

FEBRUARY 20, 2018
MINUTES OF REGULAR COUNCIL MEETING
PARMA COUNCIL CHAMBERS
7:43 P.M.

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

COUNCIL MEMBERS PRESENT: VITO DIPIERRO
ALLAN DIVIS
DEBORAH LIME
KRISTIN L. SABAN
BRIAN BROCHETTI
MARK CASSELBERRY
JEFFREY CROSSMAN
COUNCIL MEMBERS EXCUSED: DENNIS M. KISH
LARRY NAPOLI

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 Dobeck, Auditor Brian Day, Treasurer Tom Mastroianni, Service Director Brian Higgins, Building Commissioner/City Engineer Paul Deichmann, Communications and Community Relations Director Jeannie Roberts, Recreation Commissioner Mickey Vittardi and Clerk of Council Kenneth A. Ramser.

INVOCATION

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

MOMENT OF SILENCE

There was a moment of silence for Mrs. Dorothy Hazel who recently passed away.

PLEDGE OF ALLEGIANCE

LEGISLATIVE COMMENT

No one wished to speak.

DISPOSAL OF JOURNAL

Mr. Brennan – Stated you have before you the Minutes from the Regular Council meeting of February 5, 2018. 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

Councilman Divis - Stated that the Planning Committee of Council met this evening, to discuss the Notice of Proposal to Vary for the Applicant Anthony R. Vacanti, Esq. of Buckingham, Doolittle & Burroughs, LLC, 1375 E. 9th St., Ste 1700, Cleveland,

OH 44114 representing Bola Morgan, Morgan's Towing & Auto Service, 5701 Pearl Rd., Parma 44129. PPN 443-04-012.

The request is for a "Use" variance of the City of Parma Codified Ordinances of Section 1170.03 – COMMERCIAL/OFFICE DISTRICTS – SCHEDULE OF PERMITTED BUILDINGS AND USES. The sale of used products is not included in permitted buildings and uses in the Retail Business District. Permitted only in Commercial Manufacturing A & B Districts. The proposal is for property located at 5701 Pearl Rd to use existing building in Retail Business District for sale of used tires. This variance would result allowing the use of building in Retail Business District for sale of used tires. The stipulations are:

1. All business operations shall conform to Parma's Ordinances, including but not limited to, the performance standards set forth in section 1170.15 of the Parma Codified Ordinances.
2. Tire racks may be displayed outside of the building between the hours of 9 A.M. and 6 P.M. All tires and racks shall be stored within the enclosed building at all other times.
3. No business operations shall be conducted on any street or other public right-of-way.
4. All signage shall conform to Parma's Ordinances. Signs that are not permitted under Parma's Ordinances must be removed.
5. All Building, Zoning and Property Maintenance regulations must be met 30 days from date approval by Parma City Council, unless additional time is required due to weather or other circumstances outside the reasonable control of the applicant, in which case an additional reasonable time not to extend past June 1, 2018 will be granted.
6. No vehicle may be used for storage.
7. All vehicles must be licensed and plated.
8. Any and all parking on side street (Dresden) shall comply with all parking regulations set forth in the Parma Codified Ordinances.
9. No parking on sidewalk.
10. Clean sidewalk of oil.
11. No abutting property shall be used to conduct any business operations, for the disposal of waste products, or for storage of any sort.
12. No car sales anywhere on property.
13. Sidewalks must be cleared of snow.
14. Violation of any stipulation set herein shall result in the revocation of the use variance.

Discussion took place between Council, Attorney for Applicant and Law Director regarding whether or not the applicant was going to withdraw his application for the variance due to him only having 30 minutes to work on his work vehicle. It was decided not to withdraw.

Motion made by Councilman Divis seconded by Councilman Casselberry to GRANT the Variance with the Stipulations as recommended by the Planning Committee of Council. Motion carried.

FIRST READING:

ORDINANCE NO. 21-18 2/20/18 L-21-18

BY: V. DIPIERRO
(By Request – Human Resources Director)

AN ORDINANCE TO AMEND A PORTION OF EXHIBIT "A" OF ORDINANCE NO. 423-06 TO INCLUDE THE POSITION OF "PART-TIME LABORER" WITHIN THE PARMA PUBLIC HOUSING AGENCY, AND DECLARING AN EMERGENCY

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

ORDINANCE NO. 23-18 2/20/18 L-23-18

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

AN ORDINANCE TO ENACT SECTION (4) OF SUBSECTION (a) "ADMINISTRATIVE FEES" OF SECTION 185.03 "FEES OF THE FIRE CHIEF" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA RELATIVE TO CPR/AED/FIRST AID TRAINING, AND DECLARING AN EMERGENCY

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

ORDINANCE NO. 24-18 2/20/18 L-24-18

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

AN ORDINANCE TO AMEND SECTION 1302.01 "ADOPTION" OF CHAPTER 1302 "OHIO FIRE CODE" IN PART THIRTEEN "FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mr. Brennan – Said Ordinance will be referred to the Public Safety Committee.

