

# City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD September 9, 2013

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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 and Acting City Engineer Lovece, and Building Commissioner Moro.

## **READING AND DISPOSAL OF JOURNAL**

**MOTION** by Mr. Tripi, seconded by Mr. Bentkowski, to accept the Minutes of the Regular Council Meeting held July 22, 2013, as printed.

**Mr. Bentkowski** called for a point of order:

“Really quick, and I forgot to mention this earlier, on page 18, at the third line down, the minutes state that I said “you did have to recuse yourself”. I meant and I said that “you did *not* have to recuse yourself”. But it’s no big deal, and it doesn’t change the meaning of the paragraph. It’s explained elsewhere in the paragraph, so there is no need to change it. But, just for the record, I did catch that one. It has no impact on the rest of the paragraph.”

Roll Call: all yea

**MOTION CARRIED**

## **CONSENT AGENDA**

**Mrs. Lecznar** stated:

“For the sake of legal cases that are going on with, and by, and for, and through the City, we need to separate the Consent Agenda into two parts. So the first items that we will be voting on will be Consent Agenda Item Nos. 1 through 5.

**MOTION** by Mrs. Lecznar, seconded by Mr. Tripi, to accept the Consent Agenda of September 9, 2013, Item Nos. 1 through 5, as printed, if there is no division of the question.

Roll Call: Barth, yea; Bentkowski (recused); Draganic, yea;  
Lecznar, yea; Snitzky, yea; Trafis (recused); Tripi, yea  
5 yea, 0 nay (Bentkowski and Trafis recused)

**MOTION CARRIED**

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**MOTION** by Mrs. Lecznar, seconded by Mr. Tripi, to accept the Consent Agenda of September 9, 2013, Item Nos. 6 through 10, as printed, if there is no division of the question.

Roll Call: all yea

**MOTION CARRIED**

## **RESOLUTIONS OF COMMENDATION**

There were no Resolutions of Commendation.

## **REPORTS OF COMMITTEES**

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

Planning, Zoning, and Economic Development Committee Chairman Trafis stated that the Committee will hold its next regular meeting on Monday evening, September 16, 2013. Mr. Trafis stated that the Committee last met on Monday evening, July 15, 2013, and the minutes from that meeting have already been filed with the Clerk of Council.

### **Public Works**

Public Works Committee Chairman Bentkowski stated that the rest of Council was gracious enough to have the Public Works Committee meeting last week (September 3, 2013), and the minutes from that meeting are on file with the Clerk of Council.

### **Community Services**

Community Services Committee Chairman Snitzky stated that the Committee last met on Tuesday evening, September 3, 2013, and the minutes from that meeting will be filed with the Clerk of Council. Mr. Snitzky stated that the Community Services Committee will hold its next regular meeting on Monday evening, October 7, 2013.

### **Police and Fire**

Police and Fire Committee Chairman Draganic stated that the Committee will hold its next regular meeting on Monday evening, September 16, 2013.

### **Parks and Recreation**

Parks and Recreation Committee Chairman Tripi stated that the Committee will also hold its next regular meeting on Monday evening, September 16, 2013.

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

Rules, Ordinances, and Ethics Committee Chairperson Lecznar stated that the Committee last met on Tuesday evening, September 3, 2013, and the minutes from that meeting are on file with the Clerk of Council.

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

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Tuesday evening, September 3, 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, September 16, 2013.

## **APPOINTMENTS AND CONFIRMATIONS**

There were no appointments or confirmations.

## **COMMUNICATIONS, PETITIONS, AND CLAIMS**

The Clerk of Council stated she would like to read into the record a letter received from James Hlepas of 5931 Northview Drive, dated July 18, 2013, written to the attention of the Service Department, as follows:

*“Gentlemen. I would like to thank you very much for the prompt service and a job well done for the unplugging of our sewer line. And especially the two men, Jim and Jack, for a good and professional job. They were knowledgeable and professional. Thanks again. Sincerely.”*

The Clerk of Council stated she would also like to read into the record a letter received from Susan Shroge of Middleburg Heights, Ohio, addressed to the attention of the Service Director, as follows:

