018 INDUCTEE – FOOTBALL.

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MOTION by Mr. Elliott, seconded by Mr. Biasiotta, to read Resolution No. 21-2018 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 21-2018 was read by full title only for its first and final reading.

MOTION by Mr. Elliott, seconded by Mr. Biasiotta, to adopt Resolution No. 21-2018 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

RESOLUTION NO. 21-2018 IS DECLARED ADOPTED.

Resolution No. 22-2018 – A RESOLUTION OF COMMENDATION TO MICHAEL MINJOCK – HALL OF FAME 2018 INDUCTEE – TRACK AND FIELD.

MOTION by Mr. Wrobel, seconded by Mr. Greenwald, to read Resolution No. 22-2018 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 22-2018 was read by full title only for its first and final reading.

MOTION by Mr. Wrobel, seconded by Mr. Greenwald, to adopt Resolution No. 22-2018 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

RESOLUTION NO. 22-2018 IS DECLARED ADOPTED.

Resolution No. 23-2018 – A RESOLUTION OF COMMENDATION TO DOLLY PELZ – HALL OF FAME 2018 INDUCTEE – ROLLER SKATING.

MOTION by Mr. Greenwald, seconded by Mr. Wrobel, to read Resolution No. 23-2018 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 23-2018 was read by full title only for its first and final reading.

MOTION by Mr. Greenwald, seconded by Mr. Wrobel, to adopt Resolution No. 23-2018 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

RESOLUTION NO. 23-2018 IS DECLARED ADOPTED.

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Resolution No. 24-2018 – A RESOLUTION OF COMMENDATION TO **RICHARD A. PIGNATIELLO** – HALL OF FAME 2018 INDUCTEE – WEIGHTLIFTING.

MOTION by Mr. Snitzky, seconded by Mr. Biasiotta, to read Resolution No. 24-2018 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 24-2018 was read by full title only for its first and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Biasiotta, to adopt Resolution No. 24-2018 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 24-2018 IS DECLARED ADOPTED.

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, November 19, 2018. Mr. Snitzky said that the minutes from the previous meeting (October 15, 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, November 5, 2018. Mr. Greenwald said all most recent meeting minutes are on file with the Clerk of Council; he said the minutes from the last meeting (October 1, 2018) are pending.

Community Services

Community Services Committee Chairwoman Kelly was absent. Council President Biasiotta stated that the Committee will hold its next regular meeting on Monday evening, November 5, 2018.

Police and Fire

Police and Fire Committee Chairman Elliott stated that Committee last met on Monday evening, October 15, 2018, and the minutes from that meeting are pending. Mr. Elliott said that the Committee will hold its next regular meeting on Monday evening, November 19, 2018.

Parks and Recreation

Parks and Recreation Committee Chairman Wrobel stated that the Committee will hold its next regular meeting on Monday evening, November 19, 2018.

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Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairwoman Stager stated that the Committee last met on Monday evening, October 1, 2018, and the minutes from that meeting are on file with the Clerk of Council. Ms. Stager said that the Committee will hold its next regular meeting on Monday evening, November 5, 2018.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Biasiotta stated that the Committee last met on Monday evening, October 15, 2018, and the minutes from that meeting are pending. Mr. Biasiotta said that the Committee will hold its next regular meeting on Monday evening, November 5, 2018.

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.

ORDINANCES AND RESOLUTIONS

Ordinance No. 128-2018 – AN ORDINANCE AUTHORIZING THE CITY OF SEVEN HILLS TO ENTER INTO A ONE-YEAR RATE GUARANTEE AGREEMENT COMMENCING NOVEMBER 1, 2018 AND ENDING OCTOBER 31, 2019 WITH UNUM LIFE INSURANCE COMPANY OF AMERICA FOR THE FURNISHING OF LIFE INSURANCE FOR QUALIFIED FULL-TIME CITY EMPLOYEES IN AN AMOUNT NOT TO EXCEED \$4.50/\$25,000 LIFE, \$.50/\$25,000 AD&D, AND \$2.43/DEPENDENT LIFE; AUTHORIZING AND DIRECTING THE MAYOR TO SIGN, ON BEHALF OF THE CITY OF SEVEN HILLS, ANY AND ALL DOCUMENTS NECESSARY TO IMPLEMENT AND GIVE FORCE AND EFFECT TO SAID LIFE INSURANCE COVERAGES, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$3,800.00 ANNUALLY FOR SAID COVERAGE.

