

**APRIL 1, 2013
PARMA CITY HALL COUNCIL CHAMBER
REGULAR COUNCIL MEETING
7:00 P.M.**

The Regular Council Meeting was called to order by Acting President of Council Scott Tuma presiding:

COUNCIL MEMBERS PRESENT:

DEBORAH LIME
LARRY NAPOLI
SCOTT M. TUMA
BRIAN BROCHETTI
ALLAN DIVIS
MARY GALINAS
ANDY SCHOFIELD

COUNCIL MEMBERS EXCUSED:

MARK CASSELBERRY
BRIAN DAY

Mr. Ramser - Mr. President, the Roll of 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, Law Director Timothy G. Dobeck, Auditor Dennis M. Kish, Treasurer Thomas Mastroianni, Service Director Brian Higgins, Building Commissioner/City Engineer Paul Deichmann, Recreation Director Mickey Vittardi, Chief of Staff Mike Culp, Director of Human Resources Tom Weinreich, Communications and Community Relations Director Jeannie Roberts, Senior Citizen Director Jo Ann Mason, Community Development Director Erik Tollerup, Economic Development Officer/Grant Writer Shelley Cullins, Director of Public Housing Lev Kulchitsky and Clerk of Council Kenneth A. Ramser.

INVOCATION

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

PLEDGE OF ALLEGIANCE

VOICE VOTE RESOLUTIONS

RESOLUTION NO. 78-13

L-78-13

By: B. Day, A. Schofield and the rest of Council

**A RESOLUTION HONORING ST. COLUMBKILLE LADY KNIGHTS CADET
CHEERLEADERS**

Motion made by Councilwoman Galinas, seconded by Councilman Napoli to adopt Resolution No. 78-13. Motion carried. Resolution No. 78-13 is adopted.

The cheerleaders and their coaches came forward and accepted the Resolution and the Mayor's Proclamation, gave a little cheer, and thanked Council.

RESOLUTION NO. 79-13

L-79-13

By: B. Brochetti and the rest of Council

**A RESOLUTION HONORING JEREMY R. SWANBERG ON ATTAINING THE RANK OF
EAGLE SCOUT**

Motion made by Councilwoman Galinas, seconded by Councilman Napoli to adopt Resolution No. 79-13. Motion carried. Resolution No. 79-13 is adopted.

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RESOLUTION NO. 80-13 L-80-13
By: B. Day and the rest of Council
A RESOLUTION HONORING HOLY NAME VARSITY HOCKEY TEAM 2012-2013
Motion made by Councilwoman Galinas, seconded by Councilman Napoli to adopt Resolution No. 80-13. Motion carried. Resolution No. 80-13 is adopted.

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RESOLUTION NO. 81-13 L-81-13
By: B. Day and the rest of Council
A RESOLUTION HONORING HOLY NAME GIRLS VARSITY BASKETBALL TEAM 2012-2013
Motion made by Councilwoman Galinas, seconded by Councilman Napoli to adopt Resolution No. 81-13. Motion carried. Resolution No. 81-13 is adopted.

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RESOLUTION NO. 85-13 L-85-13
By: A. Divis and the rest of Council
A RESOLUTION HONORING DAVE BERTOLONE 2013 COACH OF THE YEAR – YOUTH BASKETBALL
Motion made by Councilwoman Galinas, seconded by Councilman Napoli to adopt Resolution No. 85-13. Motion carried. Resolution No. 81-13 is adopted.
Mr. Bertolone came forward to accept the resolution and receive a Proclamation from the Mayor. He thanked everyone for the awards.

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RESOLUTION NO. 86-13 L-86-13
By: All Members of Council
A RESOLUTION HONORING DR. JERRY SUE THORNTON ON HER RETIREMENT
AS
PRESIDENT OF CUYAHOGA COMMUNITY COLLEGE
Motion made by Councilwoman Galinas, seconded by Councilman Napoli to adopt Resolution No. 86-13. Motion carried. Resolution No. 86-13 is adopted. This was previously presented to Dr. Thornton.

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LEGISLATIVE COMMENT
Mr. Tuma - Asked if anyone wished to speak regarding any legislation that Council will be taking action on this evening. No one wished to speak.

