

City of Seven Hills

Record of Minutes of

COUNCIL MEETING HELD May 08, 2017

This Regular Council Meeting was called to order by Council President Matthew A. Trafis at 7:44 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, Ward 4 Councilman Petro, Director of Public Service and Properties Lovece, and Engineer Collins. Absentee was Building Commissioner Vittardi.

READING AND DISPOSAL OF JOURNAL

MOTION by Mr. Fraundorf, seconded by Mr. Kukral, to accept the Minutes of the Regular Council Meeting held March 27, 2017, as printed.

Roll Call: all yea

MOTION CARRIED

MOTION by Mr. Fraundorf, seconded by Mr. Biasiotta, to table the Minutes of the Regular Council Meeting held April 10, 2017.

Council President Trafis stated:

“I will just mention that these minutes are prepared but are just waiting to be checked over one final time before final approval.”

Roll Call: all yea

MOTION CARRIED

CONSENT AGENDA

MOTION by Mr. Fraundorf, seconded by Mr. Bicker, to accept the Consent Agenda of May 8, 2017, 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, April 17, 2017, and the minutes from that meeting are forthcoming. Mr. Trafis stated that the Committee will hold its next regular meeting on Monday evening, May 15, 2017.

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Public Works

Public Works Committee Chairman Petro stated that the Committee last met on Monday evening, May 1, 2017, and the minutes from that meeting are on file with the Clerk of Council.

Community Services

Community Services Committee Chairman Bicker stated that the Committee last met on Monday evening, May 1, 2017, 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, June 5, 2017.

Police and Fire

Police and Fire Committee Chairman Kraynak stated that the Committee last met on Monday evening, April, 17, 2017, and the minutes from that meeting are forthcoming. Mr. Kraynak stated that the Committee will hold its next regular meeting on Monday evening, May 15, 2017.

Parks and Recreation

Parks and Recreation Committee Chairman Kukral stated that the Committee last met on Monday evening, April 17, 2017. Mr. Kukral stated that the Committee will hold its next regular meeting on Monday evening, May 15, 2017. Chairman Kukral reported that all meeting minutes are on file with the Clerk of Council.

Rules, Ordinances, and Ethics

Rules, Ordinances, and Ethics Committee Chairman Biasiotta stated that the Committee last met on Monday evening, May 1, 2017, and the minutes from that meeting are forthcoming. Mr. Biasiotta stated that the Committee will hold its next regular meeting on Monday evening, June 5, 2017.

Finance, Civil Service, and Personnel

Finance, Civil Service, and Personnel Committee Chairman Fraundorf stated that the Committee last met on Monday evening, May 1, 2017. Mr. Fraundorf stated that the Committee will hold its next regular meeting on May 15, 2017. Chairman Fraundorf reported that the minutes from the meeting held April 17, 2017 are on file with the Clerk of Council.

Mr. Fraundorf stated that Councilman Biasiotta kindly stepped in for him as Chairman last week and is assembling the minutes from that meeting and typing them up. Mr. Fraundorf said that Mr. Biasiotta will forward those minutes to him tomorrow and he would submit them to the Clerk of Council.

APPOINTMENTS AND CONFIRMATIONS

There were no appointments or confirmations.

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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. 45-2017 – 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, FOR THE PURPOSE OF REVISING SNOW FENCE REGULATIONS.

MOTION by Mr. Petro, seconded by Mr. Kraynak, to read Ordinance No. 45-2017 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 45-2017 was read by full title only for its third and final reading.

MOTION by Mr. Petro, seconded by Mr. Kraynak, to pass Ordinance No. 45-2017.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 45-2017 IS DECLARED PASSED.

Ordinance No. 46-2017 – AN ORDINANCE TO AMEND SUBSECTION 997.04(f), PROHIBITED FENCES AS CONTAINED IN CHAPTER 997, FENCES, OF TITLE ELEVEN, PROVISIONS AFFECTING USE, STRUCTURE AND AREA, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF REVISING SNOW FENCE REGULATIONS.

MOTION by Mr. Kukral, seconded by Mr. Biasiotta, to refer Ordinance No. 46-2017 to the Planning Commission.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 46-2017 was referred to the Planning Commission.