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MOTION by Mr. Wrobel, seconded by Mr. Elliott, to read Ordinance No. 128-2018 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 128-2018 was read by full title only for its third and final reading.

MOTION by Mr. Wrobel, seconded by Mr. Elliott, to pass Ordinance No. 128-2018.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 128-2018 IS DECLARED PASSED.

Ordinance No. 129-2018 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A 60-MONTH PRODUCT LEASE AGREEMENT WITH MAILFINANCE OF MILFORD, CONNECTICUT (A NEOPOST USA COMPANY), FOR THE LEASE OF ONE NEW POSTAGE METER, MODEL IN600HFSH IN SERIES 600, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$6,773.40 (\$111.64/EACH MONTH); SAID PURCHASE TO BE MADE UNDER THE STATE OF OHIO CONTRACT GPCO16RS902318 AND ADSP016-169901.

MOTION by Ms. Stager, seconded by Mr. Wrobel, to read Ordinance No. 129-2018 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 129-2018 was read by full title only for its third and final reading.

MOTION by Ms. Stager, seconded by Mr. Wrobel, to pass Ordinance No. 129-2018.
Roll Call: all yea **MOTION CARRIED**

ORDINANCE NO. 129-2018 IS DECLARED PASSED.

Ordinance No. 131-2018 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH AQUA DOC LAKE AND POND MANAGEMENT, OF CHARDON, OHIO, FOR THE PURPOSE OF PROVIDING THE FALL, 2018, AND SPRING, 2019, WINTER PROTECTION PROGRAM AND SERVICES FOR TWO (2) CITY OF SEVEN HILLS FOUNTAINS (One (1) – Seven Hills Recreation Complex and One (1) – Somerset Lane), WITH APPURTENANCES; AND APPROPRIATING THE SUM NOT TO EXCEED \$500.00 FOR SAID SERVICES.

MOTION by Mr. Wrobel, seconded by Mr. Elliott, to read Ordinance No. 131-2018 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**

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Ordinance No. 131-2018 was read by full title only for its third and final reading.

MOTION by Mr. Wrobel, seconded by Mr. Elliott, to pass Ordinance No. 131-2018.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 131-2018 IS DECLARED PASSED.

Ordinance No. 132-2018 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A ‘DATA USE AND SECURITY AGREEMENT FOR THE CRIMINAL JUSTICE INFORMATION SHARING DATA WAREHOUSE (CJISDW)’, WITH THE COUNTY OF CUYAHOGA, OHIO, FOR THE PURPOSE OF FACILITATING INFORMATION SHARING AMONG AND BETWEEN LAW ENFORCEMENT AGENCIES AND OTHER GOVERNMENT AGENCY PARTNERS.

MOTION by Mr. Elliott, seconded by Mr. Snitzky, to read Ordinance No. 132-2018 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 132-2018 was read by full title only for its third and final reading.

MOTION by Mr. Elliott, seconded by Mr. Snitzky, to pass Ordinance No. 132-2018.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 132-2018 IS DECLARED PASSED.

Amended Ordinance No. 133-2018 – AN ORDINANCE TO AMEND SECTION 150.03, CITY PARKS AND PAVILION RENTALS, AS CONTAINED IN CHAPTER 150, USE OF THE CITY ADMINISTRATION BUILDING FACILITIES, PARKS, PAVILIONS, AND FIELDS, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

MOTION by Mr. Wrobel, seconded by Mr. Snitzky, to read Amended Ordinance No. 133-2018 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 133-2018 was read by full title only for its third and final reading.

MOTION by Mr. Wrobel, seconded by Mr. Elliott to pass Amended Ordinance No. 133-2018.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 133-2018 IS DECLARED PASSED.

