

**SEPTEMBER 16, 2013
PARMA CITY HALL COUNCIL CHAMBER
REGULAR COUNCIL MEETING
7:16 P.M.**

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

COUNCIL MEMBERS PRESENT:

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

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, Safety Director Gregory Baepler, Building Commissioner/City Engineer Paul Deichmann, Communications and Community Relations Director Jeannie Roberts, Recreation Commissioner Mickey Vittardi, Director of Human Resources Thomas Weinreich, Senior Citizen Director Jo Ann Mason, Community Development Officer/Grant Writer Shelley Cullins, Director of Public Housing Lev Kulchytsky, and Clerk of Council Kenneth A. Ramser.

INVOCATION

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led this evening by Boy Scout Troop 377 from VFW 1974 on Woodrow.

Mr. Brennan – Requested a moment of silence for the unfortunate incidents in Washington, D. C. today.

LEGISLATIVE COMMENT

Mr. Brennan – Asked if there are any members from the public who would like to speak on any of the items on which Council will be taking final action on this evening. No one wished to speak.

COMMUNICATIONS, PETITIONS, AND CLAIMS

Variance for the applicant Dan Allan of DLA Construction Services, LLC, 1307 Columbia Street, Vancouver, WA 98660. The request was for an "Area" Variance of Section 1197.05(27) – OFF STREET PARKING AND LOADING FACILITIES – SCHEDULE OF REQUIRED PARKING – BUSINESS (SMALL DEVELOPMENT). The proposal is to raze and rebuild Taco Bell, 7475 Day Drive, PPN 449-25-022. For eating places, Code allow for 1 space per 50 square feet of public area, plus 10 stacking spaces for the drive-through window – 18 spaces total required. The proposal is for 17 parking spaces. This Variance would result in 1 less parking space than Code requires.

FIRST READING CONTINUED:

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

ORDINANCE NO. 210-13 9/16/13 L-210-13

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

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION ©
"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

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

ORDINANCE NO. 213-13 9/16/13 L-213-13

BY: **A. DIVIS**
(By Request – City Engineer)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (B)
"RETAIL SALES IN ENCLOSED BUILDINGS" OF SECTION 1170.03
"SCHEDULE OF PERMITTED BUILDINGS AND USES," RELATIVE
TO THE AMENDMENT OF ITEM NO. 12 "JUNK DEALERS,
PAWNBROKERS, AND SECONDHAND DEALERS" AND THE
ADDITION OF ITEM NO. 13 "SECONDHAND/USED MERCHANDISE
SHOP," OF THE CODIFIED ORDINANCES OF THE CITY OF
PARMA, AND DECLARING AN EMERGENCY

Mr. Brennan – Said Ordinance will be referred to the Planning Committee and to the Planning Commission.

ORDINANCE NO. 214-13 9/16/13 L-214-13

BY: **D. LIME**
(By Request – Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF COMMUNITY
DEVELOPMENT SERVICES & ECONOMIC DEVELOPMENT TO
IMPLEMENT THE 2013 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

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

FIRST READING CONTINUED:

ORDINANCE NO. 219-13 9/16/13 L-219-13
BY: **B. BROCHETTI, A. DIVIS**
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR SURVEYING, ENGINEERING AND DESIGN WORK FOR THE RIDGE ROAD SANITARY AND WATER MAIN IMPROVEMENTS BETWEEN DAY DRIVE AND THE SOUTHERN CORPORATION LIMIT IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

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

SECOND READING:

ORDINANCE NO. 195-13 9/3/13 L-195-13
BY: **A. SCHOFIELD**

AN ORDINANCE TO REZONE PERMANENT PARCEL NUMBER 446-18-005 FROM SINGLE-FAMILY A-1 DISTRICT TO RETAIL BUSINESS C-1 DISTRICT LOCATED AT 6144 BROADVIEW ROAD IN THE CITY OF PARMA

Motion made by Councilman Divis, seconded by Councilman Day, to refer Ordinance No. 195-13 back to the Planning Committee. Motion carried.

