

City of Seven Hills

Record of Minutes of

SPECIAL COUNCIL MEETING HELD November 21, 2019

This *SPECIAL* Council Meeting was called to order by Council President Anthony D. Biasiotta at 6:27 p.m. with the Pledge of Allegiance.

ROLL CALL

Present and accounted for were Mayor Dell'Aquila, Director of Law Pignatiello, Councilman-at-Large Elliott, Councilwoman-at-Large Kelly, Councilwoman-at-Large Stager, Ward 1 Councilman Biasiotta, Ward 2 Councilman Martin, Ward 3 Councilman Snitzky (who arrived at 6:46 p.m.), Ward 4 Councilman Greenwald, Director of Public Service and Properties Johnson, and Engineer Collins. Absentees were Director of Finance Herwick and Building Commissioner Houpt.

Motion to Excuse Absence

MOTION by Mr. Biasiotta, seconded by Mr. Elliott, to excuse the absence of Ward 3 Councilman Snitzky from tonight's Council Meeting.

Roll Call: all yea

MOTION CARRIED

Councilman Snitzky arrived at 6:46 p.m. and was in attendance for the remainder of the meeting.

OPEN TO THE AUDIENCE ON LEGISLATION ONLY

There were no questions or comments from the audience.

ORDINANCES AND RESOLUTIONS

MOTION by Mr. Biasiotta, seconded by Ms. Stager, to amend Ordinance No. 136-2019 by replacing the appended Seven Hills Development Agreement with the attachment marked 'Exhibit J Item 1, Allowable Ground Floor Uses for Primary and Secondary Street Frontage', which was distributed in the Special Caucus prior to this meeting. Additionally, amend by relabeling the slide, 'Southern Boundary for Sale Home Housing Requirement' marked Exhibit J to Exhibit D. Further, by waiving the twenty-four hour delivery requirement for said Exhibits.

Roll Call: all yea

MOTION CARRIED

MOTION by Mr. Elliott, seconded by Mr. Biasiotta, to further revise Amended Ordinance No. 136-2019 by adding the words 'and declaring an emergency' to the title, and by adding the emergency clause to Section 3.

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Council President Biasiotta stated:

“I would like to state for the record that the emergency clause is being added this evening for timing purposes. It allows the developer to start entering into contracts and seeking financing for the project immediately as opposed to waiting thirty days.”

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 136-2019 – AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH RFS SEVEN HILLS, LLC, AN OHIO LIMITED LIABILITY COMPANY DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO, FOR THE DEVELOPMENT OF CERTAIN PROPERTY LOCATED IN THE ROCKSIDE ROAD SOUTH PLANNED UNIT DEVELOPMENT DISTRICT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Elliott, seconded by Ms. Kelly, to read Amended Ordinance No. 136-2019 by title only for its third and final reading.

Roll Call: all yea

MOTION CARRIED

Amended Ordinance No. 136-2019 was read by full title only for its third and final reading.

MOTION by Mr. Elliott, seconded by Ms. Kelly, to pass Amended Ordinance No. 136-2019 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

AMENDED ORDINANCE NO. 136-2019 IS DECLARED PASSED.

Ordinance No. 147-2019 – AN ORDINANCE TO AMEND SUBSECTION 135.04(a), COMPENSATION, AS CONTAINED IN SECTION 135.04, COMPENSATION FOR POLICE CHIEF, OF CHAPTER 135, DEPARTMENT OF POLICE, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING THE COMPENSATION RATE FOR THE POLICE CHIEF.

Ordinance No. 147-2019 was read by full title only for its second reading.

Ordinance No. 148-2019 – AN ORDINANCE TO AMEND SUBSECTION 135.04(b), CLOTHING ALLOWANCE, AS CONTAINED IN SECTION 135.04, COMPENSATION FOR POLICE CHIEF, OF CHAPTER 135, DEPARTMENT OF POLICE, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING CLOTHING ALLOWANCE BENEFITS OF THE POLICE CHIEF.

