

JUNE 20, 2016  
MINUTES OF REGULAR COUNCIL MEETING  
PARMA COUNCIL CHAMBERS  
7:02 P.M.

The Regular Council Meeting was called to order by President of Council Sean P. Brennan presiding:

**COUNCIL MEMBERS PRESENT:**

KRISTIN L. SABAN  
SCOTT M. TUMA  
MARK CASSELBERRY  
JEFFREY CROSSMAN  
ALLAN DIVIS  
DEBORAH LIME  
LARRY NAPOLI

**COUNCIL MEMBERS EXCUSED:**

BRIAN BROCHETTI  
VITO DIPIERRO

Mr. Ramser - Mr. President, the Council has been called, and I find a quorum of Council members present. The following officials and department heads were also present: Mayor Timothy DeGeeter, Auditor Brian Day, Treasurer Tom Mastroianni, Service Director Brian Higgins, Safety Director Michael O'Malley, Building Commissioner/City Engineer Paul Deichmann, Communications and Community Relations Director Jeannie Roberts, Recreation Commissioner Mickey Vittardi, Director of Human Resources Thomas Weinreich, Chief of Staff Michael Culp and Clerk of Council Kenneth A. Ramser.

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**INVOCATION**

The Invocation was given this evening by Clerk of Council Kenneth A. Ramser.

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**PLEDGE OF ALLEGIANCE:**

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**VOICE VOTE:**

RESOLUTION NO. 106-16                      6/20/16                      L-106-16  
BY: **LAWRENCE NAPOLI**, BRIAN BROCHETTI, MARK CASSELBERRY, JEFFREY  
CROSSMAN, VITO DIPIERRO, ALLAN DIVIS, DEBORAH LIME, KRISTIN L. SABAN,  
SCOTT M. TUMA

A RESOLUTION HONORING STIPE MIOCIC aka "THE SILENCER" &  
"STONE COLD STIPE" CITIZEN OF THE MONTH - JUNE, 2016

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 106-16. Motion carried.

BY: **BRIAN BROCHETTI, LAWRENCE NAPOLI, MARK CASSELBERRY, JEFFREY CROSSMAN, VITO DIPIERRO, ALLAN DIVIS, DEBORAH LIME, KRISTIN L. SABAN, SCOTT M. TUMA**

**A RESOLUTION HONORING TRI-C MEN'S BASEBALL "CHALLENGERS"  
2016 OHIO COMMUNITY COLLEGE ATHLETIC CONFERENCE WINNERS**

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 119-16. Motion carried.

Councilman Napoli - Presented the Resolution, as well as Certificates, from the Law Director, Treasurer and Auditor, and congratulated them.

Mayor DeGeeter - Presented a Proclamation and congratulated them.

Head coach Evan Agona thanked everyone.

BY: **SCOTT M. TUMA, BRIAN BROCHETTI, MARK CASSELBERRY, JEFFREY CROSSMAN, VITO DIPIERRO, ALLAN DIVIS, DEBORAH LIME, LARRY NAPOLI, KRISTIN L. SABAN**

**A RESOLUTION HONORING LAURYN DELUCA ON HER SELECTION TO  
THE 2016 RIO PARALYMPICS AND BRINGING HOME THE GOLD AT THE  
PAN AM GAMES**

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 127-16. Motion carried.

Councilman Tuma - Presented the Resolution, as well as Certificates, from the Law Director, Treasurer and Auditor, and congratulated her.

Mayor DeGeeter - Presented a Proclamation and congratulated her.

Lauryn Deluca thanked everyone.

**LEGISLATIVE COMMENT**

No one wished to speak.

**DISPOSAL OF JOURNAL**

Mr. Brennan - Stated, we have the Minutes from the June 6, 2016, Regular Council Meeting. Asked if there were any additions or corrections to the Minutes? Stated, hearing none, the Minutes will stand approved as printed.

**COMMUNICATIONS, PETITIONS AND CLAIMS**

Notice received from the Ohio Department of Liquor Control for a major event waiver certification for nine individual business regarding the Republic National Convention.

Mr. Brennan - Said notice was referred to Ward Council members and Safety Director.

Notice received from the Ohio Department of Liquor Control for a New C1 C2 Liquor Permit to Snow One Stop LLC, 5790 State Road. Mailed June 20, 2016. Responses must be postmarked no later than July 21, 2016.

Mr. Brennan - Said Liquor Permit was referred to Ward Council and Safety Director.

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Councilman Divis - Stated that the Parma Council Planning Committee met on Monday, June 13, 2016, to discuss the Variance, FOR THE APPLICANT Robert Euerle, 1801 Lorimer Rd. for property at 5301 Hauserman Rd. PPN 442-01-003.

