

**MINUTES
OCTOBER 19, 2020
REGULAR COUNCIL MEETING
PARMA COUNCIL CHAMBERS
7:16 P.M.**

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

COUNCIL MEMBERS PRESENT

LINDA A. KOHAR
KRISTIN L. SABAN
BRIAN BROCHETTI
MARK CASSELBERRY
VITO DIPIERRO
ALLAN DIVIS
ROY J. JECH

COUNCIL MEMBERS EXCUSED:

DEBORAH LIME
LARRY NAPOLI

Mr. Ramser – Mr. Chairman, 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 Brian Day, Treasurer Tom Mastroianni, Service Director Brian Higgins, Safety Director Thomas Weinreich, Building Commissioner/City Engineer Paul Deichmann, Communications and Community Relations Director Carolyn Kovach, Recreation Commissioner Mickey Vittardi, Director of Human Resources Renee Guy, Chief of Staff Rich Summers and Clerk of Council Kenneth A. Ramser.

INVOCATION

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

PLEDGE OF ALLEGIANCE

LEGISLATIVE COMMENT

No one wished to speak.

COMMUNICATIONS, PETITIONS AND CLAIMS

CONFIRMATION OF THE FOLLOWING VARIANCES:

Councilman Divis - Stated, the Planning Committee of Council met this evening to discuss the Notice of Proposal to Vary for the applicant Louis G. Belsito, 7402 Meadow Lane, OH 44134 who 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. Maximum size garage allowed on one lot of 9,000 sq. ft. shall not exceed a total floor area of 800 sq. ft. and only one garage is permitted per lot. The proposal is to erect second garage of 784 sq. ft. on residential property at 7402 Meadow Lane for a total garage area of 1,367 sq. ft. This variance would result in allowing for a second garage on lot size of 9,000 sq. ft. and 467 more sq. ft. than allowed by Code. The PPN is 452-25-021. There is a

stipulation that the Rubbermaid shed currently on the property be removed. Motion made by Councilman Divis seconded by Councilman Casselberry to grant the Variance with the Stipulation as recommended by the Board of Zoning Appeals and the Planning Committee of Council. Motion carried.

Councilman Divis - Stated, the Planning Committee of Council met this evening to discuss the Notice of Proposal to Vary for the applicant Marie Stutz, The Current Year, 5580 Ridge Rd., 44129 who has requested a "Use" variance of the City of Parma Codified Ordinances of Section 1170.03 – COMMERCIAL/OFFICE DISTRICTS – SCHEDULE OF PERMITTED BUILDINGS AND USES. Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained, in whole or in part, in the Office Building, Retail Business, Commercial Manufacturing "A" and "B" and Shopping Center Districts only for the uses set forth in the following schedules and regulations. The proposal is to open a record store selling new and used products in a Retail Business Zoning District for property located at 5580 Ridge Road. This variance would result in allowing to sell used products in a Retail Business Zoning District. The PPN is 443-01-040. There is a stipulation that it shall be a record store for record resale only.

Motion made by Councilman Divis seconded by Councilman Casselberry to grant the Variance with the Stipulation as recommended by the Board of Zoning Appeals and the Planning Committee of Council. Motion carried.

Councilman Divis, Stated, the Planning Committee of Council met this evening to discuss the following Variances for Michael J. Pinchot, 1125 Lourdes Drive, Parma, Ohio 44134 on PPN 451-19-026:

1. An "Area" variance of the City of Parma Codified Ordinances of Section 1153.03 (a) – SINGLE-FAMILY HOUSE DISTRICTS – ACCESSORY USES AND BUILDINGS. Maximum size of garage permitted on lot size of 18,164 sq. ft. area is 800 sq. ft. with maximum height of 15 feet. The proposal is to build a detached second garage 768 sq. ft. in area of a height of 17'6" and a garage addition to the house of 532 sq. ft. on a parcel of 18,164 sq. ft. for property located at 1125 Lourdes Drive. These variances would result in allowing for second garage on one lot and 900 more sq. ft. in area between the two structures than code allows.
2. An "Area" variance of the City of Parma Codified Ordinances of Section 1185.05 (d) – HEIGHT REGULATIONS – HEIGHT DISTRICT EXCEPTIONS. In residence districts, an accessory building shall not exceed 15' in height at the highest point of the roof nor more than one story. The proposal is to build a detached second garage with a height of 17'6" on the property located at 1125 Lourdes Drive. This variance would result in allowing 2'6" more in height than code allows for the second detached garage.
3. An "Area" variance of the City of Parma Codified Ordinances of Section 1193.02 SINGLE OR TWO-FAMILY HOUSE DISTRICTS. In a Single or Two-Family House District, the interior side yard shall be not less than three feet at any point of a lot of less than sixty feet in width and not less than five feet at any point of a lot of sixty or more feet in width. The proposal is for property located at 1125 Lourdes Drive to build a garage addition to the house and a separate detached second garage, each three feet from the property line on a lot of more than sixty feet in width. This variance would result in allowing a garage addition to the house and a separate second garage, each two feet closer to the property line than code allows.

