

# City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD January 12, 2015

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This Regular Council Meeting was called to order by Council President Michele K. Ernst at 7:54 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 Barth, Councilman-at-Large Trafis, Ward 1 Councilman Bryda, Ward 2 Councilman Fraundorf, Ward 3 Councilman Snitzky, Ward 4 Councilwoman Ernst, and Director of Public Service and Properties Moga. Absentees were Councilwoman-at-Large Lecznar and Building Commissioner Moro.

**Council President Ernst** stated that Councilwoman-at-Large Lecznar had previously informed Council she would be absent this evening.

## READING AND DISPOSAL OF JOURNAL

**Mr. Fraundorf** stated:

"I would like to amend Page 27 of the December 22, 2014 Council Meeting Minutes. The funding approval of the Hemlock Creek Project should have read **\$2.4 million** rather than the \$2.8 million that is currently printed."

The Clerk of Council stated the Journal would be amended accordingly.

**MOTION** by Mr. Fraundorf, seconded by Mr. Barth, to accept the Minutes of the Regular Council Meeting held December 22, 2014, as printed, with the noted correction to the first paragraph of Page 27.

Roll Call: all yea

**MOTION CARRIED**

## CONSENT AGENDA

**MOTION** by Mr. Barth, seconded by Mr. Fraundorf, to accept **Consent Agenda No. 1** of January 12, 2015, as printed, if there is no division of the question.

Roll Call: all yea

**MOTION CARRIED**

**MOTION** by Mr. Fraundorf, seconded by Mr. Barth, to accept **Consent Agenda No. 2** of January 12, 2015, as printed.

The Clerk of Council asked Councilman Trafis if he would be recusing himself from this vote.

**Mr. Trafis** stated, "No. Now that the Bentkowski lawsuit is over, we can go back to doing just one Consent Agenda. Thank you."

Roll Call: all yea

**MOTION CARRIED**

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## **RESOLUTIONS OF COMMENDATION**

There were no Resolutions of Commendation.

## **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 Tuesday evening, January 20, 2015. Mr. Snitzky said that the minutes from the previous meeting (Monday, December 15, 2014) are on file with the Clerk of Council.

### **Public Works**

Public Works Committee Chairman Bryda stated that the Committee last met on Monday evening, January 5, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mr. Bryda said that the Committee will hold its next regular meeting on Monday evening, February 2, 2015.

### **Community Services**

Community Services Committee Chairman Fraundorf stated that the regular meeting scheduled for Monday evening, January 5, 2015, was cancelled. Mr. Fraundorf stated that the Committee will hold its next regular meeting on Monday evening, February 2, 2015.

### **Police and Fire**

Police and Fire Committee Chairman Trafis stated that the Committee will hold its next regular meeting on Tuesday evening, January 20, 2015. Mr. Trafis stated that the minutes from the previous meeting (Monday, December 15, 2014) are on file with the Clerk of Council.

### **Parks and Recreation**

Parks and Recreation Committee Chairperson Lecznar was not present. Council President Ernst stated that the Parks Committee last met on Monday evening, December 15, 2014, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Ernst said that the Committee will hold its next regular meeting on Tuesday evening, January 20, 2015.

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

Rules, Ordinances, and Ethics Committee Chairperson Ernst stated that the Committee last met on Monday evening, January 5, 2015, and the minutes from that meeting are on file with the Clerk of Council. Mrs. Ernst stated that the Committee will hold its next regular meeting on Monday evening, February 2, 2015.

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

Finance, Civil Service, and Personnel Committee Chairman Barth stated that the Committee last met on Monday evening, January 5, 2015, 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 Tuesday evening, January 20, 2015.