The Parma Board of Zoning Appeals recommended to Council to GRANT the variance for Robert Euerle, 1801 Lorimer Road of Euerle Group, LLC, Parma, OH 44134 who has requested an "Use" variance of the City of Parma Codified Ordinances of Section 1153.02 - SINGLE-FAMILY HOUSE DISTRICTS - PRINCIPAL USES AND BUILDINGS. Within any Single-Family House District, no building or premises shall be erected, used, arranged or designed to be used, in whole or in part, for other than single-family detached dwellings. The Applicant is proposing to use property at 5301 Hauserman Road as a "Civilian Education Facility" including the operation of a gun range, federal firearms store, and weapon storage. Additional space is proposed to be used as classrooms for various type of training courses - concealed handgun, tactical training and self-defense. The current landscape business on the property will remain. The remainder of building has a proposed use of general retail business lease space. This variance, if granted, would result in allowing retail business uses in Single-Family House District. This variance has the following agreed upon stipulations:

1. All Property Maintenance issues shall be addressed and Landscaping acceptable to the Building Department shall be in place on or before the end of September 30, 2016.
2. The principals who are Rob Euerle and Gary Walters shall be on site 500 hours a year or more.
3. The "Uses" of the property must be related directly, meaning, only to health, wellness, firearms and education only.
4. The retail shall also be related to the same - health, wellness, firearms and education only.
5. We will not have automatic fire weapons or sometimes are called select fire weapons - weapons that can fire more than one round with a single pull of the trigger. And we will not have high powered rifles. We will have and I (Mr. G Walters) want to be clear and define what we are going to have: (a) we are going to have intermediate powered rifles which would include AR 15s; AK 47s and other home defense style rifles - and no armor piercing ammunition.
6. The decibel level shall measure 85 or less outside from 10 feet away.

7. All Federal and State laws and City of Parma Ordinances will be complied with. Meaning that if you can be cited and if it comes out that you are found guilty for breaking a Federal (or any of the above) thing then we have the right to revisit."

Also be it noted that a variance once granted, shall not be withdrawn or changed unless there is a change of circumstances or if after the expiration of six months no substantial construction is done in accordance with the terms and condition for which such variance was granted. In which case the Building Commissioner shall give notice in writing, and thirty days thereafter the variances will be deemed null and void, and all regulations governing such premises in question shall revert back to those in effect before the variance was granted.

Motion made by Councilman Divis seconded by Councilman Casselberry to grant the variance with the stipulations.

Councilman Crossman - Stated that this variance could not come in a worse time. The request of the sale of semi-automatic rifles is not good for our community. It is not firearms that he objects to, it is the sale of them in a residential district. He requested that Council would add a stipulation that no sales of firearms be present on this property. Council needs to have a frank discussion if this is the type of business they want in their community.

Councilwoman Saban - Stated that she had put a lot of thought into this variance and read the BZA minutes. She has no problem with the range or the education just with the sale of firearms.

Councilwoman Lime - Stated that the problem is when someone that is on the terrorist watch list can still purchase a firearm. There needs to be better control and stipulations. Mr. Euerle is a fine upstanding citizen in this community. I think that the control has to be better at a national level before we allow that kind of business in the city.

Councilman Tuma - Asked if the vote could be put off until Ward Council is present?

Councilwoman Lime - Stated that the vote has to be done no later than 40 days after the receiving of the variance and the meeting on July 11 would be too late. Would like to hear from the applicant and Ward Council prior to voting, she would be willing to have a meeting next week.

Councilman Crossman - Objected to a meeting next week. He will be out of the country. Also stated that the other option would be that the applicant withdraw his application, and he can resubmit the application at a later date.

Mr. Brennan - Stated that if the vote is not taken in 40 days then it is automatically approved.

Councilwoman Lime - Asked if the applicant were to withdraw his application would he have to reapply, go before the BZA, pay the fee and go before council again?

Assistant Law Director Veljkovic - Stated yes.

Councilwoman Lime - Stated that she did not feel that was fair for the applicant.

Councilman Casselberry - Stated that council needs to figure out when the 40 days are up. He thinks it is unfair for the applicant to resubmit.

Councilman Crossman - Stated that he has the BZA minutes and they are dated May 11.

Councilman Casselberry - Stated that with the reservations brought up, Ward Council needs to be present for this vote.

Councilwoman Lime - Asked if they could hear from the applicant?

Mr. Brennan - Stated that yes, they could hear from the applicant, but first asked if anyone knew when the 40 days began?

Clerk of Council Ramser - Stated that it is 40 days from the day it was received in the Council Office. There was a discrepancy on when they were received in the Council Office. The secretary of the BZA stated that she sent them but no one had received them. They were received last week when they were requested by Mr. Crossman, and they were dated May 11. Council would have 40 days from the date we received them in the office.

Building Commissioner Deichmann - Stated that he believes that it is 40 days from the day Council receives it and that was last week. He stated that it would give Council until the end of July to vote on this variance.

Assistant Law Director Veljkovic - Stated on the information he was given that the meeting on July 11 would be fine to vote on the variance.

Councilman Divis - Stated that since Ward Council is not present, the variance should be put on hold until July 11.

Councilman Divis - Stated that he is withdrawing his motion to grant the variance.

Councilman Casselberry - Stated that he is withdrawing his second.

Councilman Crossman - Stated that Council needs to hear from the applicant, and one question that needs to be answered is if the applicant is willing to proceed with the stipulation of no gun sales.

