

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD September 27, 2016

This Regular Council Meeting was called to order by Council President Matthew A. Trafis at 7:40 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Mayor Dell'Aquila, Director of Law Pignatiello, Councilman-at-Large Bicker, Councilman-at-Large Kraynak, Councilman-at-Large Trafis, Ward 1 Councilman Biasiotta, Ward 2 Councilman Fraundorf, Ward 3 Councilman Kukral, and Ward 4 Councilman Petro. Absentees were Director of Public Service and Properties Lovece and Building Commissioner Moro.

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Fraundorf, seconded by Mr. Kukral, to accept the Minutes of the Regular Council Meeting held September 13, 2016, as printed.
Roll Call: all yea **MOTION CARRIED**

CONSENT AGENDA

MOTION by Mr. Fraundorf, seconded by Mr. Biasiotta, to accept the Consent Agenda of September 27, 2016, 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 last met on Monday evening, September 19, 2016, and the minutes from that meeting are forthcoming. Mr. Trafis stated that the Committee will hold its next regular meeting on Monday evening, October 17, 2016.

Public Works

Public Works Committee Chairman Petro stated that the Public Works Committee will hold its next regular meeting on Monday evening, October 3, 2016.

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Community Services

Community Services Committee Chairman Bicker stated that the Committee last met on Tuesday evening, September 6, 2016, and the minutes from that meeting are on file with the Clerk of Council. Mr. Bicker stated that the Committee will hold its next regular meeting on Monday evening, October 3, 2016.

Police and Fire

Police and Fire Committee Chairman Kraynak stated that the Committee last met on Monday evening, September 19, 2016, and the minutes from that meeting will be delivered to the Clerk of Council shortly. Mr. Kraynak stated that the Committee will hold its next regular meeting on Monday evening, October 17, 2016.

Parks and Recreation

Parks and Recreation Committee Chairman Kukral stated that the Committee last met on Monday evening, September 19, 2016, and the minutes from that meeting are forthcoming. Mr. Kukral stated that the Committee will hold its next regular meeting on Monday evening, October 17, 2016.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairman Biasiotta stated that the Committee last met on Tuesday evening, September 6, 2016, and the minutes from that meeting are still pending. Mr. Biasiotta stated that the Committee will hold its next regular meeting on Monday evening, October 3, 2016.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Fraundorf stated that the Committee last met on Monday evening, September 19, 2016, and he was happy to report that he is current with his meeting minutes. Mr. Fraundorf stated that the Committee will hold its next regular meeting on Monday evening, October 3, 2016.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

COMMUNICATIONS, PETITIONS, AND CLAIMS

The Clerk of Council read into the record a letter written by Mayor Richard Dell'Aquila addressed to Michelle Monaco, Customer Service Manager, of The Orlando Baking Company, dated September 23, 2016, as follows:

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City of Seven Hills Ohio

7325 SUMMITVIEW DRIVE • SEVEN HILLS, OHIO 44131 • PHONE 216/524-4421

September 23, 2016

Michelle Monaco
Customer Service Manager
The Orlando Baking Company
7777 Grand Avenue
Cleveland, OH 44104

Dear Michelle and The Orlando Baking Company,

On behalf of the residents of the City of Seven Hills, I would like to thank you and the Orlando Baking Company for your donation of twelve loaves of quality breads to our Food Pantry on Tuesday, September 20, 2016.

This cooperative effort was coordinated by our Councilman-at-Large Edward Bicker and our Community Relations Director, Tony Terry.

It is with the continual backing of supportive business community members like Orlando Bakery that the City of Seven Hills Food Pantry can assist our residents who struggle with food insecurity.

Please do not hesitate to contact my executive assistant, Kathy Holland at 216.525.6227 or kholland@sevenhillsohio.org if you have questions, comments or suggestions.

Sincerely,



Richard Dell'Aquila
Mayor
City of Seven Hills, Ohio

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The Clerk of Council stated that she would like to acknowledge an email received from Ezio Rosset of 949 Meadview, addressed to Service Director Lovece, dated September 26, 2016, as follows:

“Hi. I live on 949 Meadview, my name is Ezio Rosset. I want to say thanks and compliment you guys on the great job you did fixing East Decker. A few years ago I thought that road was completely unsalvageable. This latest fix was really nice and that street is surprisingly good (especially going eastbound). Keep doing those types of techniques. Thanks.”