DISPOSAL OF JOURNAL
Mr. Tuma - Stated you have before you the Minutes for the Regular Council Meeting of March 18, 2013, and the Special Meeting of March 25, 2013. He asked if there were any additions or corrections to these Minutes. Stated, hearing none, the Minutes will stand approved as printed.

COMMUNICATIONS, PETITIONS, AND CLAIMS

Mr. Divis – The Planning Committee of Council met on April 1, 2013, to discuss the variance for the applicant New Creation Builders for the property located at 6155 Allanwood Rd. Permanent Parcel No. 448-13-117.

This is an Area variance of Section 1153.03(a) Single Family House Districts –Accessory Uses and Buildings. The proposal is to build a new garage larger than code allows. Maximum size

garage permitted on irregular lot size of approximately 7,000 sq. ft. is 730 sq. ft. The proposal is for 768 sq. ft., 38 more sq. ft. than permitted.

The Parma Board of Zoning Appeals voted to GRANT these variances.

The Planning Committee of Council, after discussion, recommended that this area variance be GRANTED.

Motion made by Councilman Divis, seconded by Councilwoman Galinas to grant the variance. Motion carried. Variance is granted.

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Mr. Divis - The Planning Committee of Council met this evening to discuss the Notice of Proposal to Vary for the applicant Mr. David Bradt of Richard L. Bowen & Associates for the property located at 7899 W. Ridgewood Drive on Permanent Parcel Numbers 449-25-001, 449-26-001, 449-27-002 and 449-27-005. The proposal is for the creation of outlot parcels. The request is for the following:

1. Area Variance of Section 1170.08 – Commercial Office Districts Schedule of Yard and Height Regulations. Front building setback required by in Shopping Center District is 100' and required front parking setback is 20'. The applicant is proposing front building setback of 30' and front parking setback of 10' four Outlot Parcels #2, 3, 4, 5, 6 and 7. This variance would result in 70' less for front building setback and 10' less front parking setback than Code requires.

2. Area Variance of Section 1170.06 – Commercial Office Districts – Schedule of Lot Area, Width and Coverage Regulations. Minimum lot size required by Code for Shopping Center complex is 5 acres in area. The following are being proposed:

- 1.27 acres for Parcel #2
- 1.0 acre for Parcel #3
- 0.99 acre for Parcel #4
- 0.95 acre for Parcel #5
- 1.50 acres for Parcel #6
- 1.94 acres for Parcel #7

This Variance would result in allowing minimum lot size Outlot Parcels as follows:

- Parcel #2 – 3.73 acres
- Parcel #3 - 4.00 acres
- Parcel #4 - 4.01 acres
- Parcel #5 – 4.05 acres
- Parcel #6 - 3.50 acres
- Parcel #7 - 3.96 acres

Motion made by Councilman Divis, seconded by Councilwoman Galinas to grant the above mentioned variances to Mr. David Bradt as recommended by the Board of Zoning Appeals and the Planning Committee of Council. Motion carried. Variances are granted.

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Communications received from Representative March Kaptur relative to our support of H.R. 129.

Notice to Legislative Authority from the Ohio Division of Liquor Control regarding a new C1 and C2 Liquor permit for Moran Foods, LLC dba Save A Lot 660, 6801 Ridge Road Parma Ohio 44129. Mailed 3/22/2013. Responses must be post marked no later than 4/22/2013.

Mr. Tuma stated that said Notice shall be referred to the Ward Council and Safety Director.

We are in receipt of the Cuyahoga County Board of Health 2012 Annual Report. A copy of this report shall be kept in the Council Office.

FIRST READING:

ORDINANCE NO. 87-13 4/1/13 L-87-13
BY: LARRY NAPOLI
 (By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL AGREEMENT FOR 2013 WITH THE CUYAHOGA COUNTY BOARD OF HEALTH FOR TASKS RELATED TO THE CITY'S NPDES PERMIT FOR STORM WATER MANAGEMENT, AND DECLARING AN EMERGENCY

Mr. Tuma – Said Ordinance shall be referred to the Finance Committee.

