

SEPTEMBER 19, 2016
REGULAR COUNCIL MEETING MINUTES
PARMA COUNCIL CHAMBERS
7:05 P.M.

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

COUNCIL MEMBERS PRESENT:

DEBORAH LIME
MARK CASSELBERRY
JEFFREY CROSSMAN
VITO DIPIERRO
LARRY NAPOLI
KRISTIN L. SABAN
SCOTT M. TUMA

COUNCIL MEMBERS ABSENT:

BRIAN BROCHETTI
ALLAN DIVIS

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

INVOCATION

The Invocation was given by Father Mark, St. Francis de Sales Catholic Church.

PLEDGE OF ALLEGIANCE

The Pledge was led by the Honor Guard from American Legion Post 703.

VOICE VOTE:

RESOLUTION NO. 187-16 9/19/16 L-187-16
BY: **J. CROSSMAN**, B. BROCHETTI, M. CASSELBERRY, V. DIPIERRO, A. DIVIS,
D. LIME, L. NAPOLI, K. L. SABAN, S. M. TUMA

A RESOLUTION HONORING ST. FRANCIS de SALES CATHOLIC CHURCH
ON THEIR 85TH ANNIVERSARY

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 187-16. Motion carried.

Councilman Crossman - Presented the Resolution, along with Certificates from the Auditor, Treasurer and Law Director to Father Mark of St. Francis de Sales Catholic Church.

Mayor DeGeeter - Presented a Proclamation.
Father Mark, accepted the Resolution, Proclamation and Certificates on behalf of St. Francis de Sales. Thanked everyone.

RESOLUTION NO. 183-16 9/19/16 L-183-16
BY: B. BROCHETTI, M. CASSELBERRY, J. CROSSMAN, V. DIPIERRO, A. DIVIS,
 D. LIME, L. NAPOLI, K. L. SABAN, S. M. TUMA

A RESOLUTION HONORING AND REMEMBERING OUR WORLD WAR II
VETERANS CITIZENS OF THE MONTH - SEPTEMBER, 2016

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 183-16. Motion carried.

Joe Benedict from the Cleveland Honor Flight called out each Veteran by name.
Mayor DeGeeter with the help of Director of Human Resources Thomas
Weinreich presented each Veteran with their respective awards.

LEGISLATIVE COMMENT

No one wished to speak.

DISPOSAL OF JOURNAL

Mr. Brennan - Stated you have before you the Minutes from the Special Council Meeting of September 6, 2016. Asked if there were any additions or corrections? Stated hearing none, the Minutes will stand approved as printed.

COMMUNICATIONS, PETITIONS AND CLAIMS

Councilman Tuma - Stated that the Planning Committee of Council met on Monday September 19, 2016, to discuss the Notice of Proposal to Vary for the applicants Julian & Heather Lysyj, for property at 10750 Johnson Drive, PPN 457-26-003.

The Parma Board of Zoning Appeals recommended to Council to GRANT the variance for Julian & Heather Lysyj, 7730 York Road, 44130 has requested a "Area" variance of the City of Parma Codified Ordinances of Section 1187.01(a) – AREA REGULATIONS – AREA DISTRICT REGULATIONS. Minimum lot size required by Code with sanitary sewer (Zoning SF A 1): 60' wide x 150' deep and 9,000 sq. ft. in area. The proposal is to erect a new modular home on newly split lot at 10750 Johnson Dr. Proposed lot size of 120' x 75' for newly created parcel A (10750 Johnson) has lot depth of 75'. This variance would result in allowing 75' less lot depth on parcel of 9,000 sq. ft. in SF A 1 district. The PPN is 457-26-003. By granting this variance the intent behind the Zoning and Building requirements would be observed and the variance is substantial.

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.

Councilman Crossman - Stated that he wanted to point out for the record that this was discussed now in two Planning Committee Meetings and several factors were considered in Council's decision. However that decision comes out, I know that Council colleagues have considered the various factors involved in making these decisions on the Variance including:

- Whether there is beneficial use to the land with out the Variance.
- Whether the variance is substantial.
- Whether the essential characters are substantially altered.
- Whether the adjoining properties would suffer substantial depourment.
- Whether the variance would affect government services.
- Whether the property owners bought the property knowing the restrictions.
- Whether the property owners predicament would be obligated through some other method.
- Whether the spirit and the intent behind the zoning would be observed if the variance was to be granted.