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Amended Ordinance No. 134-2018 – AN ORDINANCE TO AMEND SECTION 150.06, CITY SOCCER AND BASEBALL FIELDS, AS CONTAINED IN CHAPTER 150, USE OF THE CITY ADMINISTRATION BUILDING FACILITIES, PARKS, PAVILIONS, AND FIELDS, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

MOTION by Mr. Wrobel, seconded by Ms. Stager, to read Amended Ordinance No. 134-2018 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Amended Ordinance No. 134-2018 was read by full title only for its third and final reading.

MOTION by Mr. Wrobel, seconded by Ms. Stager, to pass Amended Ordinance No. 134-2018.
Roll Call: all yea **MOTION CARRIED**

AMENDED ORDINANCE NO. 134-2018 IS DECLARED PASSED.

Ordinance No. 135-2018 – AN ORDINANCE TO AMEND CHAPTER 723, WASTE AND GARBAGE COLLECTION, AS CONTAINED IN TITLE THREE, PUBLIC UTILITIES, OF PART SEVEN, STREETS AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, BY ADDING NEW SECTION 723.031, ENTITLED ‘CONSTRUCTION AND RUBBISH DUMPSTER; REQUIREMENTS AND RESTRICTIONS’.

MOTION by Mr. Snitzky, seconded by Mr. Greenwald, to read Ordinance No. 135-2018 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 135-2018 was read by full title only for its third and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Greenwald, to pass Ordinance No. 135-2018.
Roll Call: Kelly (absent); Elliott, yea; Stager yea; Greenwald, nay;
Snitzky, yea; Wrobel, yea; Biasiotta yea.
5 yea, 1 nay (Kelly absent) **MOTION CARRIED**

ORDINANCE NO. 135-2018 IS DECLARED PASSED.

Ordinance No. 136-2018 – AN ORDINANCE TO AMEND SECTION 723.99, PENALTY, AS CONTAINED IN CHAPTER 723, WASTE AND GARBAGE COLLECTION, OF TITLE THREE, PUBLIC UTILITIES, OF PART SEVEN, STREETS AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

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MOTION by Mr. Wrobel, seconded by Mr. Elliott, to read Ordinance No. 136-2018 by title only for its third and final reading.
Roll Call: all yea **MOTION CARRIED**
Ordinance No. 136-2018 was read by full title only for its third and final reading.

MOTION by Mr. Wrobel, seconded by Mr. Elliott, to pass Ordinance No. 136-2018.
Roll Call: Kelly (absent); Elliott, yea; Stager yea; Greenwald, nay;
Snitzky, yea; Wrobel, yea; Biasiotta, yea.
5 yea, 1 nay (Kelly absent) **MOTION CARRIED**

ORDINANCE NO. 136-2018 IS DECLARED PASSED.

Amended Ordinance No. 142-2018 – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$267,487.00 FOR THE PURCHASE OF ONE (1) 2018 STS FREIGHTLINER M2 BRAUN SUPER CHIEF AMBULANCE, AND ONE (1) 2018 STS BRAUN XL OPTIONS, WITH APPURTENANCES, FOR USE IN THE FIRE DEPARTMENT OF THE CITY OF SEVEN HILLS, OHIO, SAID PURCHASE TO BE MADE FROM PENN CARE, INC., OF NILES, OHIO, THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES OFFICE OF STATE PURCHASING CONTRACT #800263, OHIO STS #233, WITH A PRICE GUARANTEE FOR ORDER AVAILABLE THROUGH OCTOBER 31, 2018; AND DECLARING AN EMERGENCY.

MOTION by Mr. Elliott, seconded by Mr. Biasiotta, to read Amended Ordinance No. 142-2018 by title only for its second and final reading.

Council President Biasiotta stated:

“We are doing and asking this to be read on a second reading, and passing it on emergency. The contract with the Ohio Department of Administrative Services guarantees the price through October 31, 2018, and this is the last meeting of the month of October. So, we are doing this on second reading to ensure this year’s pricing.”

Roll Call: all yea **MOTION CARRIED**
Amended Ordinance No. 142-2018 was read by full title only for its second and final reading.