ORDINANCE NO. 89-13 4/1/13 L-89-13
BY: SCOTT M. TUMA
 (By Request – Recreation Director)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF PARMA HEIGHTS FOR A PARTNERSHIP OF HOSTING SUMMER BAND CONCERTS AT ANTHONY ZIELINSKI PARK IN THE CITY OF PARMA AND GREENBRIAR COMMONS IN THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY

Mr. Tuma – Said Ordinance shall be referred to the Public Service Committee.

SECOND READING:

RESOLUTION NO. 37-13 3/18/13 L-37-13
BY: SCOTT TUMA

A RESOLUTION URGING THE OHIO BOARD OF BUILDING STANDARDS TO CONSIDER AMENDING THE OHIO BUILDING CODE AND RESIDENTIAL CODE OF OHIO TO REQUIRE BOTH PHOTOELECTRIC AND IONIZATION SMOKE/FIRE DETECTORS IN SLEEPING ROOMS, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime, seconded by Councilwoman Galinas to hold Resolution No. 37-13 on Second Reading. Motion carried.

ORDINANCE NO. 68-13 3/18/13 L-68-13
BY: SCOTT TUMA
 (By Request – Service Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR SOFT DRINK VENDING MACHINES AND CONCESSION SALES, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime, seconded by Councilwoman Galinas to refer Ordinance No. 68-13 back to the Finance Committee. Motion carried.

ORDINANCE NO. 69-13 3/18/13 L-69-13
BY: BRIAN BROCHETTI
 (By Request – Service Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE JAMES DAY RESTROOMS RENOVATION PROJECT AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime, seconded by Councilwoman Galinas to refer Ordinance No. 69-13 back to the Finance Committee. Motion carried.

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ORDINANCE NO. 74-13 3/18/13 L-74-13
BY: BRIAN DAY
 (By Request – Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (a) "ADMINISTRATIVE CODE" OF SECTION 185.04 "FEES OF THE DIRECTOR OF PUBLIC SAFETY" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA TO ENACT A "TRAFFIC CRASH REPORT" FEE AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime, seconded by Councilwoman Galinas to hold Ordinance No. 74-13 on Second Reading. Motion carried.

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ORDINANCE NO. 75-13 3/18/13 L-75-13
BY: MARY GALINAS

AN ORDINANCE TO REZONE PERMANENT PARCEL NUMBERS 442-31-071 AND 442-31-050 FROM SINGLE-FAMILY B-1 DISTRICT TO COMMERCIAL DISTRICT LOCATED ON PEARL ROAD IN THE CITY OF PARMA

Motion made by Councilwoman Galinas, seconded by Councilman Napoli to amend Ordinance No. 75-13 to correct the zoning district and location. Motion carried.
Motion made Councilman Divis, seconded by Councilwoman Galinas to refer Ordinance No. 75-13 back to the Planning Committee as amended. Motion carried.

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ORDINANCE NO. 83-13 3/18/13 L-83-13
BY: SCOTT TUMA, DEBORAH LIME
 (By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE CITY OF PARMA TO PROCEED AND APPROPRIATE A SANITARY SEWER EASEMENT IN CERTAIN REAL PROPERTY KNOWN AS PERMANENT PARCEL NUMBER 448-23-001, LOCATED AT 6585 WEST RIDGEWOOD DRIVE IN THE CITY OF PARMA AND DECLARING AN EMERGENCY

Motion made by Councilman Napoli, seconded by Councilwoman Galinas to hold Ordinance No. 83-13. Motion carried.

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THIRD READING:

ORDINANCE NO. 49-13 3/4/13 L-49-13
BY: **MARY GALINAS**, LARRY NAPOLI, DEBORAH LIME, BRIAN BROCHETTI, ANDY
SCHOFIELD, ALLAN DIVIS, SCOTT TUMA
(By Request – Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC
SERVICE TO ENTER INTO AN ECONOMIC DEVELOPMENT GRANT AGREEMENT
WITH CLEVELAND FREIGHTLINER, INC. FOR JOB AND PAYROLL TAX CREATION
INCENTIVES AND DECLARING AN EMERGENCY

Motion made by Councilwoman Galinas, seconded by Councilman Napoli to adopt Ordinance No.
49-13.