## **APPOINTMENTS AND CONFIRMATIONS**

**Mayor Dell'Aquila** stated:

“At this time, if there is no division of the question, I would like to renominate for the City’s Civil Service Commission, **Mr. Larry Masek, Mr. Bill Von Alt, and Mr. Ralph Cosiano.**”

**MOTION** by Mr. Barth, seconded by Mrs. Ernst, to confirm and accept the reappointment of **LARRY MASEK, BILL VON ALT, and RALPH COSIANO** to the Seven Hills **Civil Service Commission**, if there is no division of the question.

Roll Call: all yea

**MOTION CARRIED**

**The reappointment of Larry Masek, Bill Von Alt, and Ralph Cosiano to the Seven Hills Civil Service Commission is hereby approved.**

## **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. 92-2014** – AN ORDINANCE TO AMEND CHAPTER 151, EMPLOYEES GENERALLY, AS CONTAINED IN TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADDING NEW SUBSECTION 151.084, ENTITLED “LONGEVITY FOR DIRECTORS”.

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**MOTION** by Mr. Barth, seconded by Mr. Bryda, to read Ordinance No. 92-2014 by title only for its third and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Ordinance No. 92-2014 was read by full title only for its third and final reading.

**MOTION** by Mr. Barth, seconded by Mr. Bryda, to pass Ordinance No. 92-2014.  
Roll Call: all nay **MOTION DEFEATED**

**ORDINANCE NO. 92-2014 IS DECLARED DEFEATED.**

**Ordinance No. 114-2014** – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SHARED SERVICE AGREEMENT WITH THE CITY OF BROADVIEW HEIGHTS, OHIO, TO ALLOW THE CITY OF SEVEN HILLS TO SHARE PERSONNEL SERVICE RESOURCES WITH THE CITY OF BROADVIEW HEIGHTS.

**MOTION** by Mr. Bryda, seconded by Mr. Snitzky, to read Ordinance No. 114-2014 by title only for its third and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Ordinance No. 114-2014 was read by full title only for its third and final reading.

**MOTION** by Mr. Bryda, seconded by Mr. Snitzky, to pass Ordinance No. 114-2014.  
Roll Call: all nay **MOTION DEFEATED**

**ORDINANCE NO. 114-2014 IS DECLARED DEFEATED.**

**Ordinance No. 115-2014** – AN ORDINANCE TO AMEND SECTION 143.08(e), DIVISION OF ENGINEERING – ENGINEERING TECHNICIAN, AS CONTAINED IN CHAPTER 143, DIVISION OF ENGINEERING, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADJUSTING THE COMPENSATION RATES FOR THE ENGINEERING TECHNICIAN.

**MOTION** by Mr. Trafis, seconded by Mr. Fraundorf, to read Ordinance No. 115-2014 by title only for its third and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Ordinance No. 115-2014 was read by full title only for its third and final reading.

**MOTION** by Mr. Trafis, seconded by Mr. Fraundorf, to pass Ordinance No. 115-2014.  
Roll Call: all nay **MOTION DEFEATED**

**ORDINANCE NO. 115-2014 IS DECLARED DEFEATED.**

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**Amended Ordinance No. 175-2014** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH APEX PEST CONTROL SERVICE, INC., OF OAKWOOD VILLAGE, OHIO, TO PROVIDE PEST CONTROL SERVICES FROM NOVEMBER 1, 2014 THROUGH DECEMBER 31, 2015 FOR CITY HALL AND THE POLICE ANNEX, THE FIRE STATION, AND THE SERVICE GARAGE BUILDINGS; AUTHORIZING AN AMOUNT NOT TO EXCEED \$940.00 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Snitzky, seconded by Mr. Fraundorf, to read Amended Ordinance No. 175-2014 by title only for its second and final reading.

Roll Call: all yea

**MOTION CARRIED**

Amended Ordinance No. 175-2014 was read by full title only for its second and final reading.