MOTION by Mr. Elliott, seconded by Mr. Biasiotta, to pass Amended Ordinance No. 142-2018 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

AMENDED ORDINANCE NO. 142-2018 IS DECLARED PASSED.

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Ordinance No. 143-2018 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH WARREN FIRE EQUIPMENT OF WARREN, OHIO, FOR THE PURPOSE OF PURCHASING THREE (3) SETS OF TURNOUT GEAR FOR THE NEW CITY OF SEVEN HILLS FIREFIGHTERS, AND APPROPRIATING THE SUM NOT TO EXCEED \$11,211.00 FOR SAID PURCHASE.

Ordinance No. 143-2018 was read by full title only for its second reading.

Ordinance No. 144-2018 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH G&B ELECTRIC COMPANY, OF BRECKSVILLE, OHIO, FOR THE PURPOSE OF PURCHASING NEW LED FIXTURES AND LAMPS, WITH APPURTENANCES, FOR THE CITY OF SEVEN HILLS RECREATION CENTER POOL AREA, AND APPROPRIATING THE SUM NOT TO EXCEED \$11,200.00 FOR SAID PURCHASE.

Ordinance No. 144-2018 was read by full title only for its second reading.

Ordinance No. 145-2018 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A FOUR-YEAR TECHNICAL SERVICE SUPPORT AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PHYSIO CONTROL, INC., FOR PERFORMING ANNUAL TECHNICAL SERVICE SUPPORT OF THE FIRE DEPARTMENT'S AND RECREATION CENTER'S LIFEPAK 15, LUCAS CPR, AND LIFEPAK AED AND BATTERY SUPPORT SYSTEMS; AND APPROPRIATING THE SUM NOT TO EXCEED TWENTY-FOUR THOUSAND SIX HUNDRED NINETY-SIX DOLLARS (\$24,696.00) FOR SAID SERVICE.

Ordinance No. 145-2018 was read by full title only for its second reading.

Ordinance No. 146-2018 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH MARIANELA SERRANO FOR THE PURPOSE OF PROVIDING ZUMBA CLASSES AT THE RECREATION CENTER FOR THE PERIOD COVERING JANUARY 1, 2018 THROUGH DECEMBER 31, 2018.

Ordinance No. 146-2018 was read by full title only for its second reading.

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Ordinance No. 147-2018 – AN ORDINANCE TO AMEND SECTION 151.091, COMPENSATION OF EMPLOYEES GENERALLY, AS CONTAINED IN CHAPTER 151, EMPLOYEES GENERALLY, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, FOR THE PURPOSE OF AMENDING THE COMPENSATION FOR THE DIRECTOR OF FINANCE.

Ordinance No. 147-2018 was read by full title only for its second reading.

Ordinance No. 148-2018 – AN ORDINANCE APPROPRIATING AN AMOUNT NOT TO EXCEED \$216,791.00 FOR THE CITY OF SEVEN HILLS PORTION OF THE PROPOSED W9TH STREET RESURFACING JOINT PROJECT WITH THE CITY OF PARMA; THE CITY OF PARMA PAYING THEIR PORTION OF THE PROJECT (\$216,791.00) TO THE CITY OF SEVEN HILLS WHO HAS BEEN AUTHORIZED TO BE THE LEAD IN THE PROPOSED WEST 9TH STREET RESURFACING PROJECT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Biasiotta, seconded by Ms. Stager, to read Ordinance No. 148-2018 by title only for its first and final reading.

Council President Biasiotta stated:

“I would like to note that we’re passing this on emergency. This is an agreement with the City of Parma for the resurfacing of West 9th Street in its entirety. Parma has passed their agreement already. Passage tonight allows us to put together the bid package and, hopefully, get the best pricing available. That is the reason for the emergency.”

Roll Call: all yea

MOTION CARRIED

Ordinance No. 148-2018 was read by full title only for its first and final reading.

MOTION by Mr. Biasiotta, seconded by Ms. Stager, to pass Ordinance No. 148-2018 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 148-2018 IS DECLARED PASSED.

Ordinance No. 149-2018 – AN ORDINANCE TO AMEND SECTION 509.12, SUSPICIOUS PERSONS, AS CONTAINED IN CHAPTER 509, DISORDERLY CONDUCT AND PEACE DISTURBANCE, OF PART FIVE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO; AND DECLARING AN EMERGENCY.

