

**JUNE 3, 2013
PARMA CITY HALL COUNCIL CHAMBER
REGULAR COUNCIL MEETING
7:00 P.M.**

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

COUNCIL MEMBERS PRESENT: MARK CASSELBERRY
 BRIAN DAY
 ALLAN DIVIS
 MARY GALINAS
 DEBORAH LIME
 LARRY NAPOLI
 ANDY SCHOFIELD
 SCOTT TUMA
 BRIAN BROCHETTI

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, Treasurer Tom Mastroianni, Service Director Brian Higgins, Safety Director Gregory Baeppler, Building Commissioner/City Engineer Paul Deichmann, Recreation Commissioner Mickey Vittardi, Communications and Community Relations Director Jeannie Roberts, Senior Citizen Director JoAnn Mason, Community Development Director Erik Tollerup, Chief of Staff Michael Culp, Economic Development Officer/Grant Writer Shelley Cullins, Director of Public Housing Lev Kulchytsky and Clerk of Council Kenneth A. Ramser.

INVOCATION

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

PLEDGE OF ALLEGIANCE

VOICE VOTE:

RESOLUTION NO. 138-13 6/3/13 L-138-13

BY: L. NAPOLI, B. BROCHETTI, M. CASSELBERRY, B. DAY, MARY GALINAS,
 A. SCHOFIELD, D. LIME, A. DIVIS, S. TUMA

A RESOLUTION HONORING TRENTON CRAMER STATE AND
WORLD RECORD DEAD LIFT HOLDER HILLSIDE MIDDLE SCHOOL
STUDENT ATHLETE

Motion made by Councilman Tuma seconded by Councilman Day to adopt Resolution No. 138-13. Motion carried.

Councilman Napoli – Presented Resolution and Certificates to Trenton and congratulated him.

Mayor DeGeeter – Presented Proclamation.

RESOLUTION NO. 136-13 6/3/13 L-136-13
BY: M. CASSELBERRY, D. LIME, B. BROCHETTI, B. DAY, A. DIVIS, M. GALINAS,
A. SCHOFIELD, L. NAPOLI, S. TUMA

A RESOLUTION HONORING ST. CHARLES BORROMEIO
JUNIOR HIGH TRACK TEAM

Motion made by Councilman Tuma seconded by Councilman Day to adopt Resolution No. 136-13. Motion carried.

RESOLUTION NO. 141-13 6/3/13 L-141-13
BY: S. TUMA, B. BROCHETTI, M. CASSELBERRY, B. DAY, A. DIVIS, M. GALINAS,
A. SCHOFIELD, D. LIME, L. NAPOLI

A RESOLUTION HONORING ELIZABETH LUCARELL CITIZEN
OF THE MONTH – MAY 2013

Motion made by Councilman Tuma seconded by Councilman Day to adopt Resolution No. 141-13. Motion carried.

Councilman Tuma – Presented Resolutions and Certificates to Elizabeth and congratulated her.

Mayor DeGeeter- Presented Proclamation.

RESOLUTION NO. 142-13 6/3/13 L-142-13
BY: B. BROCHETTI, M. CASSELBERRY, B. DAY, A. DIVIS, M. GALINAS,
D. LIME, L. NAPOLI, A. SCHOFIELD, S. TUMA

A RESOLUTION HONORING PARMA GIRL SCOUTS SERVICE
UNIT #723 SELFLESS COMMUNITY SPIRIT AWARD

Motion made by Councilman Tuma seconded by Councilman Day to adopt Resolution No. 142-13. Motion carried.

Councilman Day – Presented Resolution to the girls.

Mayor DeGeeter – Presented Proclamation.

President of Council Brennan and Mayor DeGeeter – Presented the patches to the girls.

LEGISLATIVE COMMENT

No one wished to speak.

DISPOSAL OF JOURNAL

Mr. Brennan – Stated you have before you the minutes from the Public Hearing held on May 6, 2013 and from the Regular Council Meetings held on May 6, 2013 and

May 20, 2013. 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

Councilman Divis - Stated, on September 18, 2012, Council granted several Variances to the applicant Mr. Kevin P. Harrison, owner of A Touch of Class A/B Inc., located at 1611 Brookpark Road on Permanent Parcel Nos. 445-05-006, 007, and 008, and on April 16, 2013, Council granted the applicant an extension. Due to a typographical error on one of the Variance requests, Motion made by Councilman Divis seconded by Councilman Day to Reconsider a portion the applicant's request which was for an "Area" Variance of Section 1170.08 – Commercial Office Districts – Schedule of Yard and Height Regulations. A 12' side and rear building setback is required from the adjacent residential property. The request is for an 8' setback. Motion carried.