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MOTION by Mr. Fraundorf, seconded by Mr. Petro, to amend the Collective Bargaining Agreement appended to Ordinance No. 55-2017 by replacing Page 24, in its entirety, with new Page 24 distributed in Caucus prior to this Council Meeting. **Mr. Fraundorf** stated:

“This has to do with our Collective Bargaining Agreement with the Clerical-Technical Union. It is under Article 40, Longevity, Section 2 on Page 24. It should read, ‘Part-time employees hired before January 1, 2014 shall be eligible for longevity payments per Section 1 on the basis of years of service rather than hours worked.’

Council President Trafis stated:

“I will just mention that there was a typo clerical error and this is exactly what everybody had agreed to.”

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 55-2017 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE OHIO COUNCIL 8 AND LOCAL 3557, CLERICAL-TECHNICAL CHAPTER, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO, FOR THE PURPOSE OF MEMORIALIZING WAGE NEGOTIATIONS WITH VARIOUS CITY EMPLOYEES; AND DECLARING AN EMERGENCY.

MOTION by Mr. Fraundorf, seconded by Mr. Petro, to read Amended Ordinance No. 55-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 55-2017 was read by full title only for its first and final reading.

MOTION by Mr. Fraundorf, seconded by Mr. Petro, to pass Amended Ordinance No. 55-2017 as an emergency measure.

Mr. Fraundorf stated:

“I would just like to thank the Clerical Union for their very patient and fruitful, straight-forward negotiations. To say the least, it was not contentious, but they drive a hard bargain. I will leave it at that, and again I would like to thank the Clerical Union for their cooperation.”

Council President Trafis stated:

“So far we have 2 out of 4 of these union contracts complete. Up next is Police and Fire. I want to thank Councilman Fraundorf and Law Director Pignatiello for the work they have been doing on this. Let’s keep the progress going.”

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 55-2017 IS DECLARED PASSED.

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Ordinance No. 56-2017 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE CITY OF PARMA, OHIO, TO PROVIDE TRANSPORTATION NEEDS TO SEVEN HILLS SENIOR RESIDENTS FROM DECEMBER 23, 2016 THROUGH MARCH 3, 2017; APPROPRIATING AN AMOUNT NOT TO EXCEED \$3,508.79 FOR SAID PURPOSE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bicker, seconded by Mr. Kraynak, to read Ordinance No. 56-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 56-2017 was read by full title only for its first and final reading.

MOTION by Mr. Bicker, seconded by Mr. Kraynak, to pass Ordinance No. 56-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 56-2017 IS DECLARED PASSED.

The Fiscal Officer's Certificate pertaining to Ordinance No. 57-2017, signed by Acting Director of Finance Joseph Hotchkiss, dated May 8, 2017, was read by the Clerk of Council.

Ordinance No. 57-2017 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$350,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY PART OF THE CITY'S PORTION OF THE COST OF IMPROVING BROADVIEW ROAD AND CIVIC DRIVE BETWEEN CERTAIN TERMINI, IN COOPERATION WITH THE CITY OF PARMA AND THE OHIO DEPARTMENT OF TRANSPORTATION AND OTHERWISE, BY PREPARING THE SURFACE, RESURFACING AND CONSTRUCTING AND RECONSTRUCTING CURB RAMPS, WHERE NECESSARY, CONSTRUCTING AND RECONSTRUCTING CONCRETE SIDEWALKS AND DRIVEWAY APPROACHES AND REPLACING CURBS, WHERE NECESSARY, AND GRADING AND OTHERWISE PREPARING THE SURFACE, INSTALLING DECORATIVE BRICK SIDEWALK PAVEMENT AND MATERIALS AND APPURTENANT SIDEWALK FURNISHINGS, CONSTRUCTING A RETAINING WALL OR WALLS, WHERE NECESSARY, AND PLANTING SHADE TREES AND PROVIDING RELATED LANDSCAPING, DRAINAGE IMPROVEMENTS AND LIGHTING, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTANANCES AND WORK INCIDENTAL THERETO; AND DECLARING AN EMERGENCY.