*“To Whom it May Concern. I would like to make you aware and commend an exceptional member of your staff, Mario. I came to your City’s Celebration of the Summer, to see my grandson and his baseball team receive their trophies, and enjoyed listening to some good music. I took the shuttle back to Giant Eagle, only to realize I could not find my car keys. I flagged down the shuttle I had just left as he had turned around to head back to the center. I advised the driver (Mario) I was missing the keys. I thought I would go back and find my son, who was at the celebration and let him know. The driver’s name was Mario. A man had given him a set of keys picked up off the grass at Giant Eagle where the shuttle stops a few hours before. He asked me a couple of questions and sure enough that individual gave him my keys which he turned in to the City. He was extremely courteous, and empathetic. He was now to be off duty but took the time to walk us (I had my dog with me) and find Chris whom he had turned the keys over to, and walked us back to the shuttle all the time making sure we were both ok. I cannot thank him enough for stopping to pick me back up, as there was no one else to take me back to the center and the kindness he showed, without embarrassing me over the situation.”*

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**Council President Barth** stated:

“Mayor, I heard the name ‘Mario’ twice. I assume it’s the same ‘Mario’. So, please thank them for putting Seven Hills in a good light.”

## **COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY**

There were no questions or comments from the audience.

## **ORDINANCES AND RESOLUTIONS**

**Ordinance No. 93-2013** – AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$2,500.00 FOR A CHANGE ORDER TO ORDINANCE NO. 115-2012, PASSED BY COUNCIL ON DECEMBER 27, 2012, WHICH AUTHORIZED AN INITIAL AMOUNT OF \$2,400.00 FOR THE PURPOSE OF MAINTAINING AND REPAIRING THE TRAFFIC SIGNALS THROUGHOUT THE CITY OF SEVEN HILLS, OHIO, FOR THE PERIOD COVERING JANUARY 1, 2013 THROUGH DECEMBER 31, 2013; APPROPRIATING THE ADDITIONAL AMOUNT NOT TO EXCEED \$2,500.00 FOR SAID SERVICE (Totaling \$4,900.00 for the entire year 2013); AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Bentkowski, seconded by Mr. Snitzky, to read Ordinance No. 93-2013 by title only for its first and final reading.

Roll Call: all yea

**MOTION CARRIED**

Ordinance No. 93-2013 was read by full title only for its final reading.

**MOTION** by Mr. Bentkowski, seconded by Mr. Snitzky, to pass Ordinance No. 93-2013 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

## **ORDINANCE NO. 93-2013 IS DECLARED PASSED.**

**MOTION** by Mr. Tripi, seconded by Mrs. Lecznar, to amend Ordinance No. 94-2013 as follows:

- (1) In the Title, Line 4, increase the amount of \$1,000.00 to **\$2,200.00** and further increase the amount of \$15,950.00 to **\$17,150.00** on the same line;
- (2) In the second Whereas clause, increase the amount of \$1,000.00 to **\$2,200.00**;
- (3) In Section 1, Line 1, increase the amount of \$1,000.00 to **\$2,200.00**; and
- (4) In Section 2, Line 2, increase the amount of \$1,000.00 to **\$2,200.00**.

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**Mr. Trafis** stated:

“I conduct business personally with PM Graphics. I will be recusing myself from this vote.”

**Mr. Tripi** stated:

“Just so everyone knows the reason for this, the \$1,000.00 was because we have such a high volume of advertising going into this next flyer that we’re sending out, we needed to raise the limit. It will all be covered by advertising dollars.”

Roll Call: Barth, yea; Bentkowski, yea; Draganic, yea; Lecznar, yea;  
Snitzky, yea; Trafis (recused); Tripi, yea

6 yea, 0 nay (Trafis recused)

**MOTION CARRIED**

**Amended Ordinance No. 94-2013** – AN ORDINANCE AMENDING THE FLOOR MOTION PASSED BY THE COUNCIL OF THE CITY OF SEVEN HILLS ON DECEMBER 27, 2012 WHICH AUTHORIZED THE MAYOR TO ENTER INTO AN AGREEMENT WITH PM GRAPHICS, FOR THE PURPOSE OF INCREASING THE APPROPRIATED SUM OF \$14,950.00 BY \$2,200.00, FOR A TOTAL NOT TO EXCEED \$17,150.00, FOR THE PRINTING AND MAILING OF FOUR (4) ISSUES OF THE 2013 NEWSLETTER; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Tripi, seconded by Mrs. Lecznar, to read Amended Ordinance No. 94-2013 by title only for its final reading.