Motion made by Councilman Divis seconded by Councilman Day to amend and grant the Reconsidered variance as follows: "Area" Variance of Section 1170.08 – Commercial Office Districts – Schedule of Yard and Height Regulations" a 12' side and rear building setback is required from the adjacent residential property. The request is for a 0' setback. There is a stipulation that there is a 2' setback with a fence. The applicant has agreed to that. Motion carried.

The Parma Board of Zoning Appeals met on Tuesday, May 14, 2013 and PROPOSED TO VARY, subject to the provisions of amended Ordinance 1127 .13 (confirmation or rejection by Council within forty days of the receipt of this notice) FOR THE APPLICANT Rick Faulkman, 2432 Keystone, Parma, OH 44134. PPN 446-09-052.

After discussion Mr. Mastrobuono made the following recommendation:

"I make a motion to recommend to Council to grant the following variance to Rick Faulkman, 2432 Keystone, Parma, Oh 44134 has requested an "Area" variance of the City of Parma Codified Ordinances of Section 1153.03(a) – SINGLE FAMILY HOUSE DISTRICTS – ACCESSORY USES AND BUILDINGS. The proposal is to build new garage larger than Code allows at 2432 Keystone. Maximum size garage permitted on lot size of 60' x 200' (12,000 Sq. Ft.) is 800 sq. ft. The proposed new garage is 912 sq. ft. on lot size of 60' x 200' (12,000 Sq. Ft.). This variance would result in allowing 112 more sq. ft. for detached garage on lot size of 60' x 200' (12,000 Sq. Ft.) PPN. 446-09-052. There are several stipulations that there will be no business will be operated out of the garage and no other outbuildings or shed be erected on the property. The essential character of the neighborhood would not be substantially altered and the spirit and intent of the Zoning Ordinance would be observed and substantial justice will be done".

Mr. Ziefle seconded the motion. Mrs. Kraft, Mr. Ziefle, Mr. Yurkiw, Mr. Mastrobuono and Mr. O'Connor voted yes.

Mr. Brennan – Said Variance will be referred to the Planning Committee.

The Parma Board of Zoning Appeals met on Tuesday, May 14, 2013 and PROPOSED TO VARY, subject to the provisions of amended Ordinance 1127 .13 (confirmation or rejection by Council within forty days of the receipt of this notice) FOR THE APPLICANT Joseph Bodnar, Aquila Architectural Group LLC, 701 Kethron Ave., Cuyahoga Falls, Oh 44221 for property at 5618 Broadview Rd (Yurch Funeral Home). PPN 445-25-002 & 006.

After discussion Mr. Ziefle made the following recommendation:

"I make a motion to recommend to Council to grant a variance to Joseph Bodnar, Aquila Architectural Group LLC, 701 Kethron Ave., Cuyahoga Falls, OH 44221 has requested a "Area" variance of the City of Parma Codified Ordinances of Section 903.05(d)-SIDEWALKS – SIDEWALK WIDTH, ROUGHING, GRADING. The Applicant is proposing no brickscaping on east side of property along Broadview Road at 5618 Broadview Rd (Yurch Funeral Home). Code requires brickscaping shall be installed along all frontages in commercial and retail rights-of-way, which are undergoing new construction or exterior alterations. This variance would result in allowing for no brickscaping along frontage of a commercial property right-of-way, which is under going exterior alterations. The PPN is 445-25-002 & 006. By granting this variance the character of the neighborhood would not be substantially altered and by granting this variance the intent of the Zoning and Building requirements would be observed."

Mrs. Kraft seconded the motion. Mr. Mastrobuono, Mr. Yurkiw, Mrs. Kraft, Mr. Ziefle and Mr. O'Connor voted yes.

Mr. Brennan – Said Variance will be referred to the Planning Committee.

