

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD March 25, 2013

This Regular Council Meeting was called to order by Council President Michael C. Barth at 8:00 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Mayor Dell'Aquila, Director of Law Pignatiello, Director of Finance Johnson, Councilman-at-Large Bentkowski, Councilman-at-Large Snitzky, Councilman-at-Large Trafis, Ward 1 Councilman Barth, Ward 2 Councilman Tripi, Ward 3 Councilwoman Lecznar, Ward 4 Councilman Draganic, Director of Public Service and Properties Lovece, and Engineer Papke. Absentee was Building Commissioner Moro.

READING AND DISPOSAL OF JOURNAL

MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to accept the Minutes of the Regular Council Meeting held March 11, 2013, with the following noted corrections:

1. On Page 2, change the date of the next Public Works regular committee meeting from April 8, 2013 to **April 1, 2013**; and
2. On Page 2, change the date of the next Community Services regular committee meeting from April 8, 2013 to **April 1, 2013**.

Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mr. Tripi, seconded by Mrs. Lecznar, to accept the Consent Agenda of March 25, 2013, as printed, if there is no division of the question.

Roll Call: all yea **MOTION CARRIED**

RESOLUTIONS OF COMMENDATION

There were no Resolutions of Commendation.

REPORTS OF COMMITTEES

Planning, Zoning, and Economic Development

Planning, Zoning, and Economic Development Chairman Trafis stated that the Committee will hold its next regular meeting on Monday evening, April 15, 2013. Mr. Trafis stated that the minutes from the previous meeting (March 18, 2013) are on file with the Clerk of Council.

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Public Works

Public Works Chairman Bentkowski stated that the Committee will hold its next regular meeting on Monday evening, April 1, 2013. Mr. Bentkowski stated that the minutes from the previous meeting (March 4, 2013) are on file with the Clerk of Council.

Community Services

Community Services Chairman Snitzky stated that the Committee will hold its next regular meeting on Monday evening, April 1, 2013. Mr. Snitzky stated that the minutes from the previous meeting (March 4, 2013) are on file with the Clerk of Council.

Police and Fire

Police and Fire Committee Chairman Draganic stated that the Committee will hold its next regular meeting on Monday evening, April 15, 2013.

Parks and Recreation

Parks and Recreation Committee Chairman Tripi stated that the Committee last met on Monday evening, March 18, 2013, and the minutes from that meeting are on file with the Clerk of Council.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairperson Lecznar stated that the Committee will hold its next regular meeting on Monday evening, April 1, 2013.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Chairman Barth stated that the Finance Committee last met on Monday evening, March 18, 2013, and the minutes from that meeting are on file with the Clerk of Council. Mr. Barth stated that the Finance Committee will hold its next regular meeting on Monday evening, April 1, 2013.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

There were no communications, petitions, or claims.

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

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ORDINANCES AND RESOLUTIONS

Ordinance No. 26-2013 – AN ORDINANCE TO AMEND THE APPROPRIATIONS OF THE CITY OF SEVEN HILLS, OHIO, FOR THE YEAR ENDING DECEMBER 31, 2013.

MOTION by Mr. Draganic, seconded by Mr. Barth, to read Ordinance No. 26-2013 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 26-2013 was read by full title only for its third and final reading.

MOTION by Mr. Draganic, seconded by Mr. Barth, to pass Ordinance No. 26-2013.

Mr. Bentkowski stated:

“I’ll be voting ‘yes’ based on information from Attorney Colin R. Jennings who said it was appropriate for me to participate in this vote.”

Mr. Trafis stated:

“Initially I was hesitant to vote on our budget since we are appropriating money for outside legal counsel, and especially since I am named in the lawsuit filed against the City by David Bentkowski. I thought there might be a conflict of interest, but since our legal counsel from Squire Sanders said that the budget was put together prior to Councilman Bentkowski’s lawsuit being filed, he advised that I can vote on this. So, I will be voting on it. And, aside from that, I do want to mention that this budget was put together over the past number of months with a lot of hard work from our Finance Department – our new Finance Director Jack Johnson, Joe Hotchkiss, along with our Mayor and our Council President, and everybody on Council, did a terrific job on this budget. I’m very happy that I’m able to vote on this.”