So, factoring in all those factors that are set forth in the Ohio Supreme Court decisions on these matters, I would recommend my colleagues approve the motion to deny the variance.

Motion made by Councilman Tuma seconded by Councilman Crossman to overrule the recommendation of the BZA and to DENY the variance. Motion carried.

Councilman Tuma - Stated that the Parma Council Planning Committee met on Tuesday, September 13, 2106, to discuss the Variance, FOR THE APPLICANT Joe Presot of Vayda Architects. PPN 449-27-013.

The Parma Board of Zoning Appeals recommended to Council to GRANT the variance for Joe Presot, 190 Ventura Circle of Vayda Architects, Brooklyn Heights, OH 44131 who has requested an "Area" variance of the City of Parma Codified Ordinances of Section 1197.05(27) – OFF STREET PARKING AND LOADING FACILITIES – SCHEDULE OF REQUIRED PARKING – BUSINESS (SMALL DEVELOPMENT). The request is for fewer parking spaces than permitted by Code for property located at 8800 Day Drive (Oishi Express). For eating places Code allows for 1 space per 50 sq. ft. plus 10 stacking spaces for the drive-through window – 24 spaces total required. The proposal is for a total of 16 parking spaces. This variance, if granted, would result in allowing 8 less parking spaces than required by Code. The PPN is 449-27-013.

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 Tuma seconded by Councilman Casselberry to GRANT the variance. Motion carried.

FIRST READING:

ORDINANCE NO. 181-16 9/19/16 L-181-16
BY: S. M. TUMA
(By Request - Treasurer)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$5,850,000 FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF THE CITY'S MUNICIPAL FACILITY IMPROVEMENT REFUNDING BONDS, SERIES 2006 (LIMITED TAX), AND DECLARING AN EMERGENCY

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

ORDINANCE NO. 182-16 9/19/16 L-182-16
BY: S. M. TUMA
(By Request - Treasurer)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$2,575,000 FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING , CONSTRUCTING, EQUIPPING, FURNISHING AND IMPROVING A NEW POLICE, FIRE AND EMERGENCY MEDICAL SERVICES COMMUNICATIONS CENTER IN THE CITY OF PARMA, OHIO, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO AND DECLARING AN EMERGENCY

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

ORDINANCE NO. 186-16 9/19/16 L-186-16
BY: D. 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 PURCHASE OF SIX (6) THERMAL IMAGER CAMERAS, FOR THE PARMA FIRE DEPARTMENT, AND DECLARING AN EMERGENCY

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

SECOND READING:
ORDINANCE NO. 170-16 9/6/16 L-170-16

BY: D. LIME
(By Request - Safety Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COMMUNITY COLLEGE WESTERN CAMPUS TO HOUSE THEIR PRISONERS IN THE CITY OF PARMA DETENTION CENTER, AND DECLARING AN EMERGENCY

Motion made by Councilman Napoli seconded by Councilman Crossman to refer Ordinance No 170-16 back to the Public Safety Committee. Motion carried.

ORDINANCE NO. 171-16 9/6/16 L-171-16

BY: D. LIME
(By Request - Safety Director)

AN ORDINANCE TO AMEND SECTION 143.01 "PERSONNEL WITHIN RANKS" WITHIN CHAPTER 143 "DIVISION OF POLICE" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Napoli seconded by Councilman Casselberry to refer Ordinance No. 171-16 back to the Public Safety Committee. Motion carried.

ORDINANCE NO. 172-16 9/6/16 L-172-16

BY: D. LIME
(By Request - Safety Director)

AN ORDINANCE TO AMEND A PORTION OF EXHIBIT "A" OF ORDINANCE NO. 348-04 TO ADD THE POSITION OF "DEPUTY POLICE CHIEF" WITHIN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

Motion made by Councilman Napoli seconded by Council Casselberry to refer Ordinance No. 172-16 back to the Public Safety Committee. Motion carried.

