

**MARCH 18, 2013
PARMA CITY HALL COUNCIL CHAMBER
REGULAR COUNCIL MEETING
7:03 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, 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, 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 this evening by Clerk of Council Kenneth A. Ramser.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led this evening by St. Francis Cub Scout Troop 192.

VOICE VOTE:

RESOLUTION NO. 41-13 3/18/13 L-41-13

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

A RESOLUTION HONORING EILEEN UPDEGROVE
CITIZEN OF THE YEAR 2013
BY PARMA ELKS LODGE #1938

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Resolution No. 41-13. Motion carried.

VOICE VOTE CONTINUED:

RESOLUTION NO. 42-13 3/18/13 L-42-13
BY: **A. SCHOFIELD, B. DAY,** B. BROCHETTI, M. CASSELBERRY, A. DIVIS, M. GALINAS,
S. M. TUMA, D. LIME, L. NAPOLI

A RESOLUTION HONORING PHILLIP ZAHAND
OUTSTANDING VOLUNTEER OF THE YEAR 2013
PARMA ELKS LODGE #1938

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Resolution
No. 42-13. Motion carried.

RESOLUTION NO. 43-13 3/18/13 L-43-13
BY: **B. DAY,** B. BROCHETTI, M. CASSELBERRY, A. DIVIS, M. GALINAS, A. SCHOFIELD,
D. LIME, L. NAPOLI, S. M. TUMA

A RESOLUTION HONORING FIREFIGHTER JOHN CONROY
FIREFIGHTER OF THE YEAR 2013
BY PARMA ELKS LODGE #1938

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Resolution
No. 43-13. Motion carried.

RESOLUTION NO. 44-13 3/18/13 L-44-13
BY: **B. DAY,** B. BROCHETTI, M. CASSELBERRY, A. DIVIS, M. GALINAS, L. NAPOLI,
A. SCHOFIELD, D. LIME, S. M. TUMA

A RESOLUTION HONORING CAPTAIN WAYNE SCHMIGEL
POLICE OFFICER OF THE YEAR 2013
PARMA ELKS LODGE #1938

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Resolution
No. 44-13. Motion carried.

RESOLUTION NO. 45-13 3/18/13 L-45-13
BY: **M. CASSELBERRY, B. DAY,** B. BROCHETTI, L. NAPOLI, A. DIVIS, M. GALINAS,
R. J. JECH, D. LIME, S. M. TUMA

A RESOLUTION HONORING DANIEL PAUL REGAN
STUDENT OF THE YEAR 2013
PARMA ELKS LODGE #1938

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Resolution
No. 45-13. Motion carried.

LEGISLATIVE COMMENT

Mr. Brennan – Asked if anyone from the public would like to comment on any legislation
that Council will be taking final action on tonight. No one wished to comment.

DISPOSAL OF THE JOURNAL

Mr. Brennan – Stated, we have the Minutes from the Regular Council Meeting held on Monday, March 4, 2013. Asked if there were any additions or corrections to these Minutes. Stated, hearing none, the Minutes will stand approved as printed.

Mayor DeGeeter – Stated, the Director of Human Resources Thomas Weinreich and Civil Service Commissioner John Thomas are both here to discuss the merger of the two departments. They have been working on this for about 15 months. This will move the City of Parma forward to save money and become fully automated.

Both Directors talked about the merger and how it will be implemented.

COMMUNICATIONS, PETITIONS, AND CLAIMS

Communication dated March 11, 2013, from State Representative Nicholas J. Celebrezze stating he will continue to fight to maintain that the State provides adequate and additional monies to ensure continuation of the City of Parma’s excellent level of services.

E-mail communication dated March 17, 2013, from Debbie Sillett thanking Council and the Administration for accomplishing the partnership with Republic Services for the new recycling program.

Notice of Proposal to Vary for the applicant New Creation Builders, 6556 Queensway, Brecksville, OH 44147, PPN 448-13-117 who has requested an “Area” Variance of Section 1153.03(a) – Single Family House Districts – Accessory Uses and Buildings. The proposal is to build a new garage larger than Code allows at 6155 Allanwood Road. Maximum size garage permitted on irregular lot size of approximately 7,000 square feet is 730 square feet. The proposed new garage on lot size of approximately 7,000 square feet in area is 768 square feet (24’ x 32”). This variance would result in 38 more square feet than allowed by Code for detached garage on irregular lot size of approximately 7,000 square feet.