**MOTION** by Mr. Snitzky, seconded by Mr. Fraundorf, to pass Amended Ordinance No. 175-2014.

Roll Call: all yea

**MOTION CARRIED**

**AMENDED ORDINANCE NO. 175-2014 IS DECLARED PASSED.**

**Amended Ordinance No. 176-2014** – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH APEX PEST CONTROL SERVICE, INC., OF OAKWOOD VILLAGE, OHIO, TO PROVIDE PEST CONTROL SERVICES FOR THE RECREATION COMPLEX FROM NOVEMBER 1, 2014 THROUGH DECEMBER 31, 2015; AUTHORIZING AN AMOUNT NOT TO EXCEED \$480.00; AND DECLARING AN EMERGENCY.

**MOTION** by Mr. Fraundorf, seconded by Mr. Barth, to read Amended Ordinance No. 176-2014 by title only for its second and final reading.

Roll Call: all yea

**MOTION CARRIED**

Amended Ordinance No. 176-2014 was read by full title only for its second and final reading.

**MOTION** by Mr. Fraundorf, seconded by Mr. Barth, to pass Amended Ordinance No. 176-2014.

Roll Call: all yea

**MOTION CARRIED**

**AMENDED ORDINANCE NO. 176-2014 IS DECLARED PASSED.**

**Ordinance No. 1-2015** – AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$5,000.00 AS A CHANGE ORDER TO AMENDED ORDINANCE NO. 170-2014, PASSED BY COUNCIL ON DECEMBER 8, 2014, WHICH AUTHORIZED THE MAYOR TO ENTER INTO AN AGREEMENT WITH STEWART LOVECE, PE, PS, IN AN INITIAL AMOUNT OF \$2,000.00 FOR THE PURPOSE OF PROVIDING PROFESSIONAL ENGINEERING SERVICES AS REQUESTED BY THE CITY; AND DECLARING AN EMERGENCY.

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**MOTION** by Mr. Barth, seconded by Mr. Trafis, to read Ordinance No. 1-2015 by title only for its first and final reading.  
Roll Call: all yea **MOTION CARRIED**  
Ordinance No. 1-2015 was read by full title only for its first and final reading.

**MOTION** by Mr. Barth, seconded by Mr. Trafis, to pass Ordinance No. 1-2015 as an emergency measure.  
Roll Call: all yea **MOTION CARRIED**

**ORDINANCE NO. 1-2015 IS DECLARED PASSED.**

## **COUNCIL OPEN TO THE AUDIENCE**

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

“Good Evening. Two things. One for Council, I guess for Councilwoman Ernst. I’d like to know what’s going to happen with Calvin Park and what Council plans to do about getting that returned to a state of being an asset rather than a liability.”

Mr. Jaros continued:

“Second thing, your Honor, I had the media coming to me asking me about a counter for remarks you’ve been making relative to the apparent need for education of Ward 1 residents about the zoning development process. Last week I see in minutes that somebody else asked you, and Councilwoman Ernst attempted to answer, and Mr. Barth jumped in. I think it would be a really good idea if you really believe the residents don’t understand, then I think it would be a really good idea for you and Mrs. Ernst and Mr. Barth, Ed Foley, and the gentleman chairing Zoning, to get together with some residents. There’s a number of us that are interested in sitting down to let you educate us. I think it would be the right thing to do. And maybe clear the air on this and put it to bed. Council Chambers would probably be a good place. There’s a bunch of people in our area that would be interested. I’d like to see that happen – unless you have some reason it wouldn’t happen. That’s it. Thank you very much.”

**Council President Ernst** thanked Mr. Jaros for his comments.

## **MISCELLANEOUS**

**Mr. Trafis:**

Thank you Madam President. At the January 5<sup>th</sup> Caucus Meeting last week there was a quick mention of taking a look at the possibility of proposing an income tax levy to our residents. I personally couldn’t be happier about this since we all know that’s been my preferred method of revenue enhancement for so many different reasons.