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MOTION by Ms. Stager, seconded by Mr. Greenwald, to read Ordinance No. 149-2018 by title only for its first and final reading.

Ms. Stager stated:

“Yes, Mr. President. The ACLU (American Civil Liberties Union of Ohio) sent a letter that was directed to me as the Chairman of the Rules Committee, pointing out that we are in violation of the First Amendment of the Constitution of Free Speech and we need to amend this Ordinance, immediately.”

Mayor Dell’Aquila stated:

“I would also hasten to point out that this is an issue that has come up in a number of municipalities. It is not just in Seven Hills. And, it arises as a consequence of a recent Supreme Court decision, which found that many, if not all of the Cities, that are now called upon to modify this Ordinance and cannot enforce the law as written on their books, simply as a result of a change in the law coming out of the Supreme Court decision. Thank you.”

Council President Biasiotta stated:

“Duly noted, Mayor. This is a result of a Supreme Court decision that is impacting many of our neighbors, and they are all taking similar action to be in compliance with the recent Supreme Court decision.”

Ms. Stager stated, “That was said much more eloquently than I. Thank you.”

Roll Call: all yea

MOTION CARRIED

Ordinance No. 149-2018 was read by full title only for its first and final reading.

MOTION by Ms. Stager, seconded by Mr. Elliott, to pass Ordinance No. 149-2018 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 149-2018 IS DECLARED PASSED.

Ordinance No. 150-2018 – 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; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mr. Wrobel, to read Ordinance No. 150-2018 by title only for its first and final reading.

Mr. Snitzky stated:

“The reason that we are doing this on an emergency is we’re rapidly getting into the snow and leaf season. This was moved back, or moved up to December a while back -- it had been in October for many years. I have lived in this town long enough to remember measurable snow in the middle of October. So, this is a reasonable accommodation.”

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Council President Biasiotta stated:

“The reason for the emergency is this is going to take effect immediately. We are setting the date back to October 15, 2018.”

Roll Call: all yea

MOTION CARRIED

Ordinance No. 150-2018 was read by full title only for its first and final reading.

MOTION by Mr. Snitzky, seconded by Mr. Wrobel, to pass Ordinance No. 150-2018 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 150-2018 IS DECLARED PASSED.

Ordinance No. 151-2018 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PARTICIPATION AGREEMENT WITH CAREWORKSCOMP OF DUBLIN, OHIO, FOR THE PURPOSE OF PARTICIPATING IN THEIR PLAN FOR REDUCTIONS IN WORKERS’ COMPENSATION PREMIUM RATES, FOR CAREWORKSCOMP TO PROVIDE THE NECESSARY REPRESENTATION SERVICES TO THE CITY IN ACCORDANCE WITH BWC RULES, AND TO REPRESENT THE CITY IN ALL RISK, PAYROLL, AND CLAIMS RELATED MATTERS BEFORE THE BWC.

Ordinance No. 151-2018 was read by full title only for its first reading.

Resolution No. 25-2018 – A RESOLUTION RATIFYING 120 HOURS OF VOLUNTARILY DONATED SICK LEAVE UNITS BY SEVEN HILLS CITY EMPLOYEES TO PATROLMAN SEAN KATRINCSAK; AND DECLARING AN EMERGENCY.

MOTION by Ms. Stager, seconded by Mr. Elliott, to read Resolution No. 25-2018 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 25-2018 was read by full title only for its first and final reading.

MOTION by Ms. Stager, seconded by Mr. Elliot, to adopt Resolution No. 25-2018 as an emergency measure.

Mr. Snitzky stated:

“I would like to say something really quick on this one. You know, City Employees sometimes get a bad rap being Public Servants and all that, but when I see something like this, it restores my faith in not only City Employees but human nature. When somebody -- people are giving up 120 hours -- that’s a lot of time of their sick time for another fellow City Employee. I think that needs to be noted and commented on. It really shows some quality people. Thank you.”

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 25-2018 IS DECLARED ADOPTED.