The Parma Board of Zoning Appeals met on Tuesday, May 14, 2013 and PROPOSED TO VARY, subject to the provisions of amended Ordinance 1127 .13 (confirmation or rejection by Council within forty days of the receipt of this notice) FOR THE APPLICANT George Gustovich, Creative Realty Group, for property at 6919 Ridge Rd. PPN is 450-17-005 & 006.

After discussion Mr. Yurkiw made the following recommendation:

"I make a motion to recommend to Council to grant the following variance to George Gustovich, Creative Realty Group, 2768 Lander Rd., Pepper Pike, OH 44124 has requested a "Use" variance of the City of Parma Codified Ordinances of Section 1170.03 – PLANNING AND ZONING CODE – SCHEDULE OF PERMITTED BUILDINGS AND USES. The proposal is to build retail business in Office Building District at 6919 Ridge Road. Building and land shall be used, and building shall be designed, erected, altered, moved or maintained in whole or in part only for uses set forth in schedules and regulations. This variance would result in allowing for retail use in Office Building District. The PPN is 450-17-005 & 006. By granting this motion the essential character of the neighborhood would not be substantially altered and the adjoining property would not suffer a substantial detriment as a result of this variance and the spirit and intent behind the Zoning and Building requirements would be observed and substantial justice be done by granting this variance. The issue cannot be obviated through any other method other than a variance."

Mr. Ziefle seconded the motion. Mr. Yurkiw, Mrs. Kraft, and Mr. Ziefle voted yes. Mr. Mastrobuono voted no.

Mr. Brennan – Said Variance will be referred to the Planning Committee

FIRST READING:

ORDINANCE NO. 130-13 6/3/13 L-130-13

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

AN ORDINANCE TO REPEAL SUBSECTION (d) OF SECTION 903.05
"SIDEWALK WIDTH, ROUGHING, GRADING" OF THE CODIFIED
ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN
EMERGENCY

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

ORDINANCE NO. 131-13 6/3/13 L-131-13

BY: B. BROCHETTI
(By Request- City Engineer)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO ENTER INTO A GRANT OF EASEMENT AGREEMENT WHICH WILL
GRANT AN EASEMENT TO CLEVELAND ELECTRIC ILLUMINATING
COMPANY FOR THE INSTALLATION AND MAINTENANCE OF LINES
FOR THE DISTRIBUTION OF ELECTRIC CURRENT ON CITY PROPERTY,
PERMANENT PARCEL NUMBER 457-39-001, LOCATED ON PLEASANT
VALLEY ROAD IN THE CITY OF PARMA, AND DECLARING AN
EMERGENCY

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

ORDINANCE NO. 132-13 6/3/13 L-132-13

BY: A. SCHOFIELD, S. M. TUMA
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR,
ACCEPT AND ENTER INTO A WATER POLLUTION CONTROL
LOAN FUND AGREEMENT WITH THE OHIO ENVIRONMENTAL
PROTECTION AGENCY AND THE OHIO WATER DEVELOPMENT
AUTHORITY FOR THE WEST RIDGEWOOD SANITARY SEWER
PROJECT BETWEEN RIDGE ROAD AND STATE ROAD WITHIN THE
CITY OF PARMA, AND DECLARING AN EMERGENCY

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

RESOLUTION NO. 144-13 6/3/13 L-144-13

BY: B. BROCHETTI, M. CASSELBERRY, B. DAY, A. DIVIS, M. GALINAS,
D. LIME, L. NAPOLI, A. SCHOFIELD, S. TUMA
(By Request – Mayor)

A RESOLUTION IN SUPPORT OF ESTABLISHING A SISTER
CITY RELATIONSHIP BETWEEN THE CITY OF LVIV, UKRAINE
AND THE CITY OF PARMA, OHIO, U.S.A., AND DECLARING AN
EMERGENCY

Mr. Brennan –Said Resolution will be referred to the Governmental Operations
Committee.

ORDINANCE NO. 145-13 6/3/13 L-145-13

BY: B. DAY
(By Request – Building Commissioner)

AN ORDINANCE TO AMEND PORTIONS OF PART 15 "BUILDING
CODE" AND PORTIONS OF PART 17 "PROPERTY MAINTENANCE
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.

ORDINANCE NO. 146-13 6/3/13 L-146-13

BY: B. DAY
(By Request – Safety Director)

AN ORDINANCE TO AMEND CHAPTER 660 "SAFETY, SANITATION
AND HEALTH" 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.