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**Mr. Trafis** (continued):

In order to facilitate discussion as I mentioned at the January 5<sup>th</sup> Caucus Meeting, I sent an email – yesterday, I believe – to those on Council and the Administration with the conceptual materials that I previously distributed in 2012, 2013, and again in 2014. As we all know, there are multiple scenarios, many of which were requested to my conceptual proposal of restructuring the income tax. I am currently leaning toward a tax rate of 2.5%, a tax credit of 100%, with a credit limit of 1.65%. This will allow for the City to generate significant revenue equating to probably more than \$0.5 million and would also give about a 5% decrease in income tax to our residents who live in Seven Hills but work in another community. Of course the total of additional taxes to be generated will change based on using current and known future happenings and as we all know can be provided by our Finance Department in coordination with the Regional Income Tax Agency. Also, the various percents and totals previously presented may change as the sophistication of the analysis proceeds. However, conceptually the main premise remains intact. Now please remember that my proposal is based on an increase in the income tax rate along with a greater increase in the combination of the credit limit and/or credit. Such a concept brings more revenue into the City, primarily from non-residents, simply because the vast majority of people working in Seven Hills don't live in Seven Hills. And it would provide a tax reduction to the majority of Seven Hills residents that work outside of Seven Hills in another community, albeit very small. Best of all, our retired population would not be affected. For example, interest, dividends, social security, pensions, unemployment, etc., are not taxed, and also real estate taxes would not be affected. So to expedite the process and to be clear on my position, I believe that any increase in the income tax rate should also have an increase in the credit and/or credit limit with reductions in expenses by the City. With such a formula and concept, the possibility of voter approval increases significantly in my opinion. I am sure that there are other opinions, and hopefully workable, documented solutions that will be discussed in the upcoming meetings.

On a separate note, when the Mayor recommended appointment to our Civil Service Commission, it just made me think for a moment about the Chairman of the Commission, Larry Masek. I just want to mention that Larry has been involved in Seven Hills for a very, very long time. He's a former Councilman, a former Fire Chief, and I believe at one time he was a Police Chief. I'm very glad to see that he is continuing in his position as Civil Service Chairman, having experience in both the Fire Department and I believe the Police Department. What better pick could we have. That's all I have tonight. Thank you.

**Mr. Bryda** had no miscellaneous comments.

**Mr. Fraundorf** had no miscellaneous comments.

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

**Mr. Barth:**

Good luck to the Buckeyes!

**Council President Ernst:**

And I will reiterate that. I'm looking forward to them winning. Though I will not be watching. That was something I did with my father always, and so it's just not the same.

## **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 Moga:**

There are a couple of things I'd like to bring up. I think at the last Council Meeting we talked about a house at 6115 Crossview Road. These residents were evicted. And then we talked about foreclosure of homes throughout the City. I did give the Police Department an updated list so in their rounds with the City they'll have safe passage for residents. I think there was a concern about some of the foreclosure houses that we have.

I contacted a business to assess the issues that we have at Calvin Park. They are in the workings right now. As soon as they give us an assessment I'll bring it up to Council.

A special thanks to the Service Department for a job well done during all these snow storms. That's all I have at this time, thank you.

**Building Commissioner Moro** was not present.

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

**Mayor Dell'Aquila** made the following comments:

Thank you Madam President. Just very briefly, I have a couple of things.



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

I wanted to acknowledge and thank Independence Mayor Kurtz, North Royalton Mayor Stefanik, Mayor Alai of Broadview Heights, as well as Mayor DeGeeter of Parma. We attended a meeting of the ODNR with their Directorship in Columbus on Friday – it was an all-day event not counting the travel. The purpose of that meeting was to discuss the issues we are facing with regard to the deer population on a regional basis. When traveling down there we exchanged a number of comments with each other regarding what we might expect to occur during that meeting, and I can say that all of us were very pleased by the response that we had from the representatives of ODNR. We actually met with the Director and three of his subordinates. Our conversation with them generally involved the lack of resources that each community there – and others who also supported our trip there – have to address this very significant and burgeoning problem in our communities. At any point in time if you travel around our town you will note that the deer population seems to be just exploding. I personally had the unfortunate event of having to witness a deer struck by a vehicle at high speed on Pleasant Valley. The poor animal was thrust several feet into the air, then to the ground, thrashing around, was able to get up on its own strength and limp off, probably to die somewhere in agonizing pain. The representatives of the State have asked us to provide them with statistical information and copies of our ordinances.