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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 gave the following report:

Thank you, Mr. President.

I am very, very excited to report to Council that we are making a lot of progress on the Calvin Ball Diamonds. As everyone is aware, Local 18, the Operating Engineers, have been out as of last week installing the subsurface drainage and the catch basins to draw water off the surface of the infield there -- in coordination with our Service Department, our City Engineer, especially Councilman Elliott, and some other folks up on the dais here. I am pleased to report that as of last Thursday, the entire drainage system in Calvin 1 has been completed and the infield soil has been restored to a level condition so that the excavation is not obvious any longer.

We are moving on to the other work that we are contemplating there. We are working with the Building Commissioner. We are still working on the possibility of some lighting, at least some installation for the lighting. There is some other thing in the works that we will be hopefully able to announce here relatively quickly. The plan is that once the ball fields have been fully installed with the drainage that next year we would be also putting on the playable field topping. So, we are making good progress. Special thanks again to Councilman Elliott for all that he has done on this.

I don't know if anyone is aware, but this last weekend we had several trees blown over, several trees in the City. I understand that there are still some houses that are without power. The Illuminating Company, CEI, and Ohio Edison are working on reconnecting those homes. We just have to work with them to make sure that happens. It is part of all that storm damage. A tree was blown over across Bayberry Drive at East Ridgewood on Saturday night. As you are aware, Bayberry Drive is the only road that goes back to that subdivision.

I am very happy to report that with combined efforts of the Service Department, the Fire Department, and the Police Department, we were out there within a half hour after I found out about it. I would say that within an hour this very large tree had been cleared away and access back to Bayberry Drive had been restored and put back in a condition where vehicles can at least get through that blockage.

So very grateful for the work of everybody involved.

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Mayor Dell'Aquila (concluded):

It is very impressive to watch everybody stepping up or doing work on an emergency basis that typically they are not called upon to do. I was very proud of our staff and all of our employees for stepping up and so efficiently taking care of what could have been a very dangerous situation.

Thank you, Mr. President.

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 was not present.

Building Commissioner Vittardi had no formal report.

MISCELLANEOUS

Mayor Dell'Aquila stated:

“Please let the record reflect, that as everyone is aware, I’m recusing on this particular project. So, I will be stepping away from the dais while this matter is under consideration by Council.”

Mayor Dell'Aquila left the dais and exited Council Chambers at 9:02 p.m. for the remainder of this Council Meeting.

Mr. Wrobel:

Mr. Wrobel said, at the October 10, 2018 Planning Commission Meeting, the Commission made the following motion regarding a proposal heard:

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Proposed Meijer Project, NE corner of Broadview Road and Orchardview Road

MOTION by Mr. Bryda, seconded by Mr. McCafferty, that the Planning Commission members vote whether or not to grant approval of the proposed Meijer Project at the NE corner of Broadview Road and Orchardview Road contingent upon:

1. The vote of the residents regarding the required rezoning on November 6, 2018;
2. Compliance with the City Engineer's review commentary dated October 5, 2018 and updated October 9, 2018;
3. Required variances being granted by the Seven Hills Zoning Board of Appeals including those in the variance list provided by the applicant."

Roll Call: 5 yea, 0 nay

Motion Carried

Project Approved with Contingencies"

MOTION by Mr. Wrobel, seconded by Mr. Biasiotta, to concur with the findings of the Planning Commission of October 10, 2018, in approving the Proposed Meijer Project, NE corner of Broadview Road and Orchardview Road, with stated contingencies.

Roll Call: all yea

MOTION CARRIED

Council Concurs with the Findings of the Planning Commission of October 10, 2018 in reference to the Proposed Meijer's Project. NE Corner of Broadview Road and Orchardview Road, with contingencies.

Mr. Snitzky had no miscellaneous comments.

Mr. Greenwald had no miscellaneous comments.

Ms. Stager:

This coming Sunday, on October 28, 2018, I will be running the Marine Corps Marathon in Washington, D.C., and I will be running it in honor of Captain Brian P. Branigan. In addition to Captain Branigan, I will also be running for all of the Seven Hills Veterans and current and former Military Personnel. Also, on the website for the Marine Corps Marathon there are partner charities. If anyone would like to contribute anything to any of those charities on the Marine Corps Marathon website, that would be terrific.