Council President Barth stated:

“I would also like to congratulate the Mayor and Finance Director Johnson on submitting a balanced budget. It was a very professional and detailed presentation, and I thank you for that. Also my thanks to the Finance Committee and all of Council for the time spent in the budget hearings. All the work was, obviously, well worth the effort. I would just like to remind the Mayor and Director that tough times lie ahead and we must continue to find ways to increase our revenues and reduce expenses. But for this moment, congratulations on a job well done.”

Mr. Snitzky stated:

“Everybody is taking your fire away here, but I was going to, I guess, ‘third’ that as I thought that it was a very professionally run budget hearing.”

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Mr. Snitzky (continued):

I think the Administration has done a fantastic job of finding money and keeping money and spending it frugally and having a budget that reflects that. So, the Mayor is to be congratulated, along with his administration, for doing such a good job. It is amazing what very separate personalities can do when they put their minds together to do one good thing.”

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 26-2013 IS DECLARED PASSED.

Ordinance No. 30-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A TECHNICAL SERVICE SUPPORT AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PHYSIO CONTROL, INC., FOR THE PURPOSE OF PERFORMING ANNUAL TECHNICAL SERVICE SUPPORT OF THE CITY OF SEVEN HILLS POLICE DEPARTMENT’S AED UNITS LOCATED IN THE POLICE DEPARTMENT AND THE POLICE VEHICLES (MODEL LIFEPAK 500 SERIAL NOS. 11798923; 31514931; 9325899) AND APPROPRIATING THE SUM NOT TO EXCEED EIGHT HUNDRED SIXTY-SEVEN DOLLARS (\$867.00) FOR SAID SERVICE.

Ordinance No. 30-2013 was read by full title only for its second reading.

Amended Ordinance No. 31-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A 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 CITY OF SEVEN HILLS RECREATION CENTER’S LIFEPAK 500 AED UNIT AND BATTERY SUPPORT SYSTEM (LIFEPAK 500 SERIAL NO. 30782548), LIFEPAK 1000 AED UNIT AND BATTERY SUPPORT SYSTEM (LIFEPAK 1000 SERIAL NUMBER 38749016), AND APPROPRIATING THE SUM NOT TO EXCEED FIVE HUNDRED NINETY-EIGHT DOLLARS (\$598.00) FOR SAID SERVICE.

Amended Ordinance No. 31-2013 was read by full title only for its second reading.

Ordinance No. 32-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A 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 AED UNIT LOCATED AT CITY HALL (MODEL: LIFEPAK 500 SERIAL NUMBER 31019276), AND APPROPRIATING THE SUM NOT TO EXCEED TWO HUNDRED EIGHTY-NINE DOLLARS (\$289.00) FOR SAID SERVICE.

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Ordinance No. 32-2013 was read by full title only for its second reading.

Ordinance No. 33-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH JACKSON, DIEKEN & ASSOCIATES, OF WESTLAKE, OHIO, AND APPROPRIATING A SUM NOT TO EXCEED \$71,936.00 FOR THE FURNISHING OF COMPREHENSIVE MUNICIPAL LIABILITY COVERAGE, AUTOMOBILE LIABILITY & PHYSICAL DAMAGE COVERAGE, PUBLIC OFFICIALS ERRORS & OMISSIONS INCLUDING EMPLOYMENT PRACTICES LIABILITY, POLICE PROFESSIONAL LIABILITY, PROPERTY (Building and Contents) COVERAGE, INLAND MARINE COVERAGE, BROAD FORM CRIME COVERAGE, UMBRELLA COVERAGE, AND BOILER COVERAGE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Snitzky, seconded by Mrs. Lecznar, to read Ordinance No. 33-2013 by title only for its final reading.