SECOND READING:

ORDINANCE NO. 184-17 9/18/17 L-184-17

BY: B. BROCHETTI
(By Request – Auditor)

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE CITY OF PARMA, OHIO, DURING THE PERIOD FROM JANUARY 1, 2018, TO AND INCLUDING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY

Motion made by Councilman Brochetti seconded by Councilman Casselberry to refer Ordinance No. 184-17 back to the Finance Committee. Motion carried.

ORDINANCE NO. 16-18 2/5/18 L-16-18

BY: B. BROCHETTI
(By Request – Service Director)

AN ORDINANCE TO AMEND A PORTION OF SECTION 1 OF ORDINANCE NO. 52-17 RELATIVE TO THE 2017-2018 CWD BACKFILL PAVEMENT REPAIR PROGRAM, AND DECLARING AN EMERGENCY

Motion made by Councilman Brochetti seconded by Councilman Casselberry to refer Ordinance No. 16-18 back to the Finance Committee. Motion carried.

ORDINANCE NO. 18-18 2/5/18 L-18-18

BY: B. BROCHETTI

AN ORDINANCE TO REZONE PERMANENT PARCEL NUMBERS 457-15-022, 457-15-002 AND 457-15-023, LOCATED ON W. 130TH STREET NEAR SPRAGUE ROAD, FROM RETAIL BUSINESS AND SINGLE FAMILY (C-1) AND (A-1) TO RETAIL BUSINESS (C-1) IN THE CITY OF PARMA

Motion made by Councilman Divis seconded by Councilman Casselberry to refer Ordinance No. 18-18 back to the Planning Committee. Motion carried.

THIRD READING:

ORDINANCE NO. 236-17 2/4/17 L-236-17

BY: B. BROCHETTI
(By Request – Treasurer)

AN ORDINANCE TO AMEND SUBSECTION (1) AND (1)(C) IN SECTION 184.06 "SOURCING NET PROFITS"; AMEND SUBSECTION (a) IN SECTION 184.10 "OHIO BUSINESS GATEWAY"; AND AMEND SUBSECTION (D) IN SECTION 184.13 "DECLARATION OF ESTIMATED TAXES", IN CHAPTER 184 "MUNICIPAL INCOME TAX" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA AND DECLARING AN EMERGENCY

Motion made by Councilman Brochetti seconded by Councilman Casselberry to accept Substitute Ordinance No. 236-17 which amends the language on the previous Ordinance No. 236-17 as stated in the substitute legislation. Further moved to waive Rule 52, have a Roll Call Vote on Rule 45 and place Substitute Ordinance No. 236-17 on Third Reading for passage. Motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to Committee be dispensed with and Substitute Ordinance No. 236-17 be placed on final passage?

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.

No: None; motion carried,

Motion made by Councilman Brochetti seconded by Councilman Casselberry to adopt Substitute Ordinance No. 236-17.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.

No: None; Substitute Ordinance No. 236-17 is adopted.

RESOLUTION NO. 1-18

1/22/18

L-1-18

BY: J. CROSSMAN

A RESOLUTION TO DESIGNATE THE CLERK OF COUNCIL AND THE CHIEF DEPUTY CLERK OF COUNCIL AS THE DESIGNEES OF THE COUNCIL OF THE CITY OF PARMA TO ATTEND THE REQUIRED PUBLIC RECORDS TRAINING AS MANDATED BY STATE LAW, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 1-18.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.

No: None; Resolution No. 1-18 is adopted.

ORDINANCE NO. 4-18

1/22/18

L-4-18

BY: K. SABAN

(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH MACKAY ENGINEERING & SURVEYING COMPANY FOR PROFESSIONAL DESIGN SERVICES FOR THE BROADROCK COURT AND OLD ROCKSIDE ROAD SANITARY SEWER PROJECT IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Brochetti seconded by Councilman Casselberry to amend Ordinance No. 4-18 as follows: In Section 3, insert Fund No. 405-405, Account No. 62110-00418. Further moved to waive Rule 52 and place Ordinance No. 4-18 on Third Reading for final passage as amended. Motion carried.

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 4-18 as amended.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.

No: None; Ordinance No. 4-18 is adopted as amended.

RESOLUTION NO. 5-18

1/22/18

L-5-18

BY: M. CASSELBERRY, A. DIVIS, D. LIME, K. L. SABAN, B. BROCHETTI,
J. CROSSMAN
(By Request – Building Commissioner)

A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT PARCEL NUMBER 444-17-021, 4418 PERSHING AVENUE, PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 5-18.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.

No: None; Resolution No. 5-18 is adopted.

RESOLUTION NO. 6-18 1/22/18 L-6-18

BY: J. CROSSMAN, K. SABAN, A. DIVIS
(By Request – Service Director)

A RESOLUTION TO EXEMPT CERTAIN PARCELS OF LAND FROM SPECIAL SPECIAL ASSESSMENTS FOR STREET LIGHTS, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 6-18.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.

No: None; Resolution No. 6-18 is adopted.