MOTION by Mr. Biasiotta, seconded by Mr. Kukral, to read Ordinance No. 57-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

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Ordinance No. 57-2017 was read by full title only for its first and final reading.

MOTION

by Mr. Biasiotta, seconded by Mr. Kukral, to pass Ordinance No. 57-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 57-2017 IS DECLARED PASSED.

The Fiscal Officer's Certificate pertaining to Ordinance No. 58-2017, signed by Acting Director of Finance Joseph Hotchkiss, dated May 8, 2017, was read by the Clerk of Council.

Ordinance No. 58-2017 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$735,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE CITY'S SANITARY SEWER SYSTEM BY CONSTRUCTING THE HEMLOCK CREEK WATERSHED SANITARY SEWER PROJECT, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, TO PROVIDE SANITARY SEWERAGE FACILITIES TO SERVE PROPERTIES ON CHERRY LANE, HILLSIDE ROAD, MARY LANE, NORTH MARY LANE, SOUTH MARY LANE, NEMET DRIVE, OAK LANE, SEVEN HILLS BOULEVARD, SHADY LANE AND TWILIGHT DRIVE; AND DECLARING AN EMERGENCY.

MOTION

by Mr. Kraynak, seconded by Mr. Petro, to read Ordinance No. 58-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 58-2017 was read by full title only for its first and final reading.

MOTION

by Mr. Kraynak, seconded by Mr. Petro, to pass Ordinance No. 58-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 58-2017 IS DECLARED PASSED.

The Fiscal Officer's Certificate pertaining to Ordinance No. 59-2017, signed by Acting Director of Finance Joseph Hotchkiss, dated May 8, 2017, was read by the Clerk of Council.

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Ordinance No. 59-2017 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$185,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING DONNA RAE DRIVE, EAST DARTMOOR AVENUE, EAST ENGLEWOOD DRIVE, EDUCATIONAL PARK DRIVE AND ST. JOSEPH DRIVE BETWEEN CERTAIN TERMINI BY RECONSTRUCTING CURBS, CURB RAMPS, DRIVEWAY APPROACHES, UNDERDRAINS AND SECTIONS OF THE PAVEMENT BASE, WHERE NECESSARY, ADJUSTING AND REHABILITATING MANHOLES AND CATCH BASINS, PREPARING THE SURFACE AND RESURFACING, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO; AND DECLARING AN EMERGENCY.

MOTION by Mr. Fraundorf, seconded by Mr. Bicker, to read Ordinance No. 59-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 59-2017 was read by full title only for its first and final reading.

MOTION by Mr. Fraundorf, seconded by Mr. Bicker, to pass Ordinance No. 59-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 59-2017 IS DECLARED PASSED.

The Fiscal Officer's Certificate pertaining to Ordinance No. 60-2017, signed by Acting Director of Finance Joseph Hotchkiss, dated May 8, 2017, was read by the Clerk of Council.

Ordinance No. 60-2017 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$750,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING PINNACLE PARK DRIVE AND OLD ROCKSIDE ROAD BETWEEN CERTAIN TERMINI BY CONSTRUCTING, RECONSTRUCTING AND REHABILITATING THE PAYMENT BASE, CURBS, A BOX CULVERT AND OTHER DRAINAGE IMPROVEMENTS, DRIVEWAY APPROACHES AND SIDEWALKS, ADJUSTING RADIUS CUTBACKS, MANHOLES AND CATCH BASINS, PREPARING THE SURFACE, SURFACING AND RESURFACING AND INSTALLING TRAFIC SIGNALS AND SIGNALIZATION, WHERE NECESSARY, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND ACQUIRING REAL ESTATE AND INTERESTS IN REAL ESTATE IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

MOTION by Mr. Kukral, seconded by Mr. Biasiotta, to read Ordinance No. 60-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

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Ordinance No. 60-2017 was read by full title only for its first and final reading.

MOTION

by Mr. Kukral, seconded by Mr. Biasiotta, to pass Ordinance No. 60-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 60-2017 IS DECLARED PASSED.

Council President Trafis stated:

“Before we continue with items ‘9m’ and ‘9n’, and due to abundant caution, given the climate in Seven Hills right now, Councilman Fraundorf and I are going to be recusing ourselves from these two items and stepping out of the room. I would like to ask the Clerk of Council to submit this letter for the record at this point.”