Mr. Walters - Stated that he will speak for Mr. Euerle and himself. He stated that Council should not let their emotions be over taken with the actions of Orlando. The types of weapons that are causing the obstacle are already being sold in the City of Parma. They are being sold in distances to residents that are closer than any resident is to the facility that they are purposing to use. Stated that they have been waiting patiently to begin refurbishing the building and starting up the business. They are willing to come back on July 11 to answer any questions that Council might have.

Mr. Brennan - Asked what is the law on the magazines for AR 15?

Mr. Walters - Stated that there is no federal law on the subject. Some states have enacted laws and Ohio is not one of them. There are no limitations to the magazine size.

Councilman Crossman - Stated that the standard magazine clip in an AR 15 is 30 rounds. He disputed that an AR 15 and other sporting rifles are not suitable home defense weapons. They are weapons designed to shoot 200 - 300 yards or more in a city where the average lot is 50 feet wide and it raises concerns. Asked whether his question would be answered if they would be willing to go forward with the stipulation of no firearm sales?

Mr. Walters - Stated that the sale of firearms is essential to the facility and making it profitable. Also, he is not aware of any incident where an AR 15 or another sporting rifle has been used to defend a home and that round has strayed into another home.

Councilman Tuma - Asked the applicant what the current use of the property as it is now?

Mr. Walters - Stated that there is a landscaping business that is set up in the rear of the property and only 2% of the interior of the building is being used.

Mr. Brennan - Asked what percentage of the building will be used if the variance is granted?

Mr. Walters - Stated that would take up 40 - 50% of the building. Then they would be looking to lease the remainder of the building to health and wellness types of retail operations and/or educational operations.

Councilman Casselberry - Stated that he does not want to turn this into a Committee meeting. Stated that he has seen a few home invasions in Parma and the majority of them were known by the resident and was drug related. Asked what percentage of home invasions are really intrusions on unassuming people?

Mr. Walters - Stated that there is a database that tracks this information. He did not know the statistics. He stated that he is opposed to scare tactics with respect to weapons.

Mayor DeGeeter - Stated that the building is no fault on the Cities end why it sat empty. The property owner was not following certain codes and regulations where the City would not entertain the application.

Mr. Brennan - Asked the Mayor, what is the administrations stance on this approval?

Mayor DeGeeter - Stated that the BZA went through the application process. Stated that this is a variance, and the BZA is a recommendation board of Council. Council can act on it as they see fit.

Councilman Tuma - Asked the applicant, what is the hardship that you are encountering? You cannot bring the hardship upon yourself; so, what is the hardship besides economics? Stated that the reason for a variance is a hardship. The applicant knew the zoning prior to purchasing the property.

Mr. Walters - Stated this building was built as a reserve armory. Stated that they are actually looking to return this property to what they consider its best use. The building already has a shooting range.

Councilman Tuma - Asked the Building Department was this property initially zoned something else?

Mayor DeGeeter - Stated that as far as he knows it has always been an armory owned by the federal government.

Councilman Crossman - Stated that he wanted to clarify for the record that he located the email where the BZA minutes were sent to the Council Office. It was Tuesday June 14, at 2:13 p.m. Also, that should give Council time to have another Committee and Council Meeting. It was first presented to Council last week.

Motion made by Councilman Crossman seconded by Councilman Tuma to hold the variance for 5301 Hauserman Rd. Motion carried.

**FIRST READING:**

ORDINANCE NO. 122-16                      6/20/16                      L-122-16

BY: SCOTT M. TUMA  
(By Request - Treasurer)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$1,510,000 OF NOTES OF THE CITY OF PARMA IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE

PURPOSE OF PAYING COSTS OF RECONSTRUCTING, IMPROVING AND PAVING A PORTION OF DAY DRIVE WITHIN THE CITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Mr. Brennan - Said Ordinance will be referred to the Finance Committee.

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ORDINANCE NO. 123-16                      6/20/16                      L-123-16  
BY: SCOTT M. TUMA  
(By Request - Treasurer)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$310,000 OF NOTES OF THE CITY OF PARMA IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, OF THE COSTS OF CERTAIN SEWER IMPROVEMENTS TO PORTIONS OF BAGLEY ROAD, NORTH LINDEN LANE, PLEASANT VALLEY ROAD AND WEST 130th STREET IN THE CITY OF PARMA, CONSISTING OF THE CONSTRUCTION OF SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Mr. Brennan - Said Ordinance will be referred to the Finance Committee.

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ORDINANCE NO. 124-16                      6/20/16                      L-124-16  
BY: SCOTT M. TUMA  
(By Request - Treasurer)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$507,000 OF NOTES OF THE CITY OF PARMA IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF RESURFACING ROADS, HIGHWAYS AND STREETS WITHIN THE CITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Mr. Brennan - Said Ordinance will be referred to the Finance Committee.