ORDINANCE NO. 174-16 9/6/16 L-174-16

BY: V. DIPIERRO
(By Request - Community Services/Economic Development Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES & ECONOMIC DEVELOPMENT TO IMPLEMENT THE 2016 STREETScape IMPROVEMENT 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 COMMERCIAL CURB, PUBLIC SIDEWALK, CATCH BASIN AND TREE LAWN, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 174-16 back to the Finance Committee. Motion carried.

ORDINANCE NO. 179-16 9/6/16 L-179-16
BY: S. M. TUMA
 (By Request - Service Director)

AN ORDINANCE TO AMEND VARIOUS PORTIONS 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 FEES WITHIN THE RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 179-16 back to the Finance Committee. Motion carried.

ORDINANCE NO. 180-16 9/6/16 L-180-16
BY: S. M. TUMA
 (By Request - Service Director)

AN ORDINANCE TO AMEND A PORTION OF EXHIBIT "A" OF ORDINANCE NO. 423-06 RELATIVE TO THE PART-TIME SOCCER REFEREE POSITION WITHIN THE DIVISION OF PARKS AND RECREATION, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 180-16 back to the Finance Committee. Motion carried.

THIRD READING:

RESOLUTION NO. 150-16 8/1/16 L-150-16
BY: S. M. TUMA
 (By Request - Auditor)

A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF PARMA ON BEHALF OF THE STATE OF OHIO TO REIMBURSE ITS CHEVY BLVD. AREA STORM AND SANITARY SEWER IMPROVEMENT FUND FOR THE CHEVY BLVD. AREA STORM AND SANITARY SEWER IMPROVEMENT (CAO3T) WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 150-16.

Yes: Lime, Napoli, Saban, Tuma, Casselberry Crossman, Dipierro.
No: None; Resolution No. 150-16 is adopted.

ORDINANCE NO. 155-16

8/1/16

L-155-16

BY: D. LIME
(By Request - Safety Director)

AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH A SPECIAL REVENUE FUND ENTITLED "PAYROLL STABILIZATION FUND", AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 155-16.

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

No: None; Ordinance No. 155-16 is adopted.

ORDINANCE NO. 156-16

8/1/16

L-156-16

BY: S. M. TUMA
(By Request - Clerk of Court)

AN ORDINANCE AUTHORIZING THE CLERK OF COURT TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR EQUIPMENT NECESSARY FOR DISASTER RECOVERY AT THE PARMA MUNICIPAL COURT, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 156-16.

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

No: None; Ordinance No. 156-16 is adopted.

ORDINANCE NO. 157-16

(FINANCE)

8/1/16

L-157-16

BY: S. M. TUMA
(By Request - Clerk of Court)

AN ORDINANCE AUTHORIZING THE CLERK OF COURT TO ENTER INTO A CONTRACT WITH ZENITH SYSTEMS AV SOLUTIONS GROUP FOR AN UPGRADE OF THE VIDEO ARRAIGNMENT SYSTEM IN THE COMPUTER ROOM, AND COURT ROOMS IN THE PARMA MUNICIPAL COURT, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to amend Ordinance No. 157-16 by amending Section 1 to read as follows: That the Clerk of Court is hereby authorized to enter into a contract with Zenith Systems AV Solutions Group for an upgrade of the video arraignment system in the computer room and court rooms in the Parma Municipal Court at a cost not to exceed \$80,222.92. **Equipment provided pursuant to the contract with Zenith Systems are priced at or below Ohio state term contract pricing.** Further, I move to waive Rule 52 and place Ordinance No. 157-16 on Third Reading as amended for passage.

Mr. Brennan - Thanked Mr. Vittardi for keeping up with technology.

Yes: Lime, Napoli, Saban, Tuma, Casselberry, DiPierro,
No: Crossman; Ordinance No. 157-16 is adopted.

SUSPENSION OF THE RULES:

Mr. Brennan - Shall the statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 184-16 and Resolution No. 185-16 on three different days be dispensed with?

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

No: None; Motion carried.