The Clerk of Council proceeded to read into the record an inter-office memo addressed to Mayor Dell’Aquila and the Members of Council, from Law Director Richard A. Pignatiello, dated January 25, 2017, in reference to ‘Road Program 2017’.

Said letter, in its entirety, is appended to these minutes as an exhibit.

Mayor Dell’Aquila stated:

“I have been recusing myself from all matters concerning the 2017 Road Program and I will be recusing myself from any participation with regard to Ordinance No. 61-2017 in the event that it is passed this evening. I also would request that the record reflect that I will absent myself from the dais while this matter is under consideration.”

At this point in the meeting, 8:16 p.m., Council President Trafis, Councilman Fraundorf, and Mayor Dell’Aquila left the dais and exited Council Chambers.

The Fiscal Officer’s Certificate pertaining to Ordinance No. 61 2017, signed by Acting Director of Finance Joseph Hotchkiss, dated May 8, 2017, was read by the Clerk of Council.

MOTION

by Mr. Bicker, seconded by Mr. Kukral, to designate Councilman Petro as Presiding Officer for the purpose of considering Ordinance No. 61-2017 in the absence of Council President Trafis and Council President Pro Tem Fraundorf.

Roll Call: all yea

MOTION CARRIED

Councilman Petro has been designated Presiding Officer in the absence of Council President Trafis and Council President Pro Tem Fraundorf.

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Ordinance No. 61-2017 – AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,000.000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING APPLEWOOD DRIVE, BEACON HILL COURT, CINDY LANE, CRESTHILL DRIVE, EAST DARTMOOR AVENUE, EAST PARKLEIGH DRIVE, FIRETHORN DRIVE, FOREST OVERLOOK DRIVE, GALE DRIVE, GLENN DRIVE, JOHN GLENN DRIVE, JOY OVAL, OAKWOOD AVENUE, OAKWOOD DRIVE, ORCHARDVIEW AVENUE, PARKGATE OVAL, VEZBER DRIVE AND WALNUTWOOD DRIVE BETWEEN CERTAIN TERMINI BY RECONSTRUCTING CURBS, CURB RAMPS, DRIVEWAY APPROACHES AND SECTIONS OF THE PAVEMENT BASE, WHERE NECESSARY, ADJUSTING AND REHABILITATING MANHOLES AND CATCH BASINS, PREPARING THE SURFACE AND RESURFACING, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO; AND DECLARING AN EMERGENCY.

MOTION by Mr. Petro, seconded by Mr. Bicker, to revise Ordinance No. 61-2017 by removing the names of Council President Trafis and Councilman Fraundorf as sponsors of the legislation.
Roll Call: Biasiotta, yea; Fraundorf (recused); Kraynak, yea; Kukral, yea; Petro, yea; Trafis (recused); Bicker, yea.
5 yea, 0 nay (Fraundorf and Trafis recused) **MOTION CARRIED**

MOTION by Mr. Petro, seconded by Mr. Bicker, to read Ordinance No. 61-2017 by title only for its first and final reading.
Roll Call: Biasiotta, yea; Fraundorf (recused); Kraynak, yea; Kukral, yea; Petro, yea; Trafis (recused); Bicker, yea.
5 yea, 0 nay (Fraundorf and Trafis recused) **MOTION CARRIED**
Ordinance No. 61-2017 was read by full title only for its first and final reading.

MOTION by Mr. Petro, seconded by Mr. Bicker, to pass Ordinance No. 61-2017 as an emergency measure.
Roll Call: Biasiotta, yea; Fraundorf (recused); Kraynak, yea; Kukral, yea; Petro, yea; Trafis (recused); Bicker, yea.
5 yea, 0 nay (Fraundorf and Trafis recused) **MOTION CARRIED**

ORDINANCE NO. 61-2017 IS DECLARED PASSED.

Council President Trafis, Councilman Fraundorf, and Mayor Dell'Aquila returned to Council Chambers and took their seats on the dais at 8:24 p.m.