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ORDINANCE NO. 125-16                      6/20/16                      L-125-16  
BY: SCOTT M. TUMA  
(By Request - Treasurer)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$636,000 OF NOTES OF THE CITY OF PARMA IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF RECONSTRUCTING, IMPROVING AND PAVING A PORTION OF SPRAGUE ROAD WITHIN THE CITY,

TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO,  
AND DECLARING AN EMERGENCY

Mr. Brennan - Said Ordinance will be referred to the Finance Committee.

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RESOLUTION NO. 126-16                      6/20/16                      L-126-16  
BY: ALLAN DIVIS, BRIAN BROCHETTI, SCOTT M. TUMA  
(By Request - City Engineer)

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE RIDGE ROAD,  
PHASE 2, FROM STEARNS FARM TO THE NORTH ROYALTON  
CORPORATION LINE IN THE CITY OF PARMA, OHIO, BY PROVIDING  
THE INSTALLATION OF SANITARY SEWERS, AND DECLARING AN  
EMERGENCY

Mr. Brennan - Said Resolution will be referred to the Finance Committee.

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RESOLUTION NO. 131-16                      6/20/16                      L-131-16  
BY: MARK CASSELBERRY  
(By Request - Mayor)

A RESOLUTION TO ESTABLISH THE SOLID WASTE COLLECTION FEE  
FOR RESIDENTIAL ACCOUNTS FOR YEAR 2017, AND DECLARING  
AN EMERGENCY

Mr. Brennan - Said Resolution will be referred to the Finance Committee.

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ORDINANCE NO. 134-16                      6/20/16                      L-134-16  
BY: SCOTT M. TUMA  
(By Request - Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO  
ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR  
THE CONTINUED PROVISION OF TELEPHONE BASED MEDICAL ALERT  
MONITORING OF SENIOR CITIZENS APPROVED FOR PARTICIPATION  
IN THE "SENIOR SAFE AT HOME" PROGRAM, AND DECLARING AN  
EMERGENCY

Mr. Brennan - Said Ordinance will be referred to the Finance Committee.

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ORDINANCE NO. 135-16                      6/20/16                      L-135-16  
BY: VITO DIPIERRO  
(By Request - Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE  
TO EXTEND AN ECONOMIC DEVELOPMENT GRANT AWARD AGREEMENT  
WITH CLEVELAND PLANT & FLOWER COMPANY, AND DECLARING AN  
EMERGENCY



Mr. Brennan - Said Ordinance will be referred to the Finance Committee.

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**SECOND READING:**

ORDINANCE NO. 101-16                      6/6/16                      L-101-16  
BY: DEBORAH LIME  
( By Request - Safety Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE EQUIPMENT CHANGE-OVER IN POLICE VEHICLES FOR THE PARMA POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 101-16 back to the Finance Committee. Motion carried.

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ORDINANCE NO. 103-16                      6/6/16                      L-103-16  
BY: DEBORAH LIME  
(By Request - Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES & ECONOMIC DEVELOPMENT TO IMPLEMENT THE 2016 SIDEWALK, CURB AND CATCH BASIN PROJECT AND FOR THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF ALL DESIGNATED BLIGHTED SECTIONS OF RESIDENTIAL PUBLIC SIDEWALK, CURB AND CATCH BASIN, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 103-16 back to the Finance Committee. Motion carried.

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ORDINANCE NO. 104-16                      6/6/16                      L-104-16  
BY: DEBORAH LIME  
(By Request - Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR DEMOLITION SERVICES UNDER THE CUYAHOGA COUNTY DEMOLITION REBATE GRANT FOR ELIGIBLE STRUCTURES IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 104-16 back to the Finance Committee. Motion carried.

ORDINANCE NO. 108-16      6/6/16      L-108-16  
BY: DEBORAH LIME  
(By Request - Safety Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT FOR THE PURCHASE OF TWO (2) 2016 CHEVROLET TAHOES FOR THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 108-16 back to the Finance Committee. Motion carried.

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ORDINANCE NO. 109-16      6/6/16      L-109-16  
BY: DEBORAH LIME  
(By Request - Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (c) OF SECTION 351.18 "OVERNIGHT PARKING DURING WINTER MONTHS" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Ordinance No. 109-16 back to the Public Safety Committee. Motion carried

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ORDINANCE NO. 110-16      6/6/16      L-110-16  
BY: DEBORAH LIME  
(By Request - Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SECTION 185.04 "FEES OF THE DIRECTOR OF PUBLIC SAFETY" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, TO ESTABLISH THE OVERNIGHT WINTER PARKING PERMIT FEE, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Ordinance No. 110-16 back to the Public Safety Committee. Motion carried

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RESOLUTION NO. 111-16      6/6/16      L-111-16  
BY: SCOTT M. TUMA  
(By Request - Auditor)

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF PARMA, OHIO, FOR THE YEAR 2017, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Resolution No. 111-16 back to the Finance Committee. Motion carried.

BY: DEBORAH LIME                      ORDINANCE NO. 112-16                      6/6/16                      L-112-16

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT AND ENACT NEW MATTER IN THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY

Motion made by Councilman Crossman seconded by Councilman Casselberry to refer Ordinance No. 112-16 back to the Governmental Operations Committee. Motion carried.