Roll Call: all yea (Trafis recused)

**MOTION CARRIED**

Amended Ordinance No. 94-2013 was read by full title only for its final reading.

**MOTION** by Mr. Tripi, seconded by Mrs. Lecznar, to pass Amended Ordinance No. 94-2013 as an emergency measure.

Roll Call: all yea (Trafis recused)

**MOTION CARRIED**

**AMENDED ORDINANCE NO. 94-2013 IS DECLARED PASSED.**

**Ordinance No. 95-2013** – 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 ERIE, PENNSYLVANIA (“PRESQUE ISLE CASINO”) ON NOVEMBER 6, 2013; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$1,300.00 FOR SAID SERVICE.

**Ordinance No. 95-2013 was read by full title only for its first reading.**

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**Ordinance No. 96-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ANNUAL PROFESSIONAL SERVICE CONTRACT WITH CARMEN QUINTANA FOR THE PURPOSE OF PROVIDING ZUMBA CLASSES AT THE RECREATION COMPLEX FOR THE PERIOD COVERING JANUARY 1, 2013 THROUGH DECEMBER 31, 2013.

**Ordinance No. 96-2013 was read by full title only for its first reading.**

**Ordinance No. 97-2013** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH COMPMANAGEMENT, INC., OF COLUMBUS, OHIO, FOR THE PURPOSE OF ADMINISTRATING WORKERS' COMPENSATION CLAIMS; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$2,645.00 FOR SAID SERVICE.

**Ordinance No. 97-2013 was read by full title only for its first reading.**

**Ordinance No. 98-2013** – 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, INC., OF WARREN, OHIO, FOR THE PURPOSE OF PURCHASING FIVE (5) SETS OF TURNOUT GEAR FOR THE NEW CITY OF SEVEN HILLS FIREFIGHTERS, AND APPROPRIATING THE SUM NOT TO EXCEED FIFTEEN THOUSAND ONE HUNDRED EIGHTY-SEVEN DOLLARS (\$15,187.00) FOR SAID PURCHASE.

**Ordinance No. 98-2013 was read by full title only for its first reading.**

**Resolution No. 11-2013** – 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; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Trafis, seconded by Mr. Draganic, to read Resolution No. 11-2013 by title only for its final reading.

Roll Call: all yea

**MOTION CARRIED**

Resolution No. 11-2013 was read by full title only for its final reading.

**MOTION** by Mr. Trafis, seconded by Mr. Draganic, to adopt Resolution No. 11-2013 as an emergency measure.

Roll Call: all yea

**MOTION CARRIED**

**RESOLUTION NO. 11-2013 IS DECLARED ADOPTED.**

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## **COUNCIL OPEN TO THE AUDIENCE**

There were no questions or comments from the audience.

## **MISCELLANEOUS**

### **Mr. Trafis:**

All I have tonight is a floor motion from our Zoning Board of Appeals Meeting of September 4, 2013. At that meeting the Board made the following motion regarding a variance request heard:

“That the Board vote whether the applicant, Brian A. Kopack, property owner of 7701 Walnutwood, should be granted a variance to Ordinance No. 997.02(c), Construction Regulations, and a 4’ variance to Ordinance No. 997.03(d)(3), Obstruction to View, to allow a 6’ in height box fence to be installed 8’ off the sidewalk down the side of the back yard and within an easement.”

**MOTION** by Mr. Trafis, seconded by Mr. Snitzky, to concur with the findings of the Zoning Board of Appeals of September 4, 2013, in granting the variance request of Brian Kopack, as the owner of the property at 7701 Walnutwood Drive, a variance to Ordinance No. 997.02(c), Construction Regulations, and a four-foot (4’) variance to Ordinance No. 997.03(d)(3), Obstruction to View, to allow a six-foot (6’) in height box fence to be installed eight feet (8’) off the sidewalk down the side of the back yard and within an easement.

Roll Call: all yea

**MOTION CARRIED**

**Motion to allow a variance to Brian A. Kopack of 7701 Walnutwood Drive has been granted.**

**Mr. Snitzky** had no miscellaneous comments.

### **Mr. Bentkowski:**

Just a couple of things. Regarding the Consent Agenda, Mr. Trafis and I have both made it clear that we are just trying to do the right thing and not vote on anything that could in any way relate to us or impact us. It’s just my instincts that have been saying these are certain things we shouldn’t be voting on. But in regard to City matters, the City should still be giving us – Mr. Trafis and myself – proper guidance on those matters. So we have asked repeatedly for things to be separated, for there to be more clear detail about what may or may not relate to our matters. I happen to be a lawyer – Matt is not – so it shouldn’t be up to us to guess as to what our obligations are.