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Amended Resolution No. 7-2017 – A RESOLUTION AUTHORIZING THE CITY TO ACCEPT A MONETARY CONTRIBUTION IN THE AMOUNT OF \$25,000.00 FROM LSB SEVEN HILLS, LLC, TO BE USED TOWARD PAYMENT OF EXPENSES, COSTS, AND FEES, INCLUDING BUT NOT LIMITED TO LEGAL FEES, WHICH HAVE BEEN AND/OR WILL BE INCURRED IN THE FUTURE BY THE CITY, IN CONNECTION WITH ALL MATTERS RELATING TO THE ROCKSIDE ROAD SOUTH PLANNED UNIT DEVELOPMENT DISTRICT INCLUDING, BUT NOT LIMITED TO, THE ESTABLISHMENT AND DEVELOPMENT OF SAME AND THE PROPERTY OWNED BY THE CITY IN SAID DISTRICT.

MOTION by Mr. Kraynak, seconded by Mr. Fraundorf, to table Amended Resolution No. 7-2017.

Roll Call: all yea

MOTION CARRIED

Amended Resolution No. 7 -2017 was tabled.

Amended Resolution No. 8-2017 – A RESOLUTION AUTHORIZING THE CITY TO ACCEPT A MONETARY CONTRIBUTION IN THE AMOUNT OF \$25,000.00 FROM GLENN'S LANDING LLC, TO BE USED TOWARD PAYMENT OF EXPENSES, COSTS, AND FEES, INCLUDING BUT NOT LIMITED TO LEGAL FEES, WHICH HAVE BEEN AND/OR WILL BE INCURRED IN THE FUTURE BY THE CITY, IN CONNECTION WITH ALL MATTERS RELATING TO THE ROCKSIDE ROAD SOUTH PLANNED UNIT DEVELOPMENT DISTRICT INCLUDING, BUT NOT LIMITED TO, THE ESTABLISHMENT AND DEVELOPMENT OF THE SAME AND THE PROPERTY OWNED BY THE CITY IN SAID DISTRICT.

MOTION by Mr. Biasiotta, seconded by Mr. Kukral, to table Amended Resolution No. 8-2017

Roll Call: all yea

MOTION CARRIED

Amended Resolution No. 8 -2017 was tabled.

Resolution No. 16-2017 - A RESOLUTION APPROVING AND ACCEPTING A TEMPORARY UTILITY EASEMENT GRANTED TO THE CITY OF SEVEN HILLS, OHIO, BY LJUBICA PRIBOJAN, FOR THE INSTALLATION, CONSTRUCTION, AND MAINTENANCE OF UTILITIES, TOGETHER WITH ALL APPURTENANCES, ON PERMANENT PARCEL NO. 552-06-042 (691 Cherry Lane); APPROPRIATING THE SUM NOT TO EXCEED \$310.00 FOR THE ACQUISITION OF SAID EASMENT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Petro, seconded by Mr. Kraynak to read Resolution No. 16-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

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Resolution No. 16-2017 was read by full title only for its first and final reading.

MOTION by Mr. Petro, seconded by Mr. Kraynak, to adopt Resolution No. 16-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 16-2017 IS DECLARED ADOPTED.

Resolution No. 17-2017 - A RESOLUTION APPROVING AND ACCEPTING A TEMPORARY UTILITY EASEMENT GRANTED TO THE CITY OF SEVEN HILLS, OHIO, BY PAVLE PRIBOJAN, FOR THE INSTALLATION, CONSTRUCTION, AND MAINTENANCE OF UTILITIES, TOGETHER WITH ALL APPURTENANCES, ON PERMANENT PARCEL NO. 552-06-043 (759 Cherry Lane); APPROPRIATING THE SUM NOT TO EXCEED \$310.00 FOR THE ACQUISITION OF SAID EASEMENT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Bicker, seconded by Mr. Biasiotta, to read Resolution No. 17-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 17-2017 was read by full title only for its first and final reading.

MOTION by Mr. Bicker, seconded by Mr. Biasiotta, to adopt Resolution No. 17-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 17-2017 IS DECLARED ADOPTED.