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Ordinance No. 148-2019 was read by full title only for its second reading.

Amended Ordinance No. 149-2019 – AN ORDINANCE TO AMEND SUBSECTION 135.04(d), COMPENSATION FOR POLICE CHIEF, AS CONTAINED IN SECTION 135.04, COMPENSATION FOR POLICE CHIEF, OF CHAPTER 135, DEPARTMENT OF POLICE, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING HOLIDAY PAY BENEFITS OF THE POLICE CHIEF.

Amended Ordinance No. 149-2019 was read by full title only for its second reading.

Ordinance No. 150-2019 – AN ORDINANCE TO AMEND CHAPTER 135, DEPARTMENT OF POLICE, OF 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 135.04(n), ENTITLED ADDITIONAL EMPLOYMENT BENEFITS OF THE CHIEF OF POLICE.

Ordinance No. 150-2019 was read by full title only for its second reading.

Ordinance No. 152-2019 – AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A DOMINION ENERGY OHIO COMMERCIAL LINE EXTENSION AGREEMENT ON BEHALF OF THE CITY OF SEVEN HILLS, OHIO, WITH THE EAST OHIO GAS COMPANY, dba DOMINION ENERGY OHIO, FOR NATURAL GAS SERVICE FOR THE PROJECT CURRENTLY KNOWN AS 2651 NORTH MARY LANE (HEMLOCK CREEK PROJECT); APPROPRIATING AN AMOUNT NOT TO EXCEED \$70,943.00 FOR SAID PROJECT; AND DECLARING AN EMERGENCY.

MOTION by Mr. Martin, seconded by Mr. Greenwald, to read Ordinance No. 152-2019 by title only for its first and final reading.

Roll Call: all yea

MOTION CARRIED

Ordinance No. 152-2019 was read by full title only for its first and final reading.

MOTION by Mr. Martin, seconded by Mr. Greenwald, to pass Ordinance No. 152-2019 as an emergency measure.

Roll Call: all yea

MOTION CARRIED

ORDINANCE NO. 152-2019 IS DECLARED PASSED.

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Ordinance No. 153-2019 – AN ORDINANCE TO AMEND SECTION 145.01, EXPENDITURES FOR ALL DEPARTMENTS, AND AMEND SECTION 145.02, ADVERTISING FOR EXPENDITURES EXCEEDING \$25,000.00, AS CONTAINED IN CHAPTER 145, METHODS OF PURCHASES, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO.

Ordinance No. 153-2019 was read by full title only for its first reading.

Ordinance No. 154-2019 – AN ORDINANCE TO AMEND SECTION 107.04, REGULARLY SCHEDULED MEETINGS OF COUNCIL, AND AMEND SECTION 107.05, REGULARLY SCHEDULED MEETINGS OF COMMITTEES OF COUNCIL, AS CONTAINED IN CHAPTER 107, PUBLIC NOTICE AND PUBLIC MEETINGS, OF TITLE ONE, GENERAL PROVISIONS, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING THE REGULARLY SCHEDULED MEETINGS OF COUNCIL AND REGULARLY SCHEDULED MEETINGS OF COMMITTEES OF COUNCIL COMMENCING JANUARY 1, 2020 AND THEREAFTER.

Ordinance No. 154-2019 was read by full title only for its first reading.

Ordinance No. 155-2019 – AN ORDINANCE TO AMEND SECTION 121.09, RULES OF COUNCIL, RULE 1, MEETINGS, (a), REGULAR MEETINGS, AS CONTAINED IN SECTION 121.09, THE RULES OF COUNCIL, OF CHAPTER 121, COUNCIL, OF TITLE THREE, LEGISLATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING THE MEETING SCHEDULE.

Ordinance No. 155-2019 was read by full title only for its first reading.

Before the reading of Ordinance Nos. 156-2019 and 157-2019, Councilperson Kelly requested of the Clerk of Council that her name be removed as a sponsor of both pieces of legislation.