Mr. Bentkowski stated:

“I’ll be recusing myself from participating in Ordinance No. 33-2013.”

Mr. Trafis stated:

“Due to the lawsuit filed against the City of Seven.....”

Council President Barth interrupted Mr. Trafis stating:

“Councilman, we’ve agreed not to talk about the lawsuit. Just say you are going to recuse yourself. This is the second time you did it.”

Mr. Trafis continued:

“I’m giving a reason why I’m recusing myself, and I’m entitled to that.”

Council President Barth continued:

“Councilman, I’m going to ask you not to talk about the lawsuit as we were advised by our attorney. And I think everybody knows why you’re recusing yourself. Go ahead.”

Mr. Trafis said:

“I am recusing myself from this vote for the reason I’ve previously stated. Thank you.”

Roll Call: all yea

(**Bentkowski and Trafis recused**) **MOTION CARRIED**

Ordinance No. 33-2013 was read by full title only for its final reading.

MOTION by Mr. Snitzky, seconded by Mrs. Lecznar, to pass Ordinance No. 33-2013 as an emergency measure.

Council President Barth asked Councilmen Bentkowski and Trafis if they wished to be removed as sponsors of the subject legislation.

Mr. Bentkowski replied:

“Traditionally, being listed as a sponsor is just a formality. But, just for safe coverage, I would welcome that.”

Mr. Trafis replied:

“I appreciate you noticing that, and I agree.”

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(Councilman Bentkowski and Councilman Trafis were removed as sponsors of Ordinance No. 33-2013.)

Mr. Trafis:

“Does a motion have to be made to remove our names as sponsors?”

Council President Barth replied he just asked the Council Clerk, and she said no, not to remove an individual as a sponsor.

Mr. Trafis asked Law Director Pignatiello if he agreed with that.

Law Director Pignatiello answered “yes”.

Roll Call: all yea

(**Bentkowski and Trafis recused**)

MOTION CARRIED

ORDINANCE NO. 33-2013 IS DECLARED PASSED

Ordinance No. 34-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH KISSEL AMUSEMENT CO., INC., FOR THE PURPOSE OF PROVIDING AMUSEMENT RIDES, GAME CONCESSIONS, AND FOOD/CONFECTIONARY CONCESSIONS FOR THE CITY OF SEVEN HILLS HOMEDAYS 2013.

Ordinance No. 34-2013 was read by full title only for its first reading.-

Ordinance No. 35-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH PINNACLE FITNESS OF RAVENA, OHIO, FOR THE PURPOSE OF PURCHASING ONE TRUE ELLIPTICAL CS800E2W, WITH APPURTENANCES, FOR USE IN THE CITY OF SEVEN HILLS RECREATION COMPLEX, AND APPROPRIATING THE SUM NOT TO EXCEED FOUR THOUSAND NINE HUNDRED FIFTY DOLLARS (\$4,950.00) FOR SAID PURCHASE.

Ordinance No. 35-2013 was read by full title only for its first reading.

Ordinance No. 36-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH LAKEFRONT LINES, INC./HOPKINS, OF CLEVELAND, OHIO, TO PROVIDE TRANSPORTATION FOR A BUS TRIP TO TOLEDO, OHIO (Hollywood Casino – Bus 1) ON APRIL 18, 2013, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$1,242.00 FOR SAID TRIP.

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Ordinance No. 36-2013 was read by full title only for its first reading.

Ordinance No. 37-2013 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH LAKEFRONT LINES, INC./HOPKINS, OF CLEVELAND, OHIO, TO PROVIDE TRANSPORTATION FOR A BUS TRIP TO TOLEDO, OHIO (Hollywood Casino – Bus 2) ON APRIL 18, 2013, AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$1,242.00 FOR SAID TRIP.