ORDINANCE NO. 201-13 9/3/13 L-201-13
BY: **S. 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 THE FEES FOR YOUTH SOFTBALL AND BASEBALL LEAGUES AND THE JAMES DAY PARK PAVILION RENTAL FEE, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 201-13 back to the Finance Committee. Motion carried.

SECOND READING SUSPENSION OF THE RULES CONTINUED:

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 194-13 on three different days be dispensed with?

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

No: None; motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Ordinance No. 194-13.

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

No: None; Ordinance No. 194-13 is adopted.

RESOLUTION NO. 196-13 9/3/13 L-196-13

BY: **S. M. TUMA**

(By Request – Auditor)

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 196-13 on three different days be dispensed with?

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

No: None; motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Ordinance No. 196-13.

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

No: None; Ordinance No. 196-13 is adopted.

THIRD READING:

ORDINANCE NO. 179-13 8/5/13 L-179-13

BY: **S. M. TUMA**

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$285,000 OF NOTES OF THE CITY OF PARMA IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RESURFACING ROADS, HIGHWAYS AND STREETS WITHIN THE CITY, AND NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Ordinance No. 179-13.

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

No: None; Ordinance No. 179-13 is adopted.

SUSPENSION OF THE RULES:

ORDINANCE NO. 174-13 9/16/13 L-174-13
BY: **S. M. TUMA**, B. BROCHETTI, M. CASSELBERRY, B. DAY, A. DIVIS, M. GALINAS, D. LIME,
L. NAPOLI, A. SCHOFIELD
(By Request – Auditor)

AN ORDINANCE TO AMEND SECTION 173.02 "LEAVE
OF ABSENCE FOR MILITARY SERVICE" OF THE
CODIFIED ORDINANCES OF THE CITY OF PARMA,
AND DECLARING AN EMERGENCY

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 174-13 on three different days be dispensed with?
Yes: Tuma, Brochetti, Casselberry, Day, Divis, Galinas, Lime, Napoli, Schofield.
No: None; motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to Committee be dispensed with and Ordinance No. 174-13 be placed on final passage?
Yes: Tuma, Brochetti, Casselberry, Day, Divis, Galinas, Lime, Napoli, Schofield.
No: None; motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Ordinance No. 174-13.

Auditor Kish – Stated, this does not affect the benefits that the people in the armed services receive when called up to active duty. It lays out the rules to receive this benefit.

Mr. Brennan – Asked if we educate our people on these procedures.

Auditor Kish – Most have complied.

Yes: Tuma, Brochetti, Casselberry, Day, Divis, Galinas, Lime, Napoli, Schofield.
No: None; Ordinance No. 174-13 is adopted.

ORDINANCE NO. 203-13 9/16/13 L-203-13
BY: **B. DAY**, B. BROCHETTI, M. CASSELBERRY, A. DIVIS, M. GALINAS, D. LIME, L. NAPOLI,
A. SCHOFIELD, S. M. TUMA
(By Request – Safety Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE
DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A
CONTRACT WITH PHYSIO CONTROL, SOLE SOURCE
PROVIDER, FOR THE PURCHASE OF CAPNOGRAPHY:
SEVEN (7) LIFEPAK 15 EtCo2 UPGRADES, INSTALLATION,
ADAPTERS AND A TECHNICAL SERVICE AGREEMENT,
AND DECLARING AN EMERGENCY

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 203-13 on three different days be dispensed with?
Yes: Tuma, Brochetti, Casselberry, Day, Divis, Galinas, Lime, Napoli, Schofield.
No: None; motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to Committee be dispensed with and Ordinance No. 203-13 be placed on final passage?
Yes: Tuma, Brochetti, Casselberry, Day, Divis, Galinas, Lime, Napoli, Schofield.
No: None; motion carried.

SUSPENSION OF THE RULES CONTINUED:

Mr. Brennan – Shall Rule 45 requiring reference to Committee be dispensed with and Ordinance No. 209-13 be placed on final passage?

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

No: None; motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Ordinance No. 209-13.

Law Director Dobeck – Stated, the cost for the radios has been renegotiated. This is similar to the Parma Heights agreement.

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

No: None; Resolution No. 209-13 is adopted.

ORDINANCE NO. 211-13 9/16/13 L-211-13

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

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 211-13 on three different days be dispensed with?