4. An "Area" variance of the City of Parma Codified Ordinances of Section 1189.01 ERECTION OF BUILDINGS BETWEEN BUILDING LINE AND STREET. In a resident district, between the front yard building line as established by this chapter and the street line, no building or portion of a building may be erected above the grade level. The proposal is to build a garage addition to a house four feet forward of the front building line on the lot for property located at 1125 Lourdes Dr. This variance would result in an attached garage addition being built four feet forward of the allowed front building line.

Motion made by Councilman Divis seconded by Councilman Casselberry to grant the four (4) Variances as recommended by the Board of Zoning Appeals and the Planning Committee of Council. Motion carried.

VARIANCES TO BE READ INTO THE RECORD AND REFERRED TO PLANNING:

The Parma Board of Zoning Appeals met on Tuesday, October 13, 2020 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 James L. McAdams III, 6956 State Rd, 44134. PPN 450-26-016. After discussion Mr. Yurkiw made the following recommendation: "I recommend to Council to GRANT to James L. McAdams III, 6956 State Rd., 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. Maximum size of garage permitted on lot shall not exceed a total floor area of 800 sq. ft. Garage size allowed on lot size of 12,900 sq. ft. is 800 sq. ft. The Applicant is requesting to construct a detached garage on property located at 6956 State road. The original garage was demolished and the proposed garage is 960 sq. ft. in floor area. This variance would result in allowing for 160 more sq. ft. garage area than allowed by Code. The PPN is 450-26-016. The characteristic of the neighborhood would not be substantially altered and substantial justice done by granting the variance." Mr. Ziefle second the motion. Mr. Ziefle, Mrs. Green, Mr. Mastrobuono, Mr. Yurkiw and Mr. O'Connor voted yes. Also be it noted that a variance(s) 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.

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

The Parma Board of Zoning Appeals met on Tuesday, October 13, 2020 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 Daniel Belcher, 12720 W. Sprague Rd., 44130. PPN 457-19-001. After discussion Mrs. Green made the following recommendation: "I recommend to Council to GRANT to Daniel Belcher, 12720 W. Sprague Rd, Parma, OH 44130 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. Maximum size garage allowed on a lot shall not exceed a total floor area of 800 sq. ft. Garage size allowed on lot size of 175,000 sq. ft. (4 acres) is 800 sq. ft. The Applicant is proposing to construct a larger detached garage of 864 sq. ft. and an attached pavilion of 20' x 36' for a total of 1,584 sq. ft. on property located at 12720 W. Sprague Road. The original

ORDINANCE NO. 158-2020

10/19/2020 L-158-2020

BY: B. BROCHETTI
(By Request – Mayor)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE YEAR CONTRACT WITH THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT TO PROVIDE PUBLIC HEALTH SERVICES FOR THE CITY OF PARMA RESIDENTS FOR THE YEAR 2021 APPROPRIATING THE SUM OF \$444,725.00, AND DECLARING AN EMERGENCY

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

SECOND READING:

RESOLUTION NO. 120-2020

9/8/2020

L-120-2020

BY: B. BROCHETTI
(By Request – Auditor)

A RESOLUTION PERMITTING THE CITY AUDITOR, OR THE BOARD OR OFFICER HAVING SUPERVISION OR MANAGEMENT OF THE PROPERTY, TO UTILIZE THE INTERNET AUCTION FOR SURPLUS ITEMS IN THE 2020 CALENDAR YEAR, AND DECLARING AN EMERGENCY

Motion made by Councilman Brochetti seconded by Councilman Casselberry to refer Resolution No. 120-2020 back to the Finance Committee. Motion carried.

ORDINANCE NO. 136-2020

9/21/2020

L-136-2020

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

AN ORDINANCE TO ACCEPT THE PERMANENT UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS IN CERTAIN PREMISES KNOWN AS PERMANENT PARCEL NUMBERS 445-15-001, AND 445-15-008, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilman Brochetti to refer Ordinance No. 136-2020 back to the Public Service Committee. Motion carried.

