

City of Seven Hills

Record of Minutes of

SPECIAL COUNCIL MEETING HELD June 5, 2017

This **SPECIAL** Council Meeting was called to order by President of Council Matthew A. Trafis at 8:49 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Mayor Dell'Aquila, Assistant Director of Law DiChiro, Director of Finance Herwick, 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, and Building Commissioner Vittardi. Absentee was Director of Public Service and Properties Lovece.

OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

Ordinance No. 68-2017 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH STRAIGHTLINE AUTO BODY OF NORTH ROYALTON, OHIO, FOR THE PURPOSE OF REPAIRING DAMAGE TO SEVEN HILLS POLICE DEPARTMENT PATROL VEHICLE #24, A 2015 CHEVY CAPRICE; AUTHORIZING AN AMOUNT NOT TO EXCEED \$5,391.34 FOR SAID SERVICE; AND DECLARING AN EMERGENCY.

MOTION by Mr. Kraynak, seconded by Mr. Bicker, to read Ordinance No. 68-2017 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 68-2017 was read by full title only for its first and final reading.

MOTION by Mr. Kraynak, seconded by Mr. Bicker, to pass Ordinance No. 68-2017 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 68-2017 IS DECLARED PASSED.

RECONSIDER CERTAIN LEGISLATION PASSED ON MAY 22, 2017

Assistant Law Director DiChiro stated:

“I would like to talk about Ordinance No. 63-2017 and Ordinance No. 64-2017.”

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Council President Trafis stated, “Before you do that I am going to recuse myself from the dais.”

Mr. Fraundorf stated, “I will be recusing myself.”

Mayor Dell’Aquila stated, “Mr. President, please let the record reflect that the Mayor will also be recusing and leaving the dais as well.”

At this point in the meeting, 8:52 p.m., Council President Trafis, Councilman Fraundorf, and Mayor Dell’Aquila left the dais and exited Council Chambers.

Assistant Law Director DiChiro explained:

“Before proceeding, I want to advise Council, under Rule 2(a) of the Rules of Council.

‘In the absence of the President of Council, the President of Council Pro Tem shall perform such duties as are imposed upon the presiding officer. In the absence of the President of Council and the President of Council Pro Tem, a Councilman who is chosen by a majority of Councilmen present at the meeting shall take the chair.’

So, there are five Councilman remaining. If we could have a motion -- if someone can make a motion as to who can serve as the Presiding Officer.”

MOTION by Mr. Kraynak, seconded by Mr. Bicker, to nominate Councilman Frank Petro to serve as Presiding Officer in the Council President’s absence.

Roll Call: Biasiotta, yea; Fraundorf, (absent); Kraynak, yea; Kukral, yea;
Petro, yea; Trafis, (absent); Bicker, yea.

5 yea, 0 nay (Trafis and Fraundorf absent) **MOTION CARRIED**

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

Assistant Law Director DiChiro stated:

“Mr. Acting President, at this time there have been two Ordinances passed -- Ordinance No. 63-2017 and Ordinance No. 64-2017. I would like Council to consider putting forth a motion to reconsider those ordinances because I think that they might have been passed prematurely. We’d like to investigate further the voting protocol on those. So, if you would consider making a motion to reconsider the vote on Ordinance No. 63-2017 and Ordinance No. 64-2017.”

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Ordinance No. 63-2017 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE SHELLY COMPANY OF TWINSBURG, OHIO; APPROPRIATING AN AMOUNT NOT TO EXCEED \$2,100,763.08 FOR THE “2017 CONCRETE PAVEMENT REHABILITATION & ASPHALT OVERLAY PROGRAM” IN THE CITY OF SEVEN HILLS; AND DECLARING AN EMERGENCY.