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**Mr. Bentkowski** (continued):

We're both trying to do the right thing and not vote on anything that impacts us. So going forward I would ask the City, again, to pay attention to that. Because we just happen to instinctively know certain things we shouldn't be voting on, but still our intent is not to do things that we shouldn't. And so the City should be giving some guidance in that regard for us and for the rest of the Elected Officials.

**Council President Barth** added:

"Councilman, just for the record, I did contact our outside legal counsel. They said it was okay for you to vote on the three motions that you didn't want to vote on."

**Mr. Bentkowski** (continued):

Okay, well that's the first I'm hearing of it. But still I'm going to do what I'm comfortable with.

**Council President Barth** replied, "That's fine. Do what you have to do."

**Mr. Bentkowski** (continued):

Along those lines some of the things were obvious that we didn't vote for because they obviously related to particular matters. But I also want to again voice my concern that I continue to be troubled that the Mayor and the Law Director have a business relationship, and the Mayor is in the unique position to be the only person in the City that can assign work to his business partner, the Law Director, and likewise the Law Director.....

**Council President Barth** interrupted Mr. Bentkowski, "Councilman, I thought this was going to be decided in court – not on this dais. Do you have any more comments?"

**Mr. Bentkowski** (continued):

This is – yes, sir, I am trying to voice out a concern for you about what I have about.....

**Council President Barth** again interrupted Mr. Bentkowski, "You have been on the record a number of times with this, Councilman."

**Mr. Bentkowski** (continued):

.....about what I believe to be improper activity. And so you, as an Elected Official, are duty bound to hear what I have to say and investigate on your own. So I'm also uncomfortable with the fact that the Law Director is in the unique position to give legal advice on matters that involve his business partner and I again want to remind Council that should there ever be a conflict that's determined, it could nullify all contracts involving the City. So I'm going to keep repeating this at every meeting because it is an issue that somebody needs to take seriously. Thank you.



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**Mrs. Lecznar:**

I have two floor motions.

*At this point in the meeting (8:20 p.m.), Councilman Bentkowski and Councilman Trafis recused themselves and left Council Chambers briefly.*

**MOTION** by Mrs. Lecznar, seconded by Mr. Tripi, to authorize an expenditure, in the total amount of \$15,132.33, payable to Squire Sanders (US) LLP, of Cleveland, Ohio, for professional legal services rendered as special counsel to the City as a defendant, during the period from May 1, 2013 through May 31, 2013, in connection with the Bentkowski litigation matter, Cuyahoga County Court of Common Pleas Case No. CV13803270 (Invoice No. 8791853, dated June 25, 2013). Payment to be made from 101.731.58042.

Roll Call: Barth, yea; Bentkowski (recused); Draganic, yea;  
Lecznar, yea; Snitzky, yea; Trafis (recused); Tripi, yea  
5 yea, 0 nay (Bentkowski and Trafis recused)

**MOTION CARRIED**

**MOTION** by Mrs. Lecznar, seconded by Mr. Tripi, to authorize an expenditure, in the total amount of \$8,386.08, payable to Squire Sanders (US) LLP, of Cleveland, Ohio, for professional legal services rendered as special counsel to the City as a defendant, during the period from June 1, 2013 through June 30, 2013, in connection with the Bentkowski litigation matter, Cuyahoga County Court of Common Pleas Case No. CV13803270 (Invoice No. 8800351, dated July 26, 2013). Payment to be made from 101.731.58042.

Roll Call: Barth, yea; Bentkowski (recused); Draganic, yea;  
Lecznar, yea; Snitzky, yea; Trafis (recused); Tripi, yea  
5 yea, 0 nay (Bentkowski and Trafis recused)

**MOTION CARRIED**

*Councilman Bentkowski and Councilman Trafis returned to Council Chambers at 8:23 p.m.*

**Mr. Tripi** had no miscellaneous comments.

**Mr. Draganic** had no miscellaneous comments.

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## **Council President Barth:**

At this time I'd like to introduce Matthew Soos. (*Matthew Soos was seated in the audience.*) Matthew is a student at St. Ignatius taking a government class and is interested in Seven Hills government. As a bonus, he also lives in my ward. So, Matthew and his dad, Mr. Soos, I want to thank you for coming to the meeting tonight and for taking an interest in our City. I hope you get an "A" in the class.