Resolution No. 18-2017 - A RESOLUTION APPROVING AND ACCEPTING A TEMPORARY UTILITY EASEMENT GRANTED TO THE CITY OF SEVEN HILLS, OHIO, BY DRAZEN AND DALIBORKA DRAGANIC, FOR THE INSTALLATION, CONSTRUCTION, AND MAINTENANCE OF UTILITIES, TOGETHER WITH ALL APPURTENANCES, ON PERMANENT PARCEL NO. 552-06-015 (1847 Cherry Lane); APPROPRIATING THE SUM NOT TO EXCEED \$310.00 FOR THE ACQUISITION OF SAID EASEMENT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Kukral, seconded by Mr. Fraundorf, to read Resolution No. 18-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Resolution No. 18-2017 was read by full title only for its first and final reading.

MOTION by Mr. Kukral, seconded by Mr. Fraundorf, to adopt Resolution No. 18-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

RESOLUTION NO. 18-2017 IS DECLARED ADOPTED.

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COUNCIL OPEN TO THE AUDIENCE

Ken Burdzinski, 1711 Cherry Lane, made the following comments:

“I have to apologize because I did not read these Ordinances ahead of time. I was a little confused, these ordinances, four of them were existing, the long ones that we read the fiscal officer’s certificates, four of them were existing and one is a new one. The \$3 million is a new one? To me, they sounded identical. That’s why I am confused. Does that make sense?”

Director of Law Pignatiello responded:

“There are a lot of similarities because they are talking about the issuance of notes and many of these are Road Programs. So, there is a lot of similarities, but they are all separate borrowings, from past Road Programs, where we are rolling the note over to a new note, in anticipation of a bond.”

Mr. Burdzinski commented:

“It just seemed kind of odd. An Ordinance for \$3 Million was read with the same urgency for the ordinances for \$310.00. And this being a new Ordinance, I’m kind of surprised. I read it ahead of time from Caucus but I didn’t catch it. It just seems odd to me, that a \$3 million new Ordinance was just read under emergency, one time. That’s normal?”

Council President Trafis added:

“I’ll mention that this has been a long process, and our bond counsel is very much involved with this, along with our Finance Department and Law Department. This happens every year. This is actually a very good thing and I will explain that in my miscellaneous comments.”

REPORTS AND COMMUNICATIONS FROM THE MAYOR-SAFETY DIRECTOR

Mayor Dell’Aquila made the following comments:

“I am very pleased to report this evening that our Building Commissioner, Mr. Vittardi, is recovering very well from his recent medical procedure. I understand he is up and about and doing very well. So, we look forward to his speedy recovery and return back to his position here with the City.”

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

I want to thank three different entities here. One, the Seven Hills Rehabilitation Center, located on Rockside Road. Secondly, our Seven Hills Fire Department and then Metro Hospital Trauma Center, where they did an outstanding job in saving my mom's life. She had uncontrollable bleeding. She is not out of the woods, but she is doing much better.

City Engineer Collins

We did meet the deadline for our proposed Calvin Park ADA Accessible Restroom Facility Project. We submitted it last Friday in anticipation of receiving 75% of the total amount of the project.

Building Commissioner Vittardi was not present.

MISCELLANEOUS

Mr. Biasiotta had no miscellaneous comments.

Mr. Bicker:

I would like to report that Home Days planning is in full swing. If anybody knows anyone that wants to volunteer, please contact Director Tony Terry or myself.

Mr. Kraynak:

I wanted to mention that I had the opportunity last Friday to stop by towards the end of the Cleveland Cavaliers watch party at the Recreation Center. I have to say it was a first-class operation. The Cavaliers provided food, clothing, screens, and just about anything you would want. Something that made you feel good about Seven Hills. I think it was a good promotion for Seven Hills, and I hope it helps us to draw more people in the programs that are put on.

Mr. Kukral:

I would like to congratulate Councilman Petro for his term as Council President!
(Mr. Kukral's comment drew a round of laughter from those in attendance).

I did forget to ask him a question. If I drive on those streets, should I recuse myself? Thank you.
(There was more laughter).

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Mr. Petro had no miscellaneous comments.

Mr. Fraundorf:

I would like to wish our Building Commissioner, Rich Vittardi, a speedy recovery.