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

No: None; motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to Committee be dispensed with and Ordinance No. 211-13 be placed on final passage?

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

No: None; motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day, to amend Ordinance No. 211-13 by amending the appropriations by adding 805-805-62110-00000 Professional Services - \$6,000.00. Motion carried.

Councilwoman Lime – Asked if the account that we pay the grass cutter out of is in jeopardy of running out of funds if this appropriations is not made.

Auditor Kish – Stated, they need more funds available to spend. They have expended just about all of it, and there are more properties that need to be taken care of.

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Ordinance No. 211-13 as amended.

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

No: None; Ordinance No. 211-13 is adopted as amended.

RESOLUTION NO. 212-13 9/16/13 L-212-13

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

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 212-13 on three different days be dispensed with?

LEGISLATION TO BE TABLED CONTINUED:

ORDINANCE NO. 82-03 (PUBLIC SAFETY) 3/3/03 L-466-02
(Substitute)

BY: **M. GALINAS**

AN ORDINANCE TO ENACT CHAPTER 667 "SEXUAL OFFENDERS" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA

ORDINANCE NO. 161-04 (FINANCE) 5/17/04 L-191-04
BY: **M. GALINAS, B. DAY**

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE A USER FEE FOR THE DEPLOYMENT OF FIRE DEPARTMENT EQUIPMENT AND STAFF TO THE SCENE OF MOTOR VEHICLE ACCIDENTS FOR SUCH SERVICES PROVIDED BY THE CITY OF PARMA, EXCLUDING CITY OF PARMA RESIDENTS AND PEOPLE WORKING IN THE CITY OF PARMA FROM SAID FEE, AND DECLARING AN EMERGENCY

ORDINANCE NO. 247-05 (FINANCE) 10/3/05 L-113-05
BY: **S. M. TUMA**

AN ORDINANCE TO AMEND SUBSECTION © OF SECTION 183.31 "FORM AND CONTENT OF RETURN" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

ORDINANCE NO. 400-06 (FINANCE) 11/20/06 L-401-06
BY: **S. M. TUMA, M. GALINAS**
(By Request – Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SECTION 1 OF ORDINANCE NO. 269-05 RELATIVE TO THE SERVICES AND THE AMOUNT FOR A CONTRACT WITH COLE AND RUSSELL ARCHITECTS, INC., FOR ARCHITECTURAL DESIGN SERVICES FOR FIRE STATIONS 1 AND 2 AND TO INCLUDE A SINGLE LINE CONCEPT PLAN FOR A PROPOSED STATION 3, AND DECLARING AN EMERGENCY

LEGISLATION TO BE TABLED CONTINUED:

ORDINANCE NO. 321-07 (PUBLIC SAFETY) 11/19/07 L-320-07
BY: **B. DAY**

AN ORDINANCE TO ENACT SECTION 757.07 "AGGRESSIVE SOLICITATION" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

RESOLUTION NO. 217-08 (PUBLIC SAFETY) 7/1/08 L-217-08
(Special Meeting)
BY: **M. GALINAS**

A RESOLUTION REQUESTING THE CITY ADMINISTRATION TO EXPLORE THE OPTION OF A CONTRACT FOR THE PURCHASE OF A POLICE DEPARTMENT ONLINE REPORTING SYSTEM FOR THE PARMA POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

ORDINANCE NO. 108-09 (PUBLIC SAFETY) 5/4/09 L-108-09
BY: **L. NAPOLI**

AN ORDINANCE TO ENACT SECTION 331.47 "TEXT MESSAGING WHILE DRIVING" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

ORDINANCE NO. 174-09 (PUBLIC SAFETY) 8/3/09 L-174-09
BY: **M. GALINAS**
(By Request – Mayor)

AN ORDINANCE TO AMEND A PORTION OF SECTION 145.01 "PERSONNEL WITHIN RANK" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

LEGISLATION TO BE TABLED CONTINUED:

ORDINANCE NO. 130-10 (PLANNING) 6/7/10 L-130-10

BY:

(By Request – Mayor)