I have one other thing. I think everybody on the dais knows that Engineer Papke left for another job in Lakewood. And I know that there are some in this room who did not feel the City needed an Engineering Department and should have outsourced all of our engineering work to the tune of about three-quarter of a million dollars a year. Healthy debate about that is fine – that's fine. But as a Councilman, I can tell you Mark was a dedicated public servant who wore many hats, brought in millions of dollars in grants, and saved the City hundreds of thousands of dollars in engineering fees over the years. And I think it's a real testament to him that the City of Lakewood chose him over many others as their City Engineer. I just want to assure all of our residents that services will not be reduced because of the departure of Mr. Papke. Seven Hills is extremely fortunate to have a Service Director who is also a Professional Engineer. Service Director Lovece's licenses and certifications will allow him to perform the day-to-day functions of the Engineering Department until the Mayor decides how to officially operate both departments. I look forward to our ongoing conversations with the Mayor on how to best operate our City from a personnel standpoint. I would like to stress the final decision will lie with the Mayor and I have every bit of confidence in his decision-making. Going forward, we will continue to monitor the operation of the Service and Engineering Departments to determine if partial outsourcing of engineering is needed, especially on larger projects.

## **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** had no formal report.

**Acting City Engineer Lovece** had no formal report.

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## **Building Commissioner Moro**

I have a brief summary, just to bring you up to date as to what's been going on during the summer. We've issued about 800 building permits this year and responded and investigated about 150 complaints. We are still out there doing complaints, and we're still taking new complaints from residents as necessary and will continue to do so.

I'd also like to tell everybody that Mr. Hero, next to Aldi's, will be opening shortly. So, we'll be able to get a Roman Burger!

**Council President Barth** asked Building Commissioner Moro if he knew the status of the houses on Crossview and Rockside that are scheduled to be torn down.

## **Building Commissioner Moro** (continued):

I got a message from the Police Department that both the Police and Fire Departments are done conducting their training there. I was informed by the manager of the property maintenance company that the bids for the demolition have been submitted to Fifth Third Bank, and they are just waiting for approval on the amounts to raise the houses.

Council President Barth replied, "Great – thank you so much, Mr. Commissioner."

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

### **Mayor Dell'Aquila:**

Thank you, Mr. President – just very briefly. The issue, unfortunately, has been brought up again. As I've said repeatedly, and now I have to unfortunately continue to repeat, the Law Director and I are members of a limited liability company which owns a building. Before I ran for Mayor, I wrote to the Ohio Ethics Commission. I explained everything to them and got a letter back from them that this does not present a conflict. Had I received anything other than that, I certainly would not have run. That information has been repeatedly provided to the State in our financial disclosure statements, and is also in the hands of the Auditor – we've gone through several audits. So, that should allay the Councilman's concerns.

I want to commend our Building Commissioner, Mark Moro, for the job he's doing to enforce minimum maintenance issues around town. As always, Seven Hills will continue to set and follow up on complaints we receive about maintenance issues. But I also, several months ago as you know, instructed our Commissioner to proactively seek out and address obvious maintenance issues, even if the City does not receive a complaint. As a result, in just the two months from July 1<sup>st</sup> through August 31<sup>st</sup>, his office answered 55 complaints, issued 35 courtesy notices, and issued 10 citations.

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**Mayor Dell'Aquila** (continued):

Commissioner Moro has also been on top of the maintenance issues that you just heard with the homes on Crossview and Rockside. Through the work of Councilmen Barth, Tripi, and Draganic, those buildings have been used for the training of police and fire personnel, and now as you also just heard the bank that owns those buildings is proceeding forward to tear them down.

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

Roll Call: all yea

**MOTION CARRIED**

**The September 9, 2013 Council Meeting was adjourned at 8:31 p.m.**

\_\_\_\_\_  
Michael C. Barth, President of Council

Attest: \_\_\_\_\_

Carol L. Sekerak, Clerk of Council

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