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BY: DEBORAH LIME                      ORDINANCE NO. 113-16                      6/6/16                      L-113-16

AN ORDINANCE TO AMEND THE TRAFFIC CODE OF THE CITY TO CONFORM TO CURRENT STATE LAW, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Ordinance No. 113-16 back to the Public Safety Committee. Motion carried.

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BY: DEBORAH LIME                      ORDINANCE NO. 114-16                      6/6/16                      L-114-16

AN ORDINANCE TO AMEND THE GENERAL OFFENSES CODE OF THE CITY TO CONFORM TO CURRENT STATE LAW, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Ordinance No. 114-16 back to the Public Safety Committee. Motion carried.

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BY: DEBORAH LIME                      ORDINANCE NO. 117-16                      6/6/16                      L-117-16  
(By Request - Safety Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF FIVE (5) HARLEY DAVIDSON MOTORCYCLES FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 117-16 back to the Finance Committee. Motion carried.

**THIRD READING:**

ORDINANCE NO. 64-16                      5/16/16                      L-64-16  
BY: **KRISTIN L. SABAN**, SCOTT M. TUMA, MARK CASSELBERRY, JEFFREY  
CROSSMAN, ALLAN DIVIS, DEBORAH LIME, LARRY NAPOLI

AN ORDINANCE TO ENACT CHAPTER 191 ENTITLED "WAGE ENFORCEMENT" OF TITLE NINE "TAXATION AND FEES" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Councilwoman Saban - Stated that she is looking forward to being the first city in Cuyahoga County to adopt this legislation.

Councilman Tuma - Commended Councilwoman Saban on her hard work along with the Law Department.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 64-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Ordinance No. 64-16 is adopted.

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ORDINANCE NO. 72-16                      5/2/16                      L-72-16  
BY: **DEBORAH LIME**  
(By Request - Safety Director)

AN ORDINANCE TO AMEND SECTION 185.031 "FEES OF THE POLICE CHIEF" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA TO ENACT THE APPLICATION FEE FOR A MUNICIPAL DEER CONTROL PERMIT, AND DECLARING AN EMERGENCY

Councilman Crossman - Stated that he felt the fee of \$150 is too high he also urged Council to lower the fee to \$50.

Councilman Napoli - Stated that he wanted to make sure the amount will cover the cost associated with the permit.

Mayor DeGeeter - Stated that the city is joining other communities with a regional approach. Also, if the permit fee is too high they will come back to Council and ask it to be lowered.

Councilman Tuma - Asked if the Safety Department will be keeping a count of how many cullings there will be in a year?

Mayor DeGeeter - Stated that there is a procedure in place to keep a count.

Councilman Crossman - Stated that it is unclear to him how the amount for the permit was determined. He also noted that during the Committee meetings the Chief of Police felt the fee was too high.

Mayor DeGeeter - Stated there were several meetings held with all six communities to determine the cost. He stated, again, that the fee can be dropped if it is found that it is too high. His main concern is that it is all done safely. Also that there will be a community meeting in August to discuss the Ordinance.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 72-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Ordinance No. 72-16 is adopted.

BY: DEBORAH LIME  
(By Request - Safety Director)

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF PARMA, PART SIX GENERAL OFFENSES CODE, CHAPTER 618 ANIMALS, SECTIONS 618.11 AND 618.21, AND CHAPTER 961 PARKS AND RECREATION FACILITIES, SECTION 961.02, 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

Councilman Crossman - Stated there needs to be an amendment in Section 618.11 A Sub 2 H. It states that "all applicants shall agree in writing to defend and indemnify the city for any negligent acts committed by the applicant." Stated that this does not apply to intentional acts. Stated this needs to have more flexible language to protect the city.

Councilman Tuma - Asked the Law Department if the language can be changed?

Assistant Law Director Veljkovic - Stated that he did not see a reason that "intentional acts" could not be added. Also, this legislation was developed with other communities.

Councilman Crossman - Asked that if removing the word negligent would be enough to cover all acts?

Mayor DeGeeter - Stated that the legislation was written by the Law Directors of the different communities.

Councilman Crossman - Made a motion to amend Ordinance No. 73-16 to remove the word negligent out of sub paragraph H through out this Ordinance  
Seconded by Councilman Napoli.

Councilman Tuma - Asked Councilman Crossman if he was stating that H does not cover intentional acts?

Councilman Crossman - Stated that the hunter can say in court that he fired the bow intentional not negligently.

Councilman Napoli - Gave the definition of negligence, which is the act caused by negligence not intentional harm.

Councilwoman Lime - Asked if the Law Department is unable to answer this question, are we able to hold this legislation?

Assistant Law Director Veljkovic - Stated that if the word negligent was removed it would be too vague. The act would have to be defined.

Councilman Tuma - Agreed with the Assistant Law Director. Stated that the word negligent should not be removed and intentional acts be added.

Mayor DeGeeter - Stated that if the legislation can be passed he would contact our Law Director who would speak with Mr. Kelley the Law Director from North Royalton. If needed, all the cities can amend the legislation.