AN ORDINANCE TO ENACT SECTION 1101.09
"PROCEDURE FOR MINOR CHANGES" OF THE
CODIFIED ORDINANCES OF THE CITY OF PARMA,
AND DECLARING AN EMERGENCY

ORDINANCE NO. 50-11 (PUBLIC SAFETY) 2/22/11 L-50-11
BY: **M. GALINAS**

AN ORDINANCE TO REPEAL ORDINANCE NO. 270-10,
RELATIVE TO TERMINATING THE MORATORIUM ON THE
GRANTING OF ANY PERMITS ALLOWING THE OPERATION
OF INTERNET CAFES OR OF BUSINESSES DEVOTING
FLOOR SPACE TO INTERNET-BASED SWEEPSTAKES
GAMES WITHIN THE CITY OF PARMA, AND DECLARING
AN EMERGENCY

ORDINANCE NO. 126-11 (FINANCE) 5/16/11 L-126-11
BY: **S. M. TUMA**

AN ORDINANCE AUTHORIZING THE MAYOR AND THE
DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A
CONTRACT WITH THE LOWEST AND BEST BIDDER
FOR THE PURCHASE OF A HANDICAP ACCESSIBLE GOLF
CART FOR THE RIDGEWOOD MUNICIPAL GOLF COURSE,
AND DECLARING AN EMERGENCY

ORDINANCE NO. 162-11 (FINANCE) 6/20/11 L-162-11
BY: **D. LIME**

AN ORDINANCE AUTHORIZING THE AUDITOR TO
ESTABLISH A FUND FOR COLLECTION OF THE
FORECLOSURE FILING FEES, AND DECLARING AN
EMERGENCY

PUBLIC SESSION

Mr. Don Lippucci, 7651 Daytona Drive – Stated, regarding the Ohio Sunshine Laws. It is hard to pinpoint specific activities that would be covered by these laws. He brought up a current situation during Council meetings – cell phones being used and computers being used. The question is – do these forms of electronic communication contain information that is public information. If these forms of communication do include other information, how can the public access this information. Asked the Law Director to provide some information on this matter being – do these electronic forms of communication used during Council Meetings constitute a public record and can anyone inspect such records at any time.

MISCELLANEOUS BUSINESS

Mayor DeGeeter – Stated, he attended the historical marker dedication at the Henninger House this weekend. Looks forward to the next phase in that project – the Broadview Road Corridor.

On September 24, 2013, the Taste of Towns for Schools Foundation is putting on a fund raiser. There are a number of restaurants from all three cities.

Thanked Council for passage of Resolution No. 208-13 in support of Issue 52.

Safety Director Baeppler – No comment.

Service Director Higgins – No comment.

Auditor Kish – Regarding the 2012 fiscal year audit, the Auditor of State is just about finished with the audit, and we would like to get that audit filed before the end of the month for Federal reporting purposes. Stated, this is probably the best and cleanest audit that we have ever had in the 18 years that he has been here. Asked Council about a Post Audit Conference. Council should let him know if they want to waive the Post Audit.

Mr. Brennan – Asked what an Audit costs.

Auditor Kish – Stated, about \$50,000. By Federal Law we have to be audited every year because of the size of the dollars we receive in Federal monies.

Law Director Dobeck – Stated, he will provide an answer to the resident and some guidance to Council on that at one of the upcoming meetings. Final decision will be made on Parma Hospital and University Hospital. The City is not party to that decision and we don't know what the deal will be in its final form.

Treasurer Mastroianni – No comment.

Councilman Tuma – Stated, there will be a meeting for Wards 5,6,7,8,9 on the Fire Levy on Thursday, September 26, 2013. Thanked Mayor DeGeeter and Police Chief Miller for going on the Safety Walk/Mayor Walkabouts in Ward 8.

Councilman Brochetti – Stated, his safety walk was the next week. He appreciates everyone for coming out. Stated, the Octoberfest was this weekend at German Central. It was a great event.

Councilman Casselberry – Stated, he went to the Henninger House for the historical marker dedication. It was a great event. Stated, he also went to the Octoberfest. It also is a great event.

Councilman Day – Thanked West Creek for all their hard work through the years to help keep the Henninger House going and to see the vision that it will lead to. This will be a trailhead leading to the towpath.