ORDINANCE NO. 7-18 1/22/18 L-7-18

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

AN ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH TIM LALLY CHEVROLET, INC., TO PURCHASE TWO (2) 2018 CHEVROLET IMPALAS FOR THE PARMA POLICE DEPARTMENT, UNDER THE STATE OF OHIO PROCUREMENT PRICING, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 7-18.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.

No: None; Ordinance No. 7-18 is adopted.

RESOLUTION NO. 8-18 1/22/18 L-8-18

BY: J. CROSSMAN, K. SABAN
(By Request – City Engineer)

A RESOLUTION TO EXEMPT CERTAIN PARCELS OF LAND, UPON MEETING CERTAIN CRITERIA, FROM SPECIAL ASSESSMENTS FOR THE MAINTENANCE OF SANITARY SEWERS, STORM SEWERS, AND WATER MAINS, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 8-18.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.

No: None; Resolution No. 8-18 is adopted.

ORDINANCE NO. 9-18 1/22/18 L-9-18

BY: K. SABAN, J. CROSSMAN
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH EUTHENICS INC. FOR PROFESSIONAL DESIGN SERVICES FOR THE RESURFACING OF BROADVIEW ROAD FROM WEST RIDGEWOOD DRIVE TO SNOW ROAD AND THE BRIDGE OVER WEST CREEK TO BROOKPARK ROAD IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 9-18.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.
No: None; Ordinance No. 9-18 is adopted.

ORDINANCE NO. 10-18 1/22/18 L-10-18

BY: D. LIME
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH KS ASSOCIATES FOR PROFESSIONAL DESIGN SERVICES FOR THE SOUTH CANTERBURY CULVERT REPLACEMENT PROJECT IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 10-18.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.
No: None; Ordinance No. 10-18 is adopted.

RESOLUTION NO. 11-18 1/22/18 L-11-18

BY: K. SABAN
(By Request – City Engineer)

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE BROOKDALE AVENUE AND BROADVIEW ROAD IN THE CITY OF PARMA, OHIO, BY PROVIDING THE INSTALLATION OF SANITARY SEWERS, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 11-18.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.
No: None; Resolution No. 11-18 is adopted.

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

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH CLEVELAND COMMUNICATIONS, SOLE SOURCE PROVIDER, FOR A THREE (3) YEAR PERIOD FOR MAINTENANCE AND SERVICES TO THE CITY OF PARMA'S RADIO SYSTEM, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 13-18.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.
No: None; Ordinance No. 13-18 is adopted.

SUSPENSION OF THE RULES:

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 20-18 and Resolution No. 22-18 on three different days be dispensed with?

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.
No: None; motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to committee be dispensed with and Resolution No. 20-18 and Resolution No. 22-18 be placed on final passage?

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.
No: None; motion carried.

BY: B. BROCHETTI
(By Request – Mayor)

A RESOLUTION APPROVING THE OHIO EPA 319 GRANT APPLICATION NAMING WEST CREEK CONSERVANCY AS THE DESIGNATED AGENT/ COORDINATOR FOR THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mayor DeGeeter – Stated this application was brought to them by Derek Schafer from West Creek. It is for stream flood plain restoration project along Baldwin Creek in Ward 7 on the Craigleigh property and just west of York Road where it heads into the Bonny Banks basin.

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 20-18.

Yes: Dipierro, Divis, Lime, Saban, Brochetti, Casselberry, Crossman.
No: None; Resolution No. 20-18 is adopted.

BY: B. BROCHETTI
(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 – Questioned All Pro Technology Software Annual Lease for the Building Department for \$3,000.00. Asked why the City was going forward with an annual lease if they are going to be changing directions in the Building Department technology?

Building Commissioner Deichmann – Stated it is an annual lease and renewal. They do need it at this point in time. It will be some time before the new system is up and running.

Councilwoman Lime – Questioned the Annual term and possibly going on a month to month term.

Building Commissioner Deichmann – Stated they would have to go back to All Pro and ask for a new contract. Doesn’t know if they would agree to that.

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 22-18.

Yes: Dipierro, Divis, Saban, Brochetti, Casselberry, Crossman.

No: Lime; Resolution No. 22-18 is adopted.

PUBLIC SESSION

Resident commented on the future demolition of a home on Dresden.

MISCELLANEOUS BUSINESS

Mayor DeGeeter – No comment.

Service Director Higgins – No comment.

Auditor Day – No comment.

Law Director – No comment.

Treasurer – No comment.

Motion made by Councilman Dipierro seconded by Councilman Casselberry to waive the Round Robin portion of the Council Meeting. Motion carried.

REPORT ON ABSENT OFFICIALS

Motion made by Councilman Divis seconded by Councilwoman Lime to excuse Council Members Kish and Napoli from said meeting. Motion carried.

ADJOURNMENT

Motion made by Councilman Crossman seconded by Councilman Casselberry to adjourn said meeting at 8:32 P.M. Motion carried.

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 Tuesday, February 20, 2018.

/s/ Kenneth A. Ramser

KENNETH A. RAMSER
CLERK OF COUNCIL

/s/ Sean P. Brennan

SEAN P. BRENNAN
PRESIDENT OF COUNCIL

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