Ordinance No. 37-2013 was read by full title only for its first reading.

Amended Resolution No. 2-2013 – A RESOLUTION OPPOSING THE PASSAGE OF HB 5 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE.

Amended Resolution No. 2-2013 was read by full title only for its second reading.

Resolution No. 3-2013 – A RESOLUTION REPEALING THE FREEZE ON WAGES, HIRING, AND PROMOTIONS FOR EMPLOYEES WHO ARE NOT COVERED, OR A PART OF, A CITY OF SEVEN HILLS COLLECTIVE BARGAINING UNIT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to read Resolution No. 3-2013 by title only for its final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 3-2013 was read by full title only for its final reading.

MOTION by Mr. Trafis, seconded by Mr. Snitzky, to adopt Resolution No. 3-2013 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 3-2013 IS DECLARED ADOPTED.

Resolution No. 4-2013 – A RESOLUTION ACCEPTING AND APPROVING THE FINAL PLAT OF RIVER TRACE NORTH SUBDIVISION PHASE 2 IN THE CITY OF SEVEN HILLS, OHIO, FOR RECORD PURPOSES ONLY.

Resolution No. 4-2013 was read by full title only for its first reading.

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COUNCIL OPEN TO THE AUDIENCE

There were no questions or comments from the audience.

MISCELLANEOUS

Mr. Trafis had no miscellaneous comments.

Mr. Snitzky had no miscellaneous comments.

Mr. Bentkowski:

Just really quick. I see Mr. Foley and Mr. Littlepage in the audience – and others, but you two in particular – thank you for your help on committees and as you surface with all kinds of help all the time. Ed, we hardly ever see you as you are always so busy with the commission. Just wanted to thank you both for your service to the City.

I also want to wish everyone a Happy Easter.

Mrs. Lecznar:

This past Wednesday I had the opportunity to attend a function for the City of Seven Hills. It was the first time that we actually participated. I guess we had been invited previously but we never took them up on it. It was for the Parma Elks Club, and it was honoring some very deserving residents in our City. I want to send congratulations out to those honorees.

Rosemary Gulick

George Chandick, former Seven Hills Mayor

K-9 Rocky, our Police Dog

Joe Lecznar, Fire Department Captain, my husband

Trever Kessie, Student

They were honored as Student of the Year, Volunteer of the Year, Firefighter of the Year, Policeman of the Year, and Citizen of the Year. So I'd like to thank the Mayor for nominating all those residents. It was a very nice, professionally done ceremony. Councilman Draganic actually stood in for Mayor Dell'Aquila, as the Mayor had other duties that day. It was a very nice night, and I thank the Elks for inviting us to that function.

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Mr. Tripi:

Just a couple of things. First off, also Happy Easter to everyone, and Passover, which I think starts tonight.

I got a call just before this Council Meeting about murky water, or brown water, on Ridgewood. I talked to Service Director Lovece, and he said there was a water main break on Chestnut this afternoon and that may be the cause of it. So if anyone has brownish water, there is a water main break that's being worked on.

Mr. Draganic:

I was going to speak a little bit about the Parma Elks ceremony, but Caryl pretty much went through the whole list of everything that occurred. Let me just add thank you, Mr. Mayor, for asking me to stand in for you. It was an honor quite honestly, and it was really a lot of fun. It was a nice event. A number of our neighboring cities had honorees from each of their cities. There were some fantastic stories about how people can really do a lot of things for their community – how many things these people put forth, and how much they dedicate to their careers and to their community. Sometimes, as we see here often, we get a little beat up – or beat down maybe – by some of the negative things that happen in politics. And it's nice to go to an event like that and see how many people can do positive things for their cities through positive means. So, again, thank you very much, and my congratulations to all of our Seven Hills honorees and all the honorees elsewhere as well.