MOTION by Mr. Petro, seconded by Mr. Kraynak, to reconsider the vote on Ordinance No. 63-2017, passed on May 22, 2017. I voted for that Ordinance.
Roll Call: Biasiotta, yea; Fraundorf, (absent); Kraynak, yea; Kukral, yea; Petro, yea; Trafis, (absent); Bicker, yea.
5 yea, 0 nay (Trafis and Fraundorf absent) **MOTION CARRIED**

Assistant Law Director DiChiro stated, “At this time, as I stated before, we need some discussion on this. I believe at this point Legal would like to check certain things out with the State of Ohio regarding the voting protocol, and these Ordinances may have been passed prematurely. I know there are concerns because these are road projects that are scheduled to be started; however, we have 90-days to accept the contract so it won’t affect our contracts. There is also a 60-day period of time to finish the road project. So, I don’t think it is going to affect our ability to do our road project. So, I would like Council at this time to allow us to check out the protocol, but in order to do that, we have to rescind those two ordinances. I would advise you, Mr. Chairman, to make a motion to rescind Ordinance No. 63-2017 and separate motions to reconsider and rescind Ordinance No. 64-2017.”

MOTION by Mr. Petro, seconded by Mr. Kraynak, to rescind Ordinance No. 63-2017 passed by Council on May 22, 2017.
Roll Call: Biasiotta, yea; Fraundorf, (absent); Kraynak, yea; Kukral, yea; Petro, yea; Trafis, (absent); Bicker, yea.
5 yea, 0 nay (Trafis and Fraundorf absent) **MOTION CARRIED**

ORDINANCE NO. 63-2017 IS DECLARED RESCINDED

Ordinance No. 64-2017 - AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH CHAGRIN VALLEY PAVING, INC., OF CHAGRIN FALLS, OHIO; APPROPRIATING AN AMOUNT NOT TO EXCEED \$512,209.44 FOR THE “2017 ASPHALT PAVEMENT REHABILITATION & ASPHALT OVERLAY PROGRAM” IN THE CITY OF SEVEN HILLS; AND DECLARING AN EMERGENCY.

MOTION by Mr. Petro, seconded by Mr. Kraynak, to reconsider the vote on Ordinance No. 64-2017, passed on May 22, 2017. I voted for that Ordinance.
Roll Call: Biasiotta, yea; Fraundorf, (absent); Kraynak, yea; Kukral, yea; Petro, yea; Trafis, (absent); Bicker, yea.
5 yea, 0 nay (Trafis and Fraundorf absent) **MOTION CARRIED**

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MOTION by Mr. Petro, seconded by Mr. Kraynak, to rescind Ordinance No. 64-2017 passed by Council on May 22, 2017.
Roll Call: Biasiotta, yea; Fraundorf, (absent); Kraynak, yea; Kukral, yea;
Petro, yea; Trafis, (absent); Bicker, yea.
5 yea, 0 nay (Trafis and Fraundorf absent) **MOTION CARRIED**

ORDINANCE NO. 64-2017 IS DECLARED RESCINDED

Assistant Law Director DiChiro stated, "Once Legal receives its opinions, I will advise Council to act on those Ordinances again. Let me call the people back that have stepped out."

Council President Trafis, Councilman Fraundorf, and Mayor Dell'Aquila returned to Council Chambers and took their seats on the dais at 8:58 p.m.

OPEN TO THE AUDIENCE

There were no questions or comments from the audience.

OTHER BUSINESS

Mr. Fraundorf had no miscellaneous comments.

Mr. Bicker:

I just want to congratulate Frank on his second term as Council President.

Mr. Biasiotta had no miscellaneous comments.

Mr. Kukral had no miscellaneous comments.

Mr. Petro had no miscellaneous comments.

Mr. Kraynak had no miscellaneous comments.

Mayor Dell'Aquila had no miscellaneous comments.

Assistant Law Director DiChiro had no miscellaneous comments.

Director of Finance Herwick had no miscellaneous comments.

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Building Commissioner Vittardi had no miscellaneous comments.

Council President Trafis had no miscellaneous comments.

There was no further business brought before Council.

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

Roll Call: all yea

MOTION CARRIED

The June 5, 2017 Special Council Meeting was adjourned at 9:04 p.m.

Matthew A. Trafis, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

Transcribed 6/22/17
Lisa Plisko, Council Assistant
(Edited C. Sekerak)