Councilman Crossman - Stated that he withdraws his motion.

Councilman Napoli - Stated that he withdraws his second.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 73-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Ordinance No. 73-16 is adopted.

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RESOLUTION NO. 86-16                      5/16/16                      L-86-16

BY: DEBORAH LIME  
(By Request - Safety Director)

A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING TAX LEVY IN EXCESS OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, AND OTHER EQUIPMENT USED DIRECTLY IN THE OPERATION OF THE POLICE DEPARTMENT, AND THE PAYMENT OF SALARIES OF PERMANENT POLICE PERSONNEL, INCLUDING THE PAYMENT OF THE POLICE OFFICERS EMPLOYERS' CONTRIBUTION REQUIRED UNDER SECTION 742.33 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 86-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Resolution No. 86-16 is adopted.

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ORDINANCE NO. 87-16                      5/16/16                      L-87-16

BY: SCOTT M. TUMA  
(By Request - Service Director)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (b) "RECREATION DEPARTMENT" OF SECTION 185.05 "FEES OF THE DIRECTOR OF PUBLIC SERVICE" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA RELATIVE TO A RENTAL FEE AT THE MICHAEL A. RIES ICE RINK, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 87-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Ordinance No. 87-16 is adopted.

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**SUSPENSION OF THE RULES:**

Mr. Brennan - Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 102-16, Ordinance No. 128-16, Resolution No. 129-16, Ordinance No. 130-16, Resolution No. 132-16, Ordinance No. 133-16, Ordinance No. 136-16, Ordinance No. 137-16 and Resolution No. 138-16 on three different days be dispensed with?

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Motion carried.

Mr. Brennan - Shall Rule 45 requiring reference to committee be dispensed with and Ordinance No. 102-16, Ordinance No. 128-16, Resolution No. 129-16, Ordinance No. 130-16, Resolution No. 132-16, Ordinance No. 133-16, Ordinance No. 136-16, Ordinance No. 137-16 and Resolution No. 138-16 be placed on final passage?

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Motion carried.

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ORDINANCE NO. 102-16                      6/20/16                      L-102-16  
BY: **KRISTIN L. SABAN**, MARK CASSELBERRY, ALLAN DIVIS, DEBORAH LIME,  
LARRY NAPOLI  
(By Request - Community Services & Economic Development Director)

AN ORDINANCE TO ACCEPT A DONATION OF PROPERTY LOCATED AT  
3439 GROVEWOOD AVENUE IN THE CITY OF PARMA, AND  
DECLARING AN EMERGENCY

Councilwoman Saban - Stated that this home was condemned by the Building Department. The elderly owner is unable to care for the house since her husband passed away. She hoped that the house would be demolished by the end of July.

Motion made by Councilman Tuma seconded by Councilman Crossman to adopt Ordinance No. 102-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Ordinance No. 102-16 is adopted.

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ORDINANCE NO. 128-16                      6/20/16                      L-128-16  
BY: SCOTT M. TUMA  
(By Request - Auditor)

AN ORDINANCE AUTHORIZING THE TRANSFER OF APPROPRIATIONS  
WITHIN THE 2016 PERMANENT APPROPRIATIONS OF THE CITY OF  
PARMA, AND DECLARING AN EMERGENCY

Councilwoman Lime - Asked for an explanation from the Auditor?

Auditor Day - Stated that this is for the Senior Center Community Meal Fund.

Mrs. Mason requested that the \$15,000 come out of a vacant position and be transferred into Operating Supplies and Materials that need to be purchased.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 128-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Ordinance No. 128-16 is adopted.

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RESOLUTION NO. 129-16                      6/20/16                      L-129-16  
BY: SCOTT M. TUMA  
(By Request - Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S POST CERTIFICATION  
OF REQUISITONS AS DETAILED IN EXHIBIT "A" AND DECLARING AN  
EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 129-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Resolution No. 129-16 is adopted.

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ORDINANCE NO. 130-16                      6/20/16                      L-130-16

BY: SCOTT M. TUMA  
(By Request - Auditor)

AN ORDINANCE TO AMEND THE 2016 PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, OHIO, AND DECLARING AN EMERGENCY

Councilwoman Lime - Asked for an explanation for the \$225,000?

Auditor Day - Stated that is the Splash Pad donation. He explained that they had moved the funds from the donation fund into the Special Recreation Fund and now they are just appropriating them.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 130-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Ordinance No. 130-16 is adopted.

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RESOLUTION NO. 132-16                      6/20/16                      L-132-16

BY: **MARK CASSELBERRY**, KRISTIN L. SABAN, SCOTT M. TUMA, JEFFREY CROSSMAN, ALLAN DIVIS, LARRY NAPOLI  
(By Request - Building Commissioner)

A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT PARCEL NUMBER 442-15-115, 8207 NEWPORT AVENUE, PARMA, OHIO, AND DECLARING AN EMERGENCY

Councilman Crossman - Asked if the Safety Director could explain since the Ward Council is not present?