COUNCIL OPEN TO THE AUDIENCE ON LEGISLATION ONLY

Council President Trafis stated:

“I do know that there are a lot of people here tonight regarding the two ordinances in reference to deer. As mentioned in our previous Caucus meeting, both of those ordinances this evening are being tabled and will be taken up at another date.”

Joseph Lindway, 3051 Shady Lane, made the following comments:

“Mr. Mayor and Council Members, thank you very much. What’s the update on the Hemlock Sewer Project? Is there any official update on that?”

Council President Trafis replied, “Our Engineer and Building Commissioner and Service Director are not here. Mayor, do you want to give some input on that?”

Mayor Dell’Aquila stated, “Well it is my understanding that we are still in the process of gathering easements for the construction – both permanent and work easements. Perhaps the Law Director can fill you in on where all that stands at this point. But that’s where we are. We need to gather all the easements to begin the work.”

Mr. Lindway said, “Thanks, Mr. Mayor.”

Law Director Pignatiello answered, “I was copied on an email that came through this week that final plans are done. There were still some permanent easements that were being finalized. As the Mayor said, we are continuing to get easements and we’re not bidding the project until next Spring. So that’s what we are going to do for the next however many months is get the easements that we are required to obtain.

Mr. Lindway concluded, “Okay, thanks Mr. Pignatiello. Thank you.”

Council President Trafis thanked Mr. Lindway for his inquiry.

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Suzie Lindway, 3051 Shady Lane, made the following comments:

“I have a question – I’m not sure if I’m allowed or not allowed to talk about this. It’s my understanding – and this is about the deer – it’s my understanding that the acreage for the bow hunting was changed from five acres to two acres. Is that correct?”

Mr. Bicker replied “yes”.

Ms. Lindway continued, “Okay. There was a petition that was signed a few weeks ago, and I’m one of the residents that signed it. I would just like to say that I don’t feel very comfortable about that change being made behind all of our backs basically. And clearly the other people – hundreds of people from what I understand that signed it – are also not comfortable with it either. I think you are taking a somewhat dangerous situation and even making it worse – the closer acreage. And I hope that all of you who are speaking on behalf of us reconsider that. Thank you.”

Council President Trafis thanked Ms. Lindway for her comments.

Lucy McKernan, 755 Hillside Road, made the following comments:

“Good evening Council, Mayor Dell’Aquila, Law Director Pignatiello. I do have a question about that. When is it going to be on the agenda, Mr. Trafis?”

Council President Trafis replied, “We will be discussing it in our Caucus Meeting next week. I do not know when it will be on the agenda again.”

Mrs. McKernan asked, “So in a Caucus Meeting you can’t pass an ordinance, correct?”

Council President Trafis answered, “No – and you know that.”

Mrs. McKernan continued, “Okay. Also, I don’t know if this is on the agenda or not. I guess I can see some tie-ins to it with this 987 Hillside, with Mr. Duganiero, with the easement. But I do have a question. And maybe I know the answers to this, and maybe I don’t – about fireworks that are large-scale at arbitrary times. Are those legal?”

Council President Trafis responded, “You are more than welcome to discuss that in the next public comment section. By agenda, I need to keep this portion to legislation only. I’m sorry.”

Mrs. McKernan added, “Okay. All right. And also, is it legal for people to allow their pets to be running at large, having bonfires, off-duty Police Officers to be harassing other residents.....”

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Council President Trafis interrupted Mrs. McKernan saying, “Lucy, I apologize, but this section is for legislation only. I’m sorry.”

Mrs. McKernan continued, “.....and is it also.....so these things are disturbing to my peaceful enjoyment of my property.”

Council President Trafis again found it necessary to interrupt Mrs. McKernan saying, “Lucy, I have to cut you off. This section is for legislation only. There’s another section of the meeting where you can make these comments. I just have to go by this agenda. I apologize.”

Mrs. McKernan concluded, “I understand – right. Well, just for the record, those are the public nuisances – not the deer.”

Council President Trafis thanked Mrs. McKernan for her remarks.

ORDINANCES AND RESOLUTIONS

Ordinance No. 89-2016 – AN ORDINANCE TO APPROPRIATE A SUM NOT TO EXCEED \$33,895.78 FOR THE PURCHASE OF ONE (1) 2017 FORD UTILITY INTERCEPTOR POLICE VEHICLE, WITH APPURTENANCES, FOR USE BY THE UNIFORMED PATROL OF THE POLICE DEPARTMENT OF THE CITY OF SEVEN HILLS, OHIO, SAID PURCHASE TO BE MADE FROM STATEWIDE FORD THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES OFFICE OF STATE PURCHASING CONTRACT; THE 2017 FORD UTILITY INTERCEPTOR SHALL BE ORDERED IN SEPTEMBER, 2016 FOR DELIVERY IN YEAR 2017, WITH PAYMENT FOR THE POLICE VEHICLE APPROPRIATED FROM THE 2017 BUDGET.