ORDINANCE NO. 147-13 6/3/13 L-146-13

BY: M. CASSELBERRY
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST
AND BEST BIDDER FOR THE TUXEDO AVENUE WATER MAIN
REPLACEMENT PROJECT BETWEEN WEST 54TH STREET AND
STATE ROAD WITHIN THE CITY OF PARMA, AND DECLARING
AN EMERGENCY

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

RESOLUTION NO. 148-13 6/3/13 L-148-13

BY: B. DAY
(By Request – Mayor)

A RESOLUTION DECLARING IT NECESSARY TO REPLACE AN EXISTING TAX LEVY AND INCREASE THE RATE OF THE EXISTING TAX LEVY IN EXCESS OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES AND BUILDINGS, PAYMENT OF PERMANENT FIREFIGHTING PERSONNEL TO OPERATE THE SAME, AND PAYMENT OF THE FIREFIGHTERS EMPLOYER'S CONTRIBUTION REQUIRED UNDER SECTION 742.34 OF THE OHIO REVISED CODE, AND REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT REPLACEMENT LEVY, AND DECLARING AN EMERGENCY

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

RESOLUTION NO. 149-13 6/3/13 L-149-13

BY: B. DAY
(By Request – Mayor)

A RESOLUTION DECLARING IT NECESSARY TO REPLACE AN EXISTING TAX LEVY AND INCREASE THE RATE OF THE EXISTING TAX LEVY IN EXCESS OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES AND BUILDINGS, PAYMENT OF PERMANENT FIREFIGHTING PERSONNEL TO OPERATE THE SAME, AND PAYMENT OF THE FIREFIGHTERS EMPLOYER'S CONTRIBUTION REQUIRED UNDER SECTION 742.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

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

SECOND READING SUSPENSION

ORDINANCE NO. 106-13 5/20/13 L-106-13

BY: S. M. TUMA
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF ASPHALT CONCRETE, AND DECLARING AN EMERGENCY

Mr. Brennan- Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 106-13 on three different days be dispensed with?

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

No: None; motion carried.

Motion made by Councilman Tuma seconded by Councilman Day to amend Ordinance No. 106-13 as follows: In Section 1, line 2, insert Kokosing Materials, Inc., and on line 4, insert \$858,000.00. Motion carried.

Motion made by Councilman Tuma seconded by Councilman Day to adopt Ordinance No. 106-13 as amended.

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

No: None; Ordinance No. 106-13 is adopted as amended.

THIRD READING

ORDINANCE NO. 140-12 7/2/12 L-140-12

BY: S. M. TUMA
(By Request – City Engineer)

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR IMPROVEMENTS TO DENTZLER ROAD, GLENCAIRN DRIVE, BROADVIEW ROAD AND GETTYSBURG DRIVE IN THE CITY OF PARMA, OHIO, CONSISTING OF THE CONSTRUCTION OF SANITARY SEWERS TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Day to amend Ordinance No. 140-12 by inserting in Section 1, line 7, \$223,542.00. Further moved to waive Rule 52 and place Ordinance No. 140-12 on Third Reading for final passage as amended. Motion carried.

Motion made by Councilman Tuma seconded by Councilman Day to adopt Ordinance No. 140-12 as amended.

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

No: None; Ordinance No. 140-12 is adopted as amended.

ORDINANCE NO. 75-13 3/18/13 L-75-13

BY: M. GALINAS (AS AMENDED)

AN ORDINANCE TO REZONE A PORTION OF PERMANENT PARCEL NUMBERS 442-31-071 AND 442-31-050 FROM SINGLE-FAMILY B-1 DISTRICT TO RETAIL BUSINESS C-1 DISTRICT LOCATED ON GREENLAWN ROAD IN THE CITY OF PARMA

Motion made by Councilman Tuma seconded by Councilman Day to adopt Ordinance No. 75-13.

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

No: None; Ordinance No. 75-13 is adopted.

ORDINANCE NO. 116-13 5/6/13 L-116-13

BY: B. DAY, D. LIME, L. NAPOLI
(By Request – Safety Director)

AN ORDINANCE TO AMEND SUBSECTION (d) OF SECTION
351.13 "PARKING OF COMMERCIAL AND HEAVY VEHICLES"
OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA,
AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Day to adopt
Ordinance No. 116-13.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Schofield, Tuma, Brochetti.
No: None; Ordinance No. 116-13 is adopted.