I have been saying this, and I think it's the consensus of the Mayors that were in attendance that day, that this is a regional issue. Each of the communities that were there on that day have desperate issues, different topographies, different demographics, different buildouts. For example, Seven Hills probably is the most built-out of those communities between those that were there -- Parma, Independence, Seven Hills, and Broadview Heights. We don't have the ability to address this on a localized level without assistance from the State of Ohio. We are planning to have yet another meeting a month to discuss this further with the State of Ohio. They understand the need. They understand the sincerity which we brought to the table, and I'm hopeful these conversations will result in further positive activity on behalf of our communities on the part of the State of Ohio.

I want to talk briefly about the dismissal of the Bentkowski lawsuit. It seems like it was ages ago already, doesn't it? It just seems like so much has happened in the meantime. We'll see where it goes from this point, but I think we all recognize that there was a significant amount of damage done by that lawsuit to the City.

This has been a difficult week at City Hall for a lot of reasons. As Elected Officials, we are all obligated by law to act solely on behalf of those whose confidence has been placed in us to represent their interests in good faith. Our employees, our residents, our taxpayers, entrust us with confidential information -- their social security numbers, their Tax ID information, family records, HIPAA and other medical information, income and tax information, and other confidential information protected from public disclosure.

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

Under State and Federal law the City of Seven Hills is required to maintain the confidentiality of all that information. And those who have placed their confidence in us have a right to expect that we would keep our responsibilities to them without exception.

Questions are now being raised about a matter which came to light in an open public meeting at the January 5<sup>th</sup> Caucus last Monday relating to a serious lapse in meeting those obligations in the City's Finance Department. In the intervening week, Director Johnson working with the Law Director and outside counsel has undertaken a sweeping set of actions to address these issues. The purpose of all this was apparently to raise in an open public meeting the loss of a commercial taxpayer from Seven Hills to the City of Independence. Taxpaying businesses are notorious for moving to and from municipalities to take advantage of incentives offered elsewhere. This is amply illustrated by Parma's recent loss of GrafTec, a very large taxpayer there. And even Proficio Mortgage and its move here from the City of Independence. And there are many other examples throughout the region. Yet for some reason only in Seven Hills is this made into a political issue.

After almost a dozen years with the City, I have learned that there is an ebb and flow to these matters. It happened with the loss of Howard Hanna several years ago and the recent addition of Sedgwick Claims to our City. In fact the City has just today issued an occupancy permit for more space by Acumen Solutions.

If we are serious about incentivizing business investment in Seven Hills then the answer is to create a formalized program by ordinance and by hiring an Economic Development Director like Independence, rather than destroying the cooperative relationship we are trying to build with our regional partners. The answer is also to perform long-delayed infrastructure improvements on Lombardo Center, our most important commercial district.

I ask Council to begin the work on all these measures and I will work with you for the benefit of our City. Those who place their trust in us must remain confident that we will hold accountable anyone involved in disclosure of confidential information and that we will implement necessary measures to prevent any repeat occurrence.

Thank you very much Madam President.

**Council President Ernst** concluded:

“Thank you, Mr. Mayor. I'd like to say that I like seeing people in the audience. All of you – even you (*referring to Tom Jaros*). It's good to see everybody here. And I hope to continue to see you. I'd like to see the Buckeyes win tonight. And that's all I have.”

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**MOTION** by Mr. Barth, seconded by Mr. Trafis, to adjourn the meeting.

Roll Call: all yea

**MOTION CARRIED**

**The January 12, 2015 Council Meeting was adjourned at 8:30 p.m.**

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Michele K. Ernst, President of Council

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

Carol L. Sekerak, Clerk of Council

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