While I was at the event I had the opportunity to speak with Chuck Germana. He and I sat at the same table so he and I had a nice, lengthy conversation. I hope I'm not stealing any thunder from the Engineer, but Chuck informed me that just earlier that day – and Chuck is not our representative on County Council by the way, Jack Schron is, and Jack couldn't make it – but that our road projects through the County for Crossview and Ridgewood were both approved 100% paid by the County, which was great news to me. Anytime something is 100% paid by somebody else for the City, that's always fantastic.

I'd also like to thank Chuck especially. Chuck informs me that he used to live right there near the intersection a couple houses away. And when the matter came before them, they looked at the traffic count, and they were a bit astounded by how many cars were numbered. Is it even possible that the side streets get this much traffic? And Chuck explained to them the whole set up from his experience there. So hopefully his discussion convinced them to go ahead with that.

And on a personal note, just a belated Happy Birthday to my daughter, Brittany, who turned twenty yesterday. I'm far too young to have a daughter that old, but..... Thank you very much.

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Council President Barth:

I would also like to recognize Doctor Foley, Tom Littlepage, and also a constituent of mine sitting back there, Jeff Bryda, for serving on the Charter Review Committee. Eric Moore was also here, although I noticed he just left. I am also on that Committee, and I consider myself privileged to be on that Committee. They are a group of professionals. I think Seven Hills is very lucky to have individuals of that caliber. So, thank you for serving our City.

Happy Easter to everyone!

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Finance Johnson had no formal report.

Director of Law Pignatiello had no formal report.

Director of Public Service and Properties Lovece:

Special thanks to the Finance Department, including but not limited to Jackie Paton, Payroll Supervisor, for her assistance in obtaining the FEMA Grant for the Hurricane Sandy damage.

City Engineer Papke had no formal report.

Building Commissioner Moro was not present.

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell'Aquila:

Thank you, Mr. President, just very briefly. I first want to acknowledge the efforts of everybody here on the dais in delivering yet another balanced budget for 2013 – all the work that everybody did in that process, basically beginning late last year. Ordinance No. 26-2013 represents the joint effort of everybody sitting up here. I think special recognition, however, should go to our new Finance Director, Jack Johnson, for the expertise that he brought to the process, as well as to you, Mr. President, for instituting the budgetary line item process a few years ago in Council that we've been observing ever since. It's this kind of focused dedication that allows us to deliver some of the results that we're seeing over the past few years. I do want to acknowledge everybody's sentiment that it's a very close call. We hope to be able to deliver a balanced budget yet again at the end of 2013. It's not going to take a whole lot to tip it out of balance. As I mentioned in the newsletter, one tiny little financial glitch is going to be enough. But our residents need to rest assured that we continue pursuing every avenue to reasonably reduce expenses and increase revenue.

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Mayor Dell'Aquila (continued):

I also want to mention, very briefly, that we've been directed by counsel not to discuss the pending litigation against the City, which I don't intend to do. But I think our residents should rest assured that the City is in good hands. We have a group of dedicated residents here. I won't count myself in that group. I'll allow others to express their opinions. But, these folks have their affirm hand on the tiller. So, in the coming weeks and months as we address the crisis that we are now under, I have full confidence in everyone you see sitting here at the dais to properly and fully accredit themselves in the performance of their duties on behalf of our constituents. I can tell you that from personal experience when the tsunami first hit, to a single person here, I didn't see a single individual concerned about themselves or their own well-being. I saw a bunch of dedicated officials trying to sort out how we are going to continue to operate this City under this crisis – and they all deserve credit for that.

MOTION by Mrs. Lecznar, seconded by Mr. Tripi, to adjourn the meeting.

Roll Call: all yea

MOTION CARRIED

The March 25, 2013 Council Meeting was adjourned at 8:30 p.m.

Michael C. Barth, President of Council

Attest: _____

Carol L. Sekerak, Clerk of Council

Date: _____