MOTION by Mr. Petro, seconded by Mr. Biasiotta, to table Ordinance No. 89-2016.

Mr. Kraynak made the following comments:

“As Chairman of the Police, Fire and Safety Committee, I am very much in favor that this Ordinance should not be tabled. I understand from Council that I’m kind of alone in this right now. I understand that the reason being looking at the financial situation – and it’s been suggested that depending upon what happens with the income taxes on the ballots coming up in November -- that will have some bearing on this. And from that I’m going to guess that what I’ve been told, that if we don’t have the monies because we are running in arrears the way we are with the negative spending that we have, that it is not felt that we can justify buying a new police vehicle at this point. I don’t necessarily agree with that. I certainly hope that the residents of this City feel that the safety and welfare is important enough that they will take that into consideration at the time they cast their votes on the income tax ballot.”

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Council President Trafis stated:

“Thank you, Councilman. As Councilman Kraynak said, this is being tabled because of budgetary issues. If the income tax levy and the Fire levy pass this November, this will be one of the first things that this Council does.

Roll Call: Biasiotta, yea; Fraundorf, yea; Kraynak, nay; Kukral, yea;
Petro, yea; Trafis, yea; Bicker, yea.

6 yea, 1 nay

MOTION CARRIED

Ordinance No. 89-2016 was tabled.

Ordinance No. 104-2016 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH STATE INDUSTRIAL PRODUCTS, INC., OF CLEVELAND, OHIO, FOR THE PURPOSE OF ACQUIRING A COMPREHENSIVE WATER TREATMENT PROGRAM FOR THE BOILER AT CITY HALL FOR THE TERM OF ONE YEAR; AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$567.00.

Ordinance No. 104-2016 was read by full title only for its second reading.

Ordinance No. 105-2016 – AN ORDINANCE ACCEPTING THE CONSORTIUM BID OF PORTS PETROLEUM COMPANY, INC., OF WOOSTER, OHIO, TO BE THE BEST CONSORTIUM BID THEREFORE; AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF ULTRA LOW SULFUR DIESEL PREMIUM FUEL FOR THE PERIOD OF DECEMBER 8, 2016 THROUGH DECEMBER 7, 2017, TO BE USED BY THE SERVICE DEPARTMENT VEHICLES, FIRE DEPARTMENT VEHICLES, AND THE CITY HALL GENERATOR; AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$25,000.00 FOR SAID PURCHASE.

Ordinance No. 105-2016 was read by full title only for its second reading.

Ordinance No. 107-2016 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH GREAT DAY! TOURS OF CLEVELAND, OHIO, TO PROVIDE TRANSPORTATION FOR A BUS TRIP TO MEADOW LANDS, PENNSYLVANIA (“MEADOWS CASINO”) ON SEPTEMBER 28, 2016; AUTHORIZING AN AMOUNT NOT TO EXCEED \$1,900.00 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

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MOTION by Mr. Kraynak, seconded by Mr. Fraundorf, to read Ordinance No. 107-2016 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 107-2016 was read by full title only for its first and final reading.

MOTION by Mr. Kraynak, seconded by Mr. Fraundorf, to pass Ordinance No. 107-2016 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 107-2016 IS DECLARED PASSED.

Ordinance No. 108-2016 – AN ORDINANCE TO AMEND CHAPTER 505, ANIMALS AND FOWL, OF PART FIVE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REPEALING SECTION 505.11, HUNTING PROHIBITED; AND DECLARING AN EMERGENCY.

MOTION by Mr. Kukral, seconded by Mr. Petro, to table Ordinance No. 108-2016,

Roll Call: all yea

MOTION CARRIED

Ordinance No. 108-2016 was tabled.

Ordinance No. 109-2016 – AN ORDINANCE TO AMEND SECTION 505.11, HUNTING PROHIBITED, AS CONTAINED IN CHAPTER 505, ANIMALS AND FOWL, OF PART FIVE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AUTHORIZING A NUISANCE ABATEMENT INITIATIVE FOR BOTH SHORT TERM AND LONG TERM CONTROL AND REDUCTION OF THE WHITE-TAILED DEER POPULATION IN COORDINATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND CONTIGUOUS, ADJOINING, POLITICAL SUBDIVISIONS THAT OPT TO ADOPT A SIMILAR PLAN FOR NUISANCE ABATEMENT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bicker, seconded by Mr. Biasiotta, to table Ordinance No. 109-2016.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 109-2016 was tabled.