SUSPENSION OF THE RULES:

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and
distinct reading of Resolution No. 133-13, Resolution No. 134-13, Ordinance No. 137-13,
Ordinance No. 139-13, Resolution No. 140-13 and Ordinance No. 150-13 on three
different days be dispensed with?

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Schofield, Tuma, Brochetti.
No: None; motion carried.

Mr. Brennan – Shall Rule 44 requiring reference to committee be dispensed with
and Resolution No. 133-13, Resolution No. 134-13, Ordinance No. 137-13, Ordinance
No. 139-13, Resolution No. 140-13 and Ordinance No. 150-13 be placed on final
passage?

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Schofield, Tuma, Brochetti.
No: None; motion carried.

RESOLUTION NO. 133-13 6/3/13 L-133-13

BY: S. TUMA
(By Request – Auditor)

A RESOLUTION TO CONTINUE TO PICK-UP ALL OF THE MANDATORY
CONTRIBUTIONS BY THE PARMA POLICE DEPARTMENT EMPLOYEES
WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND
THROUGH A PAYROLL REDUCTION, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Day to adopt
Resolution No. 133-13.

Yes: Casselberry, Day, Divis, Galinas, Lime, Napoli, Schofield, Tuma, Brochetti.
No: None; Resolution No. 133-13 is adopted.

RESOLUTION NO. 134-13 6/3/13 L-134-13

BY: S. TUMA
(By Request – Auditor)

A RESOLUTION TO CONTINUE TO PICK-UP ALL OF THE MANDATORY CONTRIBUTIONS BY THE PARMA FIRE DEPARTMENT EMPLOYEES WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND THROUGH A PAYROLL REDUCTION, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Day to adopt Resolution No. 134-13.

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

No: None; Resolution No. 134-13 is adopted.

ORDINANCE NO. 137-13 6/3/13 L-137-13

BY: B. DAY, M. CASSELBERRY, A. DIVIS, M. GALINAS, D. LIME, L. NAPOLI,
A. SCHOFIELD, S. M. TUMA, B. BROCHETTI
(By Request – Safety Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT THROUGH THE OHIO LAW ENFORCEMENT SUPPORT OFFICE (OHIO LESCO) OF THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF TWO (2) 2014 CHEVROLET TAHOES FOR THE PARMA POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

Mr. Baeppler – Stated that this replaces two vehicles that will be moved down and they are particular for the K-9 Unit and they are a budget item.

Motion made by Councilman Tuma seconded by Councilman Day to adopt Ordinance No. 137-13.

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

No: None; Ordinance No. 137-13 is adopted.

ORDINANCE NO. 139-13 6/3/13 L-139-13

BY: S. M. TUMA
(By Request – Auditor)

AN ORDINANCE TO AMEND THE 2013 PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Day to adopt Ordinance No. 139-13.

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

No: None; Ordinance No. 139-13 is adopted.

RESOLUTION NO. 140-13 6/3/13 L-140-13

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

Motion made by Councilman Tuma seconded by Councilman Day to adopt Resolution No. 140-13.

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

No: None; Resolution No. 140-13 is adopted.

ORDINANCE NO. 150-13 6/3/13 L-150-13

BY: S. M. TUMA
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH CT CONSULTANTS FOR TRAFFIC ENGINEERING SERVICES, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Day to adopt Ordinance No. 150-13.

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

No: None; Ordinance No. 150-13 is adopted.

APPOINTMENTS AND CONFIRMATIONS

Councilman Casselberry – Stated that the Appointment Scanning Committee met to discuss the re-appointment of David Jancewicz to the Building Board of Appeals. Mr. Jancewicz's term expires on June 18, 2013. His new appointment would be for a five year term ending June 18, 2018.

Motion made by Councilman Tuma seconded by Councilman Day to confirm the re-appointment of David Jancewicz as recommended by the Mayor and the Appointment Scanning Committee of Council. Motion carried.

PUBLIC SESSION

Andrea Kleinheins, 7519 Ann Arbor Drive – Stated that she heard that the Animal Warden will release a cat if it is trapped. Asked the Law Director to check into it.

Resident of W. Ridgewood Drive – She received her notice of estimated assessment for the sanitary sewers. Suggested that a meeting be scheduled for the residents to explain the process.