Councilperson Kelly was removed as a sponsor of both Ordinance No. 156-2019 and Ordinance No. 157-2019.

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Ordinance No. 156-2019 – AN ORDINANCE TO AMEND SECTION 107.08(b), AUDIENCE/RESIDENTS, OF SECTION 107.08, PUBLIC MEETING DECORUM, AS CONTAINED IN CHAPTER 107, PUBLIC NOTICE AND PUBLIC MEETINGS, OF TITLE ONE, GENERAL PROVISIONS, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING AUDIENCE/RESIDENTS PARTICIPATION.

Ordinance No. 156-2019 was read by full title only for its first reading.

Ordinance No. 157-2019 – AN ORDINANCE TO AMEND SECTION 121.09, RULES OF COUNCIL, RULE 26, DECORUM, (b), AUDIENCE/RESIDENTS, AS CONTAINED IN SECTION 121.09, THE RULES OF COUNCIL, OF CHAPTER 121, COUNCIL, OF TITLE THREE, LEGISLATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF AMENDING AUDIENCE/RESIDENTS PARTICIPATION.

Ordinance No. 157-2019 was read by full title only for its first reading.

OPEN TO THE AUDIENCE

There were no questions or comments from the audience.

MISCELLANEOUS

Mr. Martin:

I just want to say that this Planned Unit Development Agreement certainly is the right agreement at the right time for this community. I see that this is going to be a very positive impact long term. It certainly is a document that is very accountable to the public.....the triggering mechanisms within the document that ensure other portions of the development not developing until such time there are substantial improvements. It is all very positive. So anyway, I am pleased that the action has been taken. I know it is a long and slow process to make this happen. It is best that it is done in a quality manner. I appreciate the Council's involvement. I appreciate those who are principal players of all the efforts you guys have made, and for the investment that is going to be made in this community.

In addition, on another topic while I have the microphone. I will just say that, the last two first readings for Ordinance No. 156-2019 and Ordinance No. 157-2019, regarding limiting time.

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Mr. Martin (continued):

This is certainly an appropriate situation, particularly when we get into zoning issues in front of large audience members -- we don't want domination of a debate. What we would want is ideas and thoughts, and it is a routine type of approach used by entities to ensure that everyone has an opportunity to participate and do so in a reasonable amount of time. So, I continue to support that. Thank you.

Mr. Greenwald:

I would like to express my gratitude toward everyone involved in getting this project to where it is now. When we all first took office, this piece of property in this development was a terrible eyesore. Over the last two years, really excellent things have come together. I would just like to thank everyone involved and everything that they have done.

Ms. Stager:

I am going to have to echo everything that has been said before me. I live in Ward 1, almost right across the street, and I am tired of looking at that big scar. It has been a painful couple of years riding back and forth on Rockside Road. I could not be more thrilled to get this thing going. Thank you -- and thank you to everyone.

Mr. Elliott:

First and foremost, thank you Eric for all the hard work you put into this, and thank you for your vision and the rest of the crew from Fairmount. Mayor-elect Biasiotta -- for all of the painstaking hours this guy put in on this project. I know that he cannot wait for this to start, and he will probably still be all over it all of the time, I'm sure. The Mayor and everyone involved has just been incredible. So, thank you for that. We look forward to continuing to add to the property. Thank you very much.

Mr. President, I would like to call an Executive Session meeting for personnel.

Council President Biasiotta replied, "Yes. I would like you to hold that motion so we can finish our miscellaneous comments, and then we will come back and open it up."

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Ms. Kelly:

I also, too, would like to thank Eric and his team for working with us and for bringing this great development to our City. We are very excited about it and we cannot wait to get started. A huge shout out to Mayor-elect Biasiotta. The time that he put into this project is unbelievable. We appreciate all your work and effort. None of it goes unnoticed. So, thank you for that. I would also like to thank everyone else involved who worked on the project.