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

Notice to Legislative Authority, Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 4005, Reynoldsburg, OH 43068-9005, for a C1 C2 Liquor Permit transfer from Lehigh Gas Ohio LLC, dba BP AM PM, 6585 Ridge Road, Parma, Ohio 44129 to 7 Eleven, Inc., dba 7 Eleven 36735, 6585 Ridge Road, Parma, Ohio 44129. Mailed 3/14/13. Responses must be postmarked no later than 4/15/13.

Mr. Brennan – Said Liquor Permit will be referred to the Safety Director and to the Ward Council member.

Notice to Legislative Authority, Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 4005 Reynoldsburg, OH 43068-9005, for a C 1 C2 D6 Liquor Permit transfer from Lehigh Gas Ohio LLC, dba BP AM PM, 7510 Broadview Road, Parma, Ohio 44134 to 7 Eleven, Inc., dba 7 Eleven 36736, 7510 Broadview Road, Parma, Ohio 44134. Mailed 3/14/13. Responses must be postmarked no later than 4/15/13.

Mr. Brennan – Said Liquor Permit will be referred to the Safety Director and to the Ward Council member.

Notice to Legislative Authority, Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 4005 Reynoldsburg, OH 43068-9005, for a C1 C2 Liquor Permit transfer from Lehigh Gas Ohio LLC, dba BP AM PM, 5206 State Road, Parma, Ohio 44134 to 7 Eleven, Inc., dba 7 Eleven 36737, 5206 State Road, Parma, Ohio 44134. Mailed 3/12/13. Responses must be postmarked no later than 4/12/13.

Mr. Brennan – Said Liquor Permit will be referred to the Safety Director and to the Ward Council member.

COMMUNICATIONS, PETITIONS, AND CLAIMS CONTINUED:

Notice of Proposal to Vary for the applicant Chris and Connie Kmiecik, 4406 Dawnshire Drive, PPN 447-05-077. The proposal is to build a new garage larger than Code allows. The request is for an "Area" Variance of Section 1153.03(a) Single Family House District – Accessory Uses and Buildings. Maximum size of garage permitted on lot size 40' x 120' (4,800 square feet) is 500 square feet. The proposed new garage size is 576 square feet (24' x 24'). This variance would result in 76 more square feet than allowed by Code. There is a stipulation that no other out building will be erected on this property.

Motion made by Councilman Divis, seconded by Councilman Day, to grant the Variance with the stipulation to Chris and Connie Kmiecik. Motion carried.

Notice of Proposal to Vary for the applicant Robert M. Bonelli II, 4706 W. Ridgewood Drive, PPN 447-24-009. The proposal is for parking of a motor home on the property. The request is for an "Area" Variance of Section 1153.03©(2) – Single Family House Districts – Accessory Uses and Buildings – Regulations. Any owner of recreational equipment may park or store such equipment, not in excess of 24' in overall length, on property. The applicant is proposing to park a 30' motor home on a 35' concrete pad in the rear of the property. This Variance would result in allowing 6' more for overall length of recreational equipment to be stored on the property. There is a stipulation that the applicant meets all the Codified Ordinances of the City of Parma pertaining to getting the vehicle to the rear of the property.

Motion made by Councilman Divis, seconded by Councilman Day, to grant the Variance with the stipulation to Mr. Robert M. Bonelli II. Motion carried.

ORDINANCES AND RESOLUTIONS

Motion made by Councilman Tuma, seconded by Councilman Day, to amend the Calendar as follows: Please add Ordinance No. 83-13 to First Reading immediately following Ordinance No. 75-13. Motion carried.

Mr. Brennan – Stated the Mayor has called for an Executive Session to discuss the Police Fact Finder Report. A "yes" vote is to go into Executive Session and a "no" vote is not to go into Executive Session.

Motion made by Councilman Day, seconded by Councilman Tuma, to go into Executive Session.

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

No: None; Executive Session will now begin at 7:25 p.m.

Motion made by Councilman Tuma, seconded by Councilwoman Lime, to resume the Regular Council Meeting as this time. Motion carried. Council Meeting resumed at 7:50 p.m.