Resolution No. 54-2016 – A RESOLUTION APPROVING AND ACCEPTING A TEMPORARY UTILITY EASEMENT GRANTED TO THE CITY OF SEVEN HILLS, OHIO, BY JOHN C. GIBBONS FOR THE INSTALLATION, CONSTRUCTION, AND MAINTENANCE OF UTILITIES, TOGETHER WITH ALL APPURTENANCES; APPROPRIATING THE SUM NOT TO EXCEED \$380.00 FOR THE ACQUISITION OF SAID EASEMENT; AND DECLARING AN EMERGENCY.

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MOTION by Mr. Kukral, seconded by Mr. Petro, to read Resolution No. 54-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 54-2016 was read by full title only for its first and final reading.

MOTION by Mr. Kukral, seconded by Mr. Petro, to adopt Resolution No. 54-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

RESOLUTION NO. 54-2016 IS DECLARED ADOPTED.

Resolution No. 55-2016 – A RESOLUTION APPROVING AND ACCEPTING A TEMPORARY UTILITY EASEMENT GRANTED TO THE CITY OF SEVEN HILLS, OHIO, BY FELIX DUGANIERO, TRUSTEE, FOR THE INSTALLATION, CONSTRUCTION, AND MAINTENANCE OF UTILITIES, TOGETHER WITH ALL APPURTENANCES; APPROPRIATING THE SUM NOT TO EXCEED \$680.00 FOR THE ACQUISITION OF SAID EASEMENT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Biasiotta, seconded by Mr. Kraynak, to read Resolution No. 55-2016 by title only for its first and final reading.
Roll Call: all yea **MOTION CARRIED**
Resolution No. 55-2016 was read by full title only for its first and final reading.

MOTION by Mr. Biasiotta, seconded by Mr. Kraynak, to adopt Resolution No. 55-2016 as an emergency measure.
Roll Call: all yea **MOTION CARRIED**

RESOLUTION NO. 55-2016 IS DECLARED ADOPTED.

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 had no formal report.

REPORTS FROM THE DIRECTORS OF DEPARTMENTS AND OTHER OFFICIALS

Director of Law Pignatiello had no formal report.

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Director of Public Service and Properties Lovece was not present.

Building Commissioner Moro was not present.

MISCELLANEOUS

Mr. Kukral:

I just want to make a comment about what's happening in the School District issue right now. Many of us were at the meeting last evening which became quite contentious because, frankly, this is a contentious issue. Families are having lots of problems. The repurposing plan does greatly affect Seven Hills residents, as Normandy will no longer become a High School if they pass this through, and a lot of other changes in the City. I just want to say my heart goes out to all of the families that worked in the Parma City School District who are losing their jobs and seeing a lot of cuts that are happening. A lot of those people are Seven Hills residents. My heart also goes out to the families, like mine, who are seeing their school system disrupted for budgetary reasons.

So, if you are out there, we're thinking of you, and we're doing everything we can to get us through this situation. In Seven Hills we'll do our best for you. Thank you very much.

Mr. Kraynak had no miscellaneous comments.

Mr. Bicker has no miscellaneous comments.

Mr. Biasiotta:

I just want to concur with Councilman Kukral's concerns about the School Board and the families and the employees that were impacted.

On a slightly happier note, I'd like to invite you all to the Seven Hills Fall Fest. It's this Sunday, at Noon, at the Recreation Center.

Mr. Petro had no miscellaneous comments.

Mr. Fraundorf had no miscellaneous comments.

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Council President Trafis:

I have one thing. The Engineer emailed earlier today and he is prepared to advertise for bids for the 2016 Street Crack Sealing Program and the 2016 Pavement Markings Program. I just want to put on record that we are going to authorize the Clerk of Council to place those advertisements in the Sun Newspaper.

Just very briefly on the issues with the School District right now. It certainly is difficult for everybody, but it is a School District issue. There is very little that the City can do because they are two separate governmental entities. But if there is anything that comes up where we can have input and lobby the School District to help our residents, we certainly will be doing that.

MOTION by Mr. Trafis, seconded by Mr. Bicker, to adjourn the meeting.

Roll Call: all yea

MOTION CARRIED

The September 27, 2016 Council Meeting was adjourned at 8:05 p.m.

Matthew A. Trafis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____