Council President Biasiotta commented, "Thank you. Best of luck in your run. Thanks, on behalf of all the charities you are running for and the individuals you are respecting on your run. Thanks again."

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Mr. Elliott had no miscellaneous comments.

Council President Biasiotta:

This is the last Council Meeting ahead of the November 6, 2018 Election. I want to briefly speak to Issue 90 for those at home and to get the word out. Tonight, Council has concurred with the Planning Commission's recommendation of a proposal that Meijer has submitted for the Kmart Property. Kmart, of course, is currently opened and they have a lease and everything we are doing here is subject to Kmart's termination of their leasehold rights. So, that said, all the communications from the City are a proactive move in the event that Kmart does relinquish their leasehold rights and close shop. As far as we know, they are open, doing business, and we support them as a Seven Hills business.

Issue 90 -- this is what it is, in a nut shell. Issue 90 is going to redistrict the property of the current Kmart district to General Business with Retail Accessory. What does that mean? Everything that currently is allowed there is still allowed, but the accessory in this issue instance, would be a gas station and convenient store. This is a business model that would not only apply to Meijer, it would make the property marketable to any major retailer. This is the zoning that Sam's Club dictates, Costco, BJ's, Getgo and even Acme stores have their own gas rewards program.

This is an industry standard. So, we started out earlier in the year working with brokers to find out how to make this property marketable to major retailers in the event that an opening should exist. So, regardless of what is eventually there, this is the zoning that it needs to be in place to make it marketable and to prevent a potential blighted property some day.

Now, that said, in front of us tonight, was an issue from Meijer's Stores -- a very highly successful and sought-after retailer that has expressed an interest in the site. They submitted to the Planning Commission on October 10, 2018 a proposal. This proposal includes a gas station and a convenient store. Not any gas station or convenient store can be built with this proposal. The passage of Issue 90 only allows a gas station and a convenient store to subjugate to a larger use.

In this instance, speaking in round numbers, we will have 3,000 square feet of a gas station and convenient store only if the 150,000 square-foot retailer builds and brings with it 250 to 270 jobs in a complete building from ground up with very nice landscaping to buffer from the residential neighborhoods. It is conceivably, in my mind, no risk here. None. We are merely taking a property that may not be marketable and conforming it to an industry standard in the event that an opening happens. I believe this is very important to the City. I want to once again note that the Planning Commission's approval project is contingent on the passage of Issue 90.

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Council President Biasiotta (continued):

I am confident that this has been well-communicated and, if it has not, please talk to your neighbors, your friends, and make sure that there is no miscommunication to what it is or what it isn't.

There will be further explanation and detail in the City Newsletter. The City Newsletter has been delivered to the post office. You will get the green covered newsletter, the official newsletter from the City, in your mail -- hopefully this week.

So, if you have questions on Issue 90 or any of the Issues on the ballot, the newsletter arriving this week will go into greater detail and, hopefully, answer some of your questions. If it does not, please reach out to one of your Council People or anyone in the Administration so this very important matter is handled expertly.

MOTION Mr. Biasiotta, seconded by Ms. Stager, to authorize an additional 6.5 hours for the Council Part-Time Typist for the two-week pay period ending October 13, 2018.

Council President Biasiotta stated:

“We exceeded the amount of time on the Ordinance due to a Public Hearing Meeting Minutes public records request. It was attended by over 70 people and public record requests dictate that it be typed verbatim. So, we had extra work this week and we didn't want to fall behind on our regular business. So, I am going to make a motion to grant an extra 6.5 hours.”

Roll Call: all yea

MOTION CARRIED

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MOTION by Mr. Biasiotta, seconded by Mr. Elliott, to adjourn the meeting.

Roll Call: all yea

MOTION CARRIED

The October 22, 2018 Regular Council Meeting was adjourned at 9:12 p.m.

Anthony D. Biasiotta, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

Transcribed 11/08/18
Lisa Plisko, Council Assistant
(Edited C. Sekerak)