Safety Director O'Malley - Stated that a Search Warrant was executed on this property. Stated that washers, dryers, microwaves and many other items were found in this house. The residents are currently incarcerated.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution 132-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Resolution No. 132-16 is adopted.

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ORDINANCE NO. 133-16                      6/20/16                      L-133-16

BY: SCOTT M. TUMA  
(By Request - Service Director)

AN ORDINANCE TO AMEND A PORTION OF SECTION 1 OF ORDINANCE NO. 111-13 RELATIVE TO EXTENDING THE CONTRACT FOR THE PURCHASE OF FUEL OIL AND GASOLINE, AND DECLARING



**AN EMERGENCY**

Councilwoman Lime - Asked, if we extend our contract is there a rate or fee increase?

Service Director Higgins - Stated that the fuel costs fluctuate. There is a formula that is used to calculate the amount.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 133-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Ordinance No. 133-16 is adopted.

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BY: SCOTT M. TUMA                      ORDINANCE NO. 136-16                      6/20/16                      L-136-16  
(By Request - Law Director)

**AN ORDINANCE TO AMEND SUBSECTION (a) OF SECTION 698.08 "USE OF CITY JAIL, REIMBURSEMENT OF CONFINEMENT COSTS BY GOVERNMENT ENTITIES" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA RELATIVE TO THE INITIAL BOOKING/REGISTRATION FEE, AND DECLARING AN EMERGENCY**

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 136-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Ordinance No. 136-16 is adopted.

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BY: ALLAN DIVIS                      ORDINANCE NO. 137-16                      6/20/16                      L-137-16  
(By Request - City Engineer)

**AN ORDINANCE TO EXTEND THE MORATORIUM FOR AN ADDITIONAL FORTY-FIVE (45) DAYS ON THE GRANTING OF ANY PERMITS FOR THE ACTIVATION OR INSTALLATION OF ANY SYSTEM, STRUCTURES, EQUIPMENT, OR DEVICES FOR THE OPERATION OF SMALL CELLS OR NODES FOR COMMUNICATION PURPOSES WITHIN THE CITY OF PARMA, AND DECLARING AN EMERGENCY**

Councilwoman Lime - Stated that she understands the moratorium but is disappointed that there has not been discussion regarding this matter. There are still towers on Snow Road, and her residents continue to have static on their phones and televisions. Asked when there will be discussion about this matter?

Councilman Crossman - Asked when the moratorium expires?

Mayor DeGeeter - Stated that the current moratorium expires before Council meets again. There will be discussion at the next Council Meeting July 11, 2016.

Councilwoman Lime - Asked if Council should expect legislation prior to the next council meeting?

Mayor DeGeeter - Stated that his office will get the legislation to Council this week.

Councilwoman Lime - Stated when there is discussion she would like to know what will be done about the existing towers that have no permits.

Mayor DeGeeter - Stated that they will have a discussion with the Law Department regarding the towers that have no permits.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 137-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Ordinance No. 137-16 is adopted.

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RESOLUTION NO. 138-16                      6/20/16                      L-138-16  
BY: MARK CASSELBERRY, JEFFREY CROSSMAN, ALLAN DIVIS, DEBORAH LIME, LARRY NAPOLI, KRISTIN L. SABAN, SCOTT M. TUMA

A RESOLUTION SUPPORTING BOTH "ELDER ABUSE AWARENESS DAY" DESIGNATED FOR JUNE 15, 2016 AND THE OHIO ATTORNEY GENERAL'S ELDER JUSTICE INITIATIVE AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 138-16.

Yes: Saban, Tuma, Casselberry, Crossman, Divis, Lime, Napoli.

No: None; Resolution No. 138-16 is adopted.

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**TABLED & RECONSIDERED LEGISLATION:**

ORDINANCE NO. 305-08                      2/17/09                      L-305-08  
BY: LARRY NAPOLI, SCOTT M. TUMA

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A COLLEGE GRADUATE FIRST-TIME HOME BUYER PROGRAM TO ASSIST COLLEGE GRADUATES WITH THE EXPENSES OF BUYING A HOME IN THE CITY

Motion made by Councilman Tuma seconded by Councilman Casselberry to table Ordinance No. 305-08. Motion carried.

Motion made by Councilman Casselberry seconded by Councilman Tuma to reconsider Ordinance No. 305-08. Motion failed.

Ordinance No. 305-08 is tabled.

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RESOLUTION NO. 295-11                      2/6/12                      L-295-11  
BY:

A RESOLUTION REQUESTING THE MAYOR TO HAVE THE STATE OF OHIO AUDITOR'S OFFICE CONDUCT A STATE PERFORMANCE AUDIT FOR THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to table Resolution No. 295-11. Motion carried.

Motion made by Councilman Casselberry seconded by Councilman Tuma to reconsider Resolution No. 295-11. Motion failed.

Resolution No. 295-11 is tabled.

BY:

(By Request - Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (c)  
 "BUSINESS REGULATION CODE" OF SECTION 185.04 "FEES OF  
 THE DIRECTOR OF PUBLIC SAFETY" OF THE CODIFIED  
 ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN  
 EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to table Ordinance No. 210-13. Motion carried.