Mrs. Thuma, W. Ridgewood Drive – Stated that she also received the letter of estimated assessment. Stated that there are many concerned residents. Feels a meeting is necessary to discuss concerns.

Mr. Dobeck – Asked Mrs. Kleinhens if should would please stay until after the meeting so he can talk with her.

Also, addressed the W. Ridgewood sewer improvements. Agreed that a meeting should be scheduled. He also explained the EPA mandated sewer conversions and the process that is involved with assessments.

REQUEST FOR EXECUTIVE SESSION

Mr. Brennan – Stated we have a request to go into Executive Session regarding the Lawsuit entitled 6957 Ridge Road, LLC vs. City of Parma, Board of Zoning Appeals. A Yes vote will be to go into Executive Session and a No vote will be to not go into executive session.

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

No: None; Council will now go into Executive Session at 8:21 P.M.

COUNCIL RECONVENED AT 9 P.M.

MISCELLANEOUS BUSINESS

Mayor DeGeeter – They received a letter from HUD regarding Community Development Block Grant Funding. Unexpectedly, they received an increase. The Additional funds will be used to supplement various programs in Community Development. Stated that tomorrow will be opening of the Parma Area Family Collaborative Community Garden at Hanna School.

Safety Director Baeppler – Last week, the Sun Post contained a letter to the Editor by Phil Thomas critical of the recently passed legislation requesting a reduction in the speed limit on Broadview Road. More to the point the letter by Thomas attacked me personally, and I feel compelled to respond. It would appear that Mr. Thomas' factual basis is best represented by his failure to even fact check the spelling in my name. Beyond that, the following facts remain: It is without question a Business District by definition; it is literally scores of in and out access points. State Law allows for reduction for this reason. High traffic volume and commercial activity combined with a 35 mph speed limit are all factors contributing to the high accident rate experienced. This stretch of roadway is a 60% higher accident rate than found on State Road with the same parameters in a 25 mph limit. The most recent fatality in this stretch involves speed and that was brought forth by the Mayor and the meeting that Mr. Thomas claims no evidence of a need to reduce the speed limit was presented. As Mr. Thomas, to my knowledge, has never been a police officer or investigated a single accident he would probably not be aware that speed would not be cited as a factor if the speed involved is 35 mph or lower, the current legal speed on Broadview. I cite as a case in point an accident from about a week ago. It was not a terrible tragedy only by incredibly good luck. An unoccupied bus shelter at 5520 Broadview was demolished. This was a secondary collision after a vehicle was clipped by another failing to yield. The vehicle spun out of over 60 ft. into the bus shelter. What is interesting is neither vehicle was

exceeding the posted 35 mph speed limit. This circumstance was substantiated by non-involved witnesses through the Police Department. A vehicle traveling at 25 mph would certainly not have had the same consequence. The severity of an accident is directly related to the speeds involved. And lastly, by full disclosure, I should state that Bob Boulton, cited in Mr. Thomas' letter was a homicide detective in Cleveland for over 25 years and retired as a Commander. We have known each other for over 40 years. I spoke with Mr. Boulton before this article when the issue arose and more recently after the article. Mr. Smith's version is not how Mr. Bob Boulton remembers the conversation. On this issue, I will stand with Bob Boulton 100% percent of the time over Mr. Thomas who appears to have something more than this issue on his agenda.

Mr. Brennan – Stated that he took objection to Mr. Thomas' letter as well and felt that it was unfounded. He was really surprised about his words and some of the things that he suggested in his letter. It is unfortunate some times. That is what politics does to people.

Service Director Higgins – No comment.

Treasurer Mastroianni – No comment.

Law Director Dobeck – No comment.

Motion made by Councilwoman Galinas seconded by Councilman Napoli to eliminate Round Robin. Motion carried.

REPORT ON ABSENT OFFICIALS

Motion made by Councilman Day seconded by Councilman Tuma to excuse Auditor Kish. Motion carried.

ADJOURNMENT

Motion made by Councilman Day seconded by Councilman Tuma to adjourn the Regular Council Meeting at 9:06 P.M. Motion carried.

/s/ Kenneth A. Ramser
KENNETH A. RAMSER
CLERK OF COUNCIL

/s/ Sean P. Brennan
SEAN P. BRENNAN
PRESIDENT OF COUNCIL

lk