RESOLUTION NO. 146-2020

10/5/2020

L-146-2020

BY: K. L. SABAN
(By Request – Building Commissioner)

A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT PARCEL NUMBER 449-09-099, 3343 LINCOLN AVENUE, PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Brochetti seconded by Councilman Casselberry to refer Resolution No. 146-2020 back to the Public Safety Committee. Motion carried.

ORDINANCE NO. 155-2020 10/5/2020 L-155-2020

BY: A. DIVIS
(By Request – Mayor)

AN ORDINANCE AUTHORIZING THE MAYOR TO TRANSFER, BY QUIT CLAIM DEED, THE VACANT LAND OWNED BY THE CITY OF PARMA LAND REUTILIZATION PROGRAM LOCATED OFF OF LAKEVIEW DRIVE (PERMANENT PARCEL NUMBER 455-13-035) TO THE PARMA COMMUNITY IMPROVEMENT CORPORATION (PCIC), AND DECLARING AN EMERGENCY

Motion made by Councilman Divis seconded by Councilman Casselberry to refer Ordinance No. 155-2020 back to the Planning Committee. Motion carried.

RESOLUTION NO. 156-2020 10/5/2020 L-156-2020

BY: L. A. KOHAR
(By Request – Building Commissioner)

A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT PARCEL NUMBER 448-14-076, 5714 SUNDERLAND DRIVE, PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Brochetti seconded by Councilman Casselberry to refer Resolution No. 156-2020 back to the Public Safety Committee. Motion carried.

THIRD READING

ORDINANCE NO. 116-2020 9/8/2020 L-116-2020

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

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT FOR VEHICLE EXHAUST REMOVAL SYSTEMS FOR THE PARMA FIRE DEPARTMENT, AND DECLARING AN EMERGENCY

Motion made Councilman Brochetti seconded by Councilman Casselberry to amend Ordinance No. 116-2020 as follows: In Section 1, line 2, insert "Hastings Air Energy Control Inc., for a total Bid price of \$103,000.00." and on line 5, change \$15,199.91 to read "\$10,500.00." Further moved to waive Rule 52 and place Ordinance No. 116-2020 on Third Reading for final passage as amended.

Motion made by Councilman Jech seconded by Councilman Casselberry to adopt Ordinance No. 116-2020 as amended.

Yes: Kohar, Saban, Brochetti, Casselberry, Dipierro, Divis, Jech.

No: None; Ordinance No. 116-2020 is adopted as amended.

RESOLUTION NO. 135-2020 9/21/2020 L-135-2020
BY: K. L. SABAN, B. BROCHETTI, M. CASSELBERRY, A. DIVIS, R. J. JECH
(By Request – Building Commissioner)

A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT PARCEL NUMBER 443-20-075, 5421-23 PEARL ROAD, PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Casselberry to adopt Resolution No. 135-2020.

Yes: Kohar, Saban, Brochetti, Casselberry, Dipierro, Divis, Jech.

No: None; Resolution No. 135-2020 is adopted.

RESOLUTION NO. 145-2020 9/21/2020 L-145-2020
BY: B. BROCHETTI
(By Request – City Engineer)

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE SPRAGUE ROAD IN THE CITY OF PARMA, OHIO, BY PROVIDING THE INSTALLATION OF SANITARY SEWERS AS A PART OF THE SPRAGUE ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Casselberry to adopt Resolution No. 145-2020.

Yes: Kohar, Saban, Brochetti, Casselberry, Dipierro, Divis, Jech.

No: None; Resolution No. 145-2020 is adopted.

SUSPENSION OF THE RULES:

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 161-2020, Resolution No. 162-2020, Resolution No. 163-2020 and Ordinance No. 164-2020 on three different days be dispensed with?

Yes: Kohar, Saban, Brochetti, Casselberry, Dipierro, Divis, Jech.

No: None; motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to committee be dispensed with and Ordinance No. 161-2020, Resolution No. 162-2020, Resolution No. 163-2020 and Ordinance No. 164-2020 be placed on final passage?

Yes: Kohar, Saban, Brochetti, Casselberry, Dipierro, Divis, Jech.

No: None; motion carried.

ORDINANCE NO. 161-2020 10/19/2020 L-161-2020
BY: B. BROCHETTI
(By Request – Safety Director)

AN ORDINANCE TO AMEND SECTION 313.035 "TRAFFIC LAW PHOTO-MONITORING DEVICES" WITHIN CHAPTER 313 "TRAFFIC CONTROL DEVICES" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