FIRST READING:

BY: **S. M. TUMA**

RESOLUTION NO. 37-13

3/18/13

L-37-13

A RESOLUTION URGING THE OHIO BOARD OF BUILDING STANDARDS TO CONSIDER AMENDING THE OHIO BUILDING CODE AND RESIDENTIAL CODE OF OHIO TO REQUIRE BOTH PHOTOELECTRIC AND IONIZATION SMOKE/FIRE DETECTORS IN SLEEPING ROOMS, AND DECLARING AN EMERGENCY

FIRST READING CONTINUED:

ORDINANCE NO. 83-13

3/18/13

L-83-13

BY: **S. M. TUMA, D. LIME**

AN ORDINANCE AUTHORIZING THE CITY OF PARMA TO PROCEED AND APPROPRIATE A SANITARY SEWER EASEMENT IN CERTAIN REAL PROPERTY KNOWN AS PERMANENT PARCEL NUMBER 448-23-001, LOCATED AT 6585 WEST RIDGEWOOD DRIVE IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance will be referred to the Environmental Standards Committee.

SECOND READING:

ORDINANCE NO. 49-13

3/4/13

L-49-13

BY: **M. GALINAS**

(By Request – Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH CLEVELAND FREIGHTLINER, INC. FOR JOB AND PAYROLL TAX CREATION INCENTIVES, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 49-13 back to the Finance Committee. Motion carried.

ORDINANCE NO. 50-13

3/4/13

L-50-13

BY: **D. LIME**

(By Request – Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY TO WAIVE THE REQUIRED FEE WITHIN THE PARMA CODIFIED ORDINANCES FOR ITINERANT VENDORS, AND ISSUING A ONE DAY PERMIT FOR VENDORS PARTICIPATING IN THE MAY 5, 2013, POLISH CONSTITUTION DAY PARADE, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 50-13 back to the Finance Committee. Motion carried.

SECOND READING CONTINUED:

ORDINANCE NO. 51-13 3/4/13 L-51-13
BY: **M. GALINAS**

AN ORDINANCE TO REZONE PERMANENT PARCEL
NUMBER 441-39-001 FROM RETAIL BUSINESS
DISTRICT TO MULTI-FAMILY B-1 DISTRICT
LOCATED ON HUFFMAN ROAD NEAR STUMPH
ROAD IN THE CITY OF PARMA

Motion made by Councilman Divis, seconded by Councilman Day, to refer Ordinance
No. 51-13 back to the Planning Committee. Motion carried.

SECOND READING SUSPENSION OF THE RULES:

ORDINANCE NO. 65-13 3/4/13 L-65-13
BY: **S. M. TUMA**, M. GALINAS, D. LIME, L. NAPOLI, A. SCHOFIELD, B. BROCHETTI,
M. CASSELBERRY, B. DAY, A. DIVIS
(By Request – Recreation Director)

AN ORDINANCE TO AMEND 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, AND
DECLARING AN EMERGENCY

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and distinct
reading of Ordinance No. 65-13 on three different days be dispensed with?
Yes: Galinas, Lime, Napoli, Schofield, Tuma, Brochetti, Casselberry, Day, Divis.
No: None; motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Ordinance
No. 65-13.
Yes: Galinas, Lime, Napoli, Schofield, Tuma, Brochetti, Casselberry, Day, Divis.
No: None; Ordinance No. 65-13 is adopted.

THIRD READING:

ORDINANCE NO. 47-13 2/19/13 L-47-13
BY: **B. DAY**, A. DIVIS, M. GALINAS, D. LIME, L. NAPOLI, A. SCHOFIELD, S. M. TUMA,
B. BROCHETTI, M. CASSELBERRY
(By Request – Mayor)

AN ORDINANCE TO EXTEND THE MORATORIUM FOR AN
ADDITIONAL ONE HUNDRED EIGHTY (180) DAYS 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

SUSPENSION OF THE RULES CONTINUED:

RESOLUTION NO. 71-13

3/18/13

L-71-13

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. 71-13 on three different days be dispensed with?

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

No: None; motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to Committee be dispensed with and Resolution No. 71-13 be placed on final passage?

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

No: None; motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Resolution No. 71-13.