Additionally, a shout out to our Service Director, Jack Johnson, and his staff for putting lights on our City Hall. It looks beautiful. So, I thank you very much for that. Thank you.

Council President Biasiotta:

Just to kind of give the public an idea of where we stand now. The Development Agreement is a contract that stipulates things like how the financing will work and the timing in the legal agreement between the City and Fairmount Properties, and how we are going to move forward. The next step in this process is, now that we have this agreement, Fairmount Properties is able to start talking to financial institutions, investors, etc., etc., because they have a contract. It stipulates what they are going to do, here is what the City is going to do, and here is what the developer is going to do. You cannot ask a person to invest millions, and in this case \$150 million, until they know they have a contract.

So, tonight is a milestone because we have a contract in place. After financing is obtained by Fairmount Properties, and there are multiple stages to that, the next step is leasing. They will get out there and say, '*Here, we have a contract, we have the financing to build these buildings*', and they are going to go out there. I will tell you now that they have some letters of intent right now, but then the real hardcore leases are signed. At that point, we can start informing the public of who the occupants of all these beautiful building are going to be. Tonight is a milestone. Much hard work lay ahead -- and we are up to that challenge, as are our partners.

I do have to keep everyone here a little longer. I want to thank our partners, **Eric Louttit**, and also **Emerick Corsi**, a former Seven Hills resident. He is a pioneer on this project who had a vision, a shared vision that the Mayor and I had of this property, that it really could be something better than what had been talked about over the last three years. His vision and Eric's, who is here tonight, and his hard work and faith in our elected leaders gave them confidence to invest hundreds and hundreds of hours, and millions of dollars in this community. I thank them for their partnership.

In terms of additional thankyou's, for the last several months there has been a team that has worked very, very hard -- countless hours actually -- and just about every day of the week to get to where we are.

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Council President Biasiotta (continued):

It is Mayor Dell'Aquila, myself -- you can say that, that is expected of us -- the Mayor and Council President. **Kate Tompkins** from Squire Patton Boggs worked a number of weekends. They did an excellent job of bringing this home. There are two individuals that have also put an equal amount of time in, and one does not make a whole bunch, and that is our Assistant Law Director **Christine Tobin** -- stellar performance on this deal.

And, last but perhaps most important, basically unpaid and makes \$300.00 a year, the Chairman of our Planning Commission, **Edward Foley**. The original Preliminary Development Plan -- original talks with the absence of an Economic Development Director and the full faith of Mayor Dell'Aquila -- that was on me. We brought it to a certain point, but we could not have gotten here today without Chairman Ed Foley. Basically, duty to the City of Seven Hills, putting in hundreds and hundreds of hours and fighting for some of the extra benefits that we were able to get into this document. So, basically, our volunteer.....I wanted to give him extra special attention tonight for doing a great duty in service to the City of Seven Hills.

Mayor Dell'Aquila:

There are only a few of us up here who have been here long enough to know the entire history of how we got to this point. Just very briefly, this has been a project long awaited, long in the making, and several times in transition. If those of us here recall and that were here at the time, this site was originally a number of set of parcels of residential property that were assembled by an LLC, Atlantis Development, in the early 2000's -- a real estate developer, David Slyman, that project due to the financial downturn in 2008 and 2009, did not proceed. In the interim, the land was acquired by another property owner, the current property owner I believe, another project that was proposed that did not quite fit with what the City was looking for.

We are fortunate that Fairmount Properties has come forward with a project that will truly define the City of Seven Hills. It will provide a sense of place for our community at the very entrance to the most Northerly portion of our community. If you have seen the plans, you will see that there is.....for those in the audience, there is a Town Center plan, there is a Safety Center plan, which will reduce safety force response time to the North end of the City.

We should also acknowledge that this is a very difficult site on which to construct. It is a former rock quarry, hence the name 'Rockside'. At one time most of Rockside Road was a rock quarry. Other developers have looked at this property and declined to participate in developing it. Again, we are so very fortunate that Fairmount Properties has decided to invest in our town. I look forward to seeing the wonderful development in years to come.