Very pleased to hear, Stewart, that your mother is recovering nicely, and I also wish her a speedy recovery as well.

Mr. Lovece thanked Councilman Fraundorf for the kind remarks.

Council President Trafis:

I have one variance from the Zoning Board of Appeals that we discussed in Caucus. One of the issues with this is the Zoning Board was going to deny the request. However, they made an amendment to move the proposed sign from Dairy Queen close to the street, further back, closer to the building -- but the drawings that were submitted to us do not reflect that. So, I am going to make a motion to grant a variance to property owner Robert Matson, 7475 Broadview Road.

At the Wednesday, March 8, 2017 meeting of Zoning Board of Appeals, the Board made the following motion regarding a variance request:

“That the Board grant applicant Robert Matson, 7475 Broadview Road (Dairy Queen Signage), a 9’0” variance to Ordinance No. 171.10(d) to allow the installation of a new ground sign to be 16’ off back of the curb.

Roll Call: 4 yea, 0 nay

Motion Carried”

MOTION by Mr. Trafis, seconded by Mr. Bicker, to concur with the findings of the Zoning Board of Appeals of March 8, 2017, in granting the variance request of Robert Matson, re 7475 Broadview Road, concerning the installation of a new ground sign.

Mr. Fraundorf stated:

“I would like to make a comment that I will be voting ‘no’ on this -- not because I don’t like Dairy Queen or their sign or the owner. We just need to do this by the book. I look forward to receiving a revised drawing.”

Roll Call: all nay

MOTION DEFEATED

The variance request for applicant Robert Matson concerning the installation of a new ground sign has been denied.

City of Seven Hills

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Council President Trafis continued:

Finally, as has been discussed in other forums, the competition of -- almost competition -- of Valleywood Park is done. The field looks absolutely gorgeous. With all the heavy rain we had recently, it proved that this new drainage system works. Many of us were there today and the field is in great condition after all this heavy rain, and it is draining exactly the way it should. I want to thank Councilman Kukral and the Administration for their work on making this project a reality. It is very exciting for our kids that are going to be playing ball there this year.

Last thing -- 2016 was a very busy year for Council and I thought this year might slow down a little bit -- and it certainly hasn't. I just want to give special recognition to Clerk of Council Carol Sekerak and Assistant Lisa Plisko. They are putting in a lot of time and we appreciate it. Sorry, but we are not going to slow down. Just want to say thank you.

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

Roll Call: all yea

MOTION CARRIED

The May 8, 2017 Regular Council Meeting was adjourned at 8:40 p.m.

Matthew A. Trafis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

Transcribed 6/9/17
Lisa Plisko, Council Assistant
(Edited C. Sekerak)



City of Seven Hills

Law Department

7325 Summitview Drive, Seven Hills, Ohio 216-525-6237

TO: Mayor Dell'Aquila
Members of Council

FROM: Law Director Richard A. Pignatiello

DATE: January 25, 2017

RE: Road Program 2017

Council members and the Mayor requested that I research Ohio Ethics Law and related statutes that would prohibit a member of City Council from participating in discussions, deliberating, or voting on issues related to the City's 2017 Road Program. I spoke with the Ohio Ethics Commission Staff Attorney, John Rawski, regarding your concerns. As a result of our discussion, Mr. Rawski forwarded to me the Ohio Ethics Commission Advisory Opinion 88-004 which specifically states

"The Ohio Ethics Law and related statutes do not prohibit a city council member from participating in matters that would provide a general, uniform benefit to citizens within the city.."

Many general issues come before our municipal government that provide a uniform benefit to all residents in the City, including the public officials making the decision. This would include general legislation on such matters as taxes, police and fire, zoning, etc. The benefits derived by the public officials in common with their constituents would ordinarily accrue to them in the performance of their official duties and would not be of such character as to manifest a substantial and improper influence on them. A public official should not be precluded from participating in such decisions that he was duly elected or appointed to make, unless he would secure a particular benefit for himself that creates a conflict of interest.

Therefore, the Mayor and all council members can discuss and vote on matters and/or legislation pertaining to the 2017 City of Seven Hills' Road Program.