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

No: None; Resolution No. 71-13 is adopted.

ORDINANCE NO. 72-13

3/18/13

L-72-13

BY: **S. M. TUMA**

(By Request – Auditor)

AN ORDINANCE TO AMEND THE 2013 TEMPORARY
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. 72-13 on three different days be dispensed with?

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

No: None; motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to Committee be dispensed with and Ordinance No. 72-13 be placed on final passage?

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

No: None; motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day, to adopt Ordinance No. 72-13.

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

No: None; Ordinance No. 72-13 is adopted.

APPOINTMENTS AND CONFIRMATIONS

Mr. Brennan – Asked the Mayor if there were any appointments or confirmations at this time.

Mayor DeGeeter – Stated that there were none.

PUBLIC SESSION

Mr. Phil Thomas, Gettysburg Drive – Stated he attended one of the public meetings on the new trash collection policy. Wondered if there have been any changes with litter in other communities because of this, such as residents dumping excess garbage if and when their bins are full. Congratulated Councilman Casselberry and President of Council Brennan for cutting their hair in support of the Broderick Foundation.

Mr. Richard Higgins, 11825 West Pleasant Valley Road – Praised the Service Department for the great snow removal season. Stated he has an issue with 12193 West Pleasant Valley Road, the Parma Baptist Church. They pay to have Auxiliary Police to stop traffic so cars can exit. Stated, this is causing him a problem getting out of his driveway.

MISCELLANEOUS BUSINESS

Mayor DeGeeter – Concerning the garbage, they want to get the program rolling and then see how things go and then make adjustments. Stated, the OPBA voted to accept the Fact Finder Report and the City is not contesting this Report. There will be a Special Council Meeting on Monday, March 25th to pass the 2013 Budget.

Safety Director Baeppler – Comments are inaudible.

Service Director Higgins – Stated, he talked with other Service Directors and they don't have a problem with dumping of excess garbage. We will keep an eye on this. This program seems to work everywhere.

Law Director Dobeck – No comment.

Treasurer Mastroianni – No comment.

Councilwoman Galinas – No comment.

Councilwoman Lime – Stated she watched Mr. Brennan and Mr. Casselberry get their heads shaved for a good cause at St. Charles. The Principal, Mrs. Updegrove, also did this and should be congratulated.

Councilman Napoli – Stated, Council is proud on Mr. Brennan and Mr. Casselberry for shaving their heads for a good cause.

Councilman Schofield – No comment.

Councilman Tuma – Commended the Administration for having the additional trash meetings. The responses he received to the new trash collection were very positive. Congratulated Mr. Brennan and Mr. Casselberry.

Councilman Brochetti – Congratulated Mr. Brennan and Mr. Casselberry.

Councilman Casselberry – Thanked Mr. Higgins for his kind comments about the garbage and also the head shaving. This was a great event.

MISCELLANEOUS BUSINESS CONTINUED:

Councilman Day – Congratulated Mr. Brennan and Mr. Casselberry. Stated, this Wednesday is the Elks Dinner. It is an honor being there. Asked everyone to remember about the Safety Fair and making donations.

Councilman Divis – Congratulated Mr. Brennan and Mr. Casselberry. Everyone is very proud of them.

Mr. Brennan – Stated, no one can describe what it was like in the gym for the head shaving. Very high energy. It is a very moving event and an honor to have been invited. Commended Mrs. Updegrove. Stated, there will be a Special Council Meeting next Monday, March 25, 2013, at 7:00 p.m. to pass the Budget. Thanked the Safety Department for the patrols on St. Patrick’s Day.

REPORT ON ABSENT MEMBERS

Motion made by Councilman Day, seconded by Councilwoman Lime, to excuse Auditor Dennis Kish. Motion carried.

ADJOURNMENT

Motion made by Councilman Day, seconded by Councilwoman Lime, to adjourn said Regular Council Meeting. Motion carried.

CERTIFICATION

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, March 18, 2013.

KENNETH A. RAMSER
CLERK OF COUNCIL

SEAN P. BRENNAN
PRESIDENT OF COUNCIL

Meeting adjourned at 8:25 p.m.

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Kenneth A. Ramser
Clerk of Council

Compiled 3/15/13

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