Yes: Lime, Napoli, Schofield, Tuma, Brochetti, Divis, Galinas.

No: None; Ordinance No. 49-13 is adopted. Comments made by Lime/DeGeeter

ORDINANCE NO. 50-13 3/4/13 L-50-13
BY: **DEBORAH LIME**, LARRY NAPOLI, ANDY SCHOFIELD, SCOTT TUMA, BRIAN
BROCHETTI, ALLAN DIVIS, MARY GALINAS
(By Request – Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC
SAFETY TO WAIVE THE REQUIRED FEE WITHIN THE PARMA CODIFIED
ORDINANCES FOR ITINERANT VENDORS, AND ISSUING A ONE DAY PERMIT FOR
VENDORS PARTICIPATING IN THE MAY 5, 2013, POLISH CONSTITUTION DAY
PARADE, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Galinas, seconded by Councilman Napoli to adopt Ordinance No.
50-13.

Yes: Lime, Napoli, Schofield, Tuma, Brochetti, Divis, Galinas.

No: None; Ordinance No. 50-13 is adopted.

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SUSPENSION OF THE RULES:

RESOLUTION NO. 88-13 4/1/13 L-88-13
BY: SCOTT M. TUMA
(By Request – Auditor)

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

Mr. Tuma - Shall the statutory provision and Rule 48 requiring the full and distinct reading of
Resolution No. 88-13 on three different days be dispensed with?

Yes: Lime, Napoli, Tuma, Brochetti, Divis, Galinas, Schofield.

No: None; motion carried.

Mr. Tuma - Shall Rule 45 requiring reference to Committee be dispensed with and Resolution No.
88-13 be placed on final passage?

Yes: Lime, Napoli, Tuma, Brochetti, Divis, Galinas, Schofield.

No: None, motion carried.

Motion made by Councilwoman Galinas, seconded by Councilman Napoli to adopt Resolution No. 88-13.

Yes: Lime, Napoli, Tuma, Brochetti, Divis, Galinas, Schofield.

No: None; Resolution No. 88-13 is adopted.

Comments by Lime/DeGeeter.

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APPOINTMENTS

Councilman Divis – Mr. Chairman, the Appointment Scanning Committee met to discuss the following re-appointment to the Planning Commission. Joseph Giaimo whose term expires April 13, 2013, has been requested to be re-appointed for a six year term with an expiration of April 12, 2019. Motion was seconded by Councilwoman Galinas. Motion carried. Mr. Giaimo is re-appointed.

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PUBLIC COMMENT

No one wished to speak.

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MISCELLANEOUS BUSINESS

Mayor – Department of Public Works Annual Report should have been received by Council. Public Service Chairman should get the update presentation from the County. Wished everyone happy dingus day.

Councilwoman Lime – Thanked Council for passage of Ord. No. 50-13. Kudos to Safety Director and Police and the Crime Prevention and Det. Kinicky handled it.

Councilman Tuma – Thanked everyone for the opportunity to sit up there and he appreciates the work of President Council Brennan.

Councilman Divis - J.J. Marino, a friend of the family, was killed in a traffic accident and died yesterday.

Councilwoman Galinas – Also knew J.J. Marino from playing Hockey with her son. Stated that there is a collection being taken online for the funeral expenses. Glad for the sunshine and reminded everyone about the Safety Fair taking place on April 27th and to get their donations in.

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REPORT ON ABSENT MEMBERS

Motion made by Councilwoman Lime, seconded by Councilman Brochetti to excuse Councilmen Day and Casselberry and President of Council Sean P. Brennan. Motion carried.

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ADJOURNMENT

Motion made by Councilwoman Galinas, seconded by Councilwoman Lime to adjourn said meeting at 7:45 PM. Motion carried.

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CERTIFICATION

I, Kenneth A. Ramser, Clerk of Council for the City of Parma, Ohio, do hereby certify this to be a true and correct copy of the Minutes from the Regular Council Meeting held on Monday, April 1, 2013.

KENNETH A. RAMSER
CLERK OF COUNCIL

SCOTT M. TUMA
ACTING PRESIDENT OF COUNCIL

Lly Minutes completed on April 9, 2013.