Mr. Brennan - Shall Rule 45 requiring reference to committee be dispensed with and Resolution No. 184-16 and Resolution No. 185-16 be placed on final passage?

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

No: None; Motion carried.

RESOLUTION NO. 184-16 9/19/16 L-184-16

BY: **D. LIME**, Napoli, Saban, Tuma, Casselberry, Crossman, Dipierro

(By Request - Mayor)

A RESOLUTION IN SUPPORT OF THE RENEWAL LEVY FOR THE PARMA POLICE (ISSUE 85) ON THE NOVEMBER 8, 2016, GENERAL ELECTION BALLOT, AND DECLARING AN EMERGENCY

Councilman Tuma - Asked to hear from the Administration regarding the Resolution on what it entails.

Mayor DeGeeter - Stated that this is the same as any renewal levy in the past. The Resolution is asking to have it on the ballot in November. He also asked Council if they had any suggestions for the campaign.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 184-16.

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

No: None; Resolution No. 184-16 is adopted.

RESOLUTION NO. 185-16 9/19/16 L-185-16

BY: **S. 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

Councilwoman Lime - Asked about the post certifications for the golf course?

Recreation Director Vittardi - Stated that all but one of the costs are food related. These are for blankets that have expired. The golf course is attempting to provide more services for golf outings.

Councilman Crossman - Asked for a update on the golf course, where it is financially?

Recreation Director Vittardi - Stated that he is confident with the progress that they are making at the golf course. They are ahead of pace.

Councilwoman Lime- Asked about the comment on the post certification "3 invoices on same day with no PO requested?

Service Director Higgins - Stated that the amount was over \$250 and his workers did not get a purchase order in a timely fashion.

Mayor DeGeeter - Wanted everyone to know that the golf course is using local vendors. They are also working on getting more golf outings.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 185-16.

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

No: None; Resolution No. 185-16 is adopted.

PUBLIC SESSION

Wayne Metzger, Westminster - Announced his candidacy for the Parma City School Board.

Stated that the Alive Inside Foundation was part of a conference in New York City with over 400 executives from corporations with revenues over \$5,000,000. They were charity of choice. They announced their initiative to give away one million head phones along with volunteers to give them away to people in the United States that are suffering from Alzheimer's.

MISCELLANEOUS BUSINESS

Mayor DeGeeter - Thanked Jeannie Roberts and Ken Ramser for their hard work on recognizing the World War II Veterans as Citizens of the Month. Also, there is first of a series of community meetings for the schools. The first one has been moved from Tuesday to Wednesday September 21, at Hillside Middle School.

Safety Director O'Malley - No comment.

Service Director Higgins - No comment.

Auditor Day - Congratulated the both of the Award winners. Also everyone that worked for the WWII Veterans. They are truly the greatest generation.

Law Director Dobeck - No comment.

Treasurer Mastroianni - No comment.

Councilwoman Lime - Thanked everyone for their hard work on the WWII Citizen of the month awards. Thanked Council for passing the Resolution supporting the Police levy. Stated that September 18 was the first Polish Village/Ward 2 kid fest. It was a great event and it was very well attended.

Councilman Napoli - Stated that it was a outstanding evening.

Councilwoman Saban - Stated that it was a emotional evening looking into the faces of all the Veterans.

Councilman Tuma - Stated that it was a job well done with the Resolution for the Veterans. Also that he was thrilled to see Helen Jeris who is over 90 years old. She is a fantastic lady.

Councilman Casselberry - Congratulated all the Veterans and Mr. Ehlerl for nominating them as Citizens of the Month.

Councilman Crossman - Stated that it was a touching evening.

Councilman Dipierro - Stated that this was his favorite presentation to date.

Councilman Brennan - No comment.

REPORT ON ABSENT OFFICIALS

Motion made by Councilman Crossman seconded by Councilman Napoli to excuse Councilman Brochetti and Councilman Divis from said meeting. Motion carried.

ADJOURNMENT

Motion made by Councilman Crossman seconded by Councilman Dipierro to adjourn said meeting at 8:30 P.M. Motion carried.

CERTIFICATE

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, September 19, 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 September 16, 2016)