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Mayor Dell' Aquila (continued):

For anyone in the audience that is listening and has not seen some of their work, I would invite you to visit Pine Crest Development in Orange Village, First & Main in Hudson, East Bank of the Flats, and even Downtown Kent. I think you will find that there are a number of similar design elements in all of those projects which we are looking forward to seeing here as well.

With regard to the folks that have brought it to this point, I absolutely agree. Council President Biasiotta, you were significantly involved in it -- our Law Department, our outside Attorneys from Squire Patton and Boggs -- we could not have done this without you. Thank you so much for everything you contributed to this project as well. And, it goes without saying, Ed Foley was instrumental in bringing this project to fruition. I do not know where we would be without him -- his help, his guidance, his expertise.....particularly in light of the fact that we do not have an Economic Development Department in Seven Hills. I think everyone here is aware of my feelings on that subject.

So, congratulations to all. This is only the latest in many steps that we are required to get to this point. There are many steps to come. We are very excited about this forthcoming project. Again, thank you everybody. We will move on with steadfast performance from this point forward.

Director of Law Pignatiello:

I would like to echo all of the congratulations for the people that worked so hard.....Tony Biasiotta and City Council, who have been supportive right through the get-go. Also Kate Tompkins, and my Assistant, Christine Tobin. Eric, we are very excited to have you here. I sat through a number of failed parts, and now we are going to get it right. We are very excited about that. So, I look forward to a long and prosperous relationship with you guys. Thank you.

Council President Biasiotta stated, "Councilman Elliott, back to you."

Mr. Elliott:

MOTION by Mr. Elliott, seconded by Mr. Biasiotta, to call an Executive Session meeting for personnel.

Mr. Elliott stated, "The only people we really need are Council and the two new Council Members coming in."

Roll Call: all yea

MOTION CARRIED

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Council President Biasiotta stated:

“We are going to be in Executive, but the Council Meeting will resume. We have to come back out to adjourn. I do not think we can adjourn now because the motion has been called during the Council Meeting. I don’t anticipate conversation, but it could happen, and there could be debate on the floor when we come out of Executive Session. So, you are all welcome to stay. The video camera will stay on. Council Meeting is still going. The terms of Executive are confidential. We are going to be moving into our Caucus Room for privacy.”

Council exited Council Chambers and moved to the Council Caucus Room for Executive Session at 6:57 p.m.

Council returned to Council Chambers and reconvened at 8:05 p.m.

Council President Biasiotta stated, “We just came out of Executive. Is there any further miscellaneous this evening?”

Mr. Martin had no miscellaneous comments.

Mr. Snitzky had no miscellaneous comments.

Mr. Greenwald had no miscellaneous comments.

Ms. Stager had no miscellaneous comments.

Mr. Elliott had no miscellaneous comments.

Ms. Kelly had no miscellaneous comments.

Council President Biasiotta stated he would like to request an amendment to Ordinance No. 153-2019 prior to its next reading:

“I believe there is a typo in Ordinance No. 153-2019. The verbiage reads three bids are required for anything under \$50,000.00 all the way down to zero. The correct verbiage reads three informal bids for something that cost \$100.00. It should read the bid process starts over \$50,000.00 for the Mayoral Ordinance. I would like to change the word ‘under’ to ‘over’. It is amended and I know we will have more amendments to that. It is only on for first reading and we have two more to go, but I wanted to correct that.”

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There was no further business brought before Council.

ADJOURNMENT

MOTION by Mr. Biasiotta, seconded by Ms. Stager, to adjourn the meeting.
Roll Call: all yea **MOTION CARRIED**

The November 21, 2019 Special Council Meeting was adjourned at 8:06 p.m.

Anthony D. Biasiotta, President of Council

Attest: _____
Carol L. Sekerak, Clerk of Council

Date: _____

Transcribed 11/30/19
Lisa Plisko, Council Assistant
(Edited C. Sekerak)