Motion made by Councilman Casselberry seconded by Councilman Tuma to reconsider Ordinance No. 210-13. Motion failed.

Ordinance No. 210-13 is tabled.

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**PUBLIC SESSION**

Lynne Shaw, 2217 Camelot Dr. - Stated that she has been a resident of Parma for 20 years. In the past year one of her neighbors has become a menace. He is a danger to himself and the residents of the neighborhood. He is brake checking the neighbors as they are driving down the street and he does this several times as you are driving behind him. The Police Department was called and they said that there is nothing that they can do. Police reports have been made by myself and a neighbor; 2 in the last 10 days. The neighbors are fed up with this man, he screams at the residents. On May 15 he called the police on his son who was trying to help. He told the police that is father has an ailment.

Safety Director O'Malley - Stated that he would talk with her after the meeting if she would like to wait.

Lynne Shaw - Stated that she would wait and thanked Council for listening.

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Roy Jech, 2325 Keystone Rd. - Stated that he would like to commend Councilwoman Saban on her piece of legislation 64-16 and members of Council that supported it. Also that he was on Council for 19 years and that this meeting was more like a Committee Meeting rather than a Council Meeting. Stated that he is a friend of Mr. Euerle. He is a young man trying to improve the City. He has been through 3 inquisitions and BZA meetings along with discussing the matter in Committee. He stated that he felt it was inconsiderate to a business owner trying to make a living after it was discussed and approved. He saw 3 pieces that were questioned at the last minute that were discussed in Committee.

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Ken Ehlert - Stated that the change in the variance is important for the safety of the City. He does not want a range or guns being sold in the City.

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**MISCELLANEOUS BUSINESS**

Mayor DeGeeter - Invited all of Council on June 23 for a ribbon cutting at the Seven Hills Recreation Center. This is for the collaborative with Seven Hills for the buses with the Senior Center. The Senior Band Concerts have begun they are held Sunday evenings at Zielinski Park for half the season then to Parma Heights. This past weekend

Council President Brennan, Councilman Tuma and I went to the Hoops for Hopes Program dedication with 3 on 3 basketball tournament. This is for a resident Benjamin Thomas who over dosed in January at the age of 24. I have known the family for a number of years and that addiction has no boundaries.

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Safety Director O'Malley - Stated that the Police Department had three Cadets graduate from the Highway Patrol Academy. They will start their training with the Parma Police Dept. June 24, 2016.

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Service Director Higgins - No comment.

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Auditor Day - No comment.

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Assistant Law Director Veljkovic - No comment.

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Treasurer Mastroianni - Stated that he hoped that Robert Euerle would be given a chance. He thought some kind of compromise could be worked out.

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Councilwoman Saban - Thanked everyone for their support on Ordinance No. 64-16 especially Law Director Dobeck. Also thanked everyone for their vote on Ordinance No. 102-16. Looking forward to more discussion with Rob Euerle at the July 11 Council Meeting.

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Councilman Tuma - Stated that it was an honor being at the Hoops for Hope. Congratulated the Cavaliers on their championship win. He would like a Resolution done for the team.

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Councilman Casselberry - No comment.

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Councilman Crossman - Congratulated all the honorees. Regarding the variance request he felt there should be discussion since it was to be voted on at this meeting.

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Councilman Divis - Congratulated Councilwoman Saban on the passage of Ord. No. 64-16. Also that he is looking forward to the July 4th parade.

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Councilwoman Lime - Wished all the fathers a happy belated Fathers Day. Also wished everyone a happy 4th of July. Stated that she is looking forward to having the Cavaliers come in to receive their Resolution.

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Councilman Napoli - No comment.

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Mr. Brennan - Stated that he believes there should be discussion regarding any legislation whether in Committee or Council meetings. Also he felt that naming a street after the Cavaliers should be looked into. Reminded everyone about the Run/Walk for Pierogies on July 2nd.

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**REPORT ON ABSENT OFFICIALS**

Motion made by Councilman Crossman seconded by Councilman Casselberry to excuse Councilman Brochetti and Councilman Dipierro from said meeting. Motion carried.

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**ADJOURNMENT**

Motion made by Councilman Casselberry seconded by Councilwoman Lime to adjourn said meeting at 9:13 p.m. Motion carried.

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**CERTIFICATION**

I, Kenneth A. Ramser, Clerk of Council for the City of Parma, Ohio, do hereby certify the above to be a true and correct copy of the Minutes from the Regular Council Meeting held on Monday, June 20, 2016.

/s/ Kenneth A. Ramser

KENNETH A. RAMSER  
CLERK OF COUNCIL

/s/ Sean P. Brennan

SEAN P. BRENNAN  
PRESIDENT OF COUNCIL

kj

(Minutes completed on June 28, 2016)

THE UNIVERSITY OF CHICAGO

PH.D. THESIS

BY

DAVID M. GREEN

Department of Mathematics

Department of Mathematics

Chicago, Illinois

Chicago, Illinois

1968