

MARCH 21, 2016  
REGULAR COUNCIL MEETING MINUTES  
PARMA COUNCIL CHAMBERS  
7:01 P.M.

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

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

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, Chief Assistant Law Director Tim Miller, Auditor Brian Day, Treasurer Tom Mastroianni, Service Director Brian Higgins, Acting Safety Director Thomas Weinreich, Building Commissioner/City Engineer Paul Deichmann, Communications and Community Relations Director Jeannie Roberts, Recreation Commissioner Mickey Vittardi, Community Development Director Erik Tollerup, Chief of Staff Michael Culp, Economic Development Director Shelley Cullins, and Clerk of Council Kenneth A. Ramser.

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**INVOCATION**

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

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**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by members of Girl Scout Troops and a Daisy Troop.

President of Council Brennan and Mayor DeGeeter presented the girls with certificates and awards.

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**VOICE VOTE:**

RESOLUTION NO. 48-16       3/21/16       L-48-16  
BY: **S. M. TUMA**, B. BROCHETTI, M. CASSELBERRY, J. CROSSMAN,  
V. DIPIERRO, A. DIVIS, D. LIME, L. NAPOLI, K. L. SABAN

A RESOLUTION HONORING FUTURE DIRECTIONS HAIR STUDIO  
& SPA BUSINESS OF THE MONTH – FEBRUARY, 2016

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 48-16. Motion carried.

Councilman Tuma - Presented the Resolution as well as certificates from the Law Director, Treasurer and Auditor to Future Directions.

Mayor DeGeeter – Presented a Proclamation to Future Directions.

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BY: **K. L. SABAN**, B. BROCHETTI, M. CASSELBERRY, J. CROSSMAN,  
V. DIPIERRO, A. DIVIS, D. LIME, L. NAPOLI, S. M. TUMA

A RESOLUTION HONORING DIANNA KALL CITIZEN OF THE  
MONTH – FEBRUARY, 2016

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt  
Resolution No. 49-16. Motion carried.

Councilwoman Saban – Presented the Resolution as well as certificates from the  
Law Director, Treasurer and Auditor to Dianna Kall.

Mayor DeGeeter – Presented a Proclamation to Dianna Kall.

BY: **V. DIPIERRO**, B. BROCHETTI, M. CASSELBERRY, J. CROSSMAN,  
A. DIVIS, D. LIME, L. NAPOLI, K. L. SABAN, S. M. TUMA

A RESOLUTION HONORING ALAN W. MCLAUGHLIN  
PLANT MANAGER, GENERAL MOTORS PARMA

Motion made by Councilman Tuma seconded by Councilman Celebrezze to adopt  
Resolution No. 50-16. Motion carried.

Mr. Brennan – Recognized Cuyahoga County Prosecutor Elect Michael O’Malley.

**EXECUTIVE SESSION REQUEST TO DISCUSS THE 4<sup>TH</sup> OF JULY FIREWORKS  
CONTRACT**

Mr. Brennan – We have a request to go into Executive Session to discuss the 4<sup>th</sup>  
of July Fireworks Contract.

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

No: None; Council convened to go into Executive Session at 7:31 P.M.

Council reconvened the Council Meeting at 8:11 P.M.

**LEGISLATIVE COMMENT**

Steve Hansler, Pine Tree Vista – Stated he forwarded an E-mail to all members  
of Council regarding the rezoning of 6901 Ridge Road with his concerns.

**DISPOSAL OF JOURNAL**

Mr. Brennan – Stated, you have before you the Minutes from the Regular Council  
Meeting of March 7, 2016, and the Public Hearing of March 14, 2016. 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**

Notice received from the Ohio Division of Liquor Control for a New D5 Permit to  
Francis J. Kelty, dba Grovewood Grill, 5455 State Road, Parma, Ohio 44134. Mailed on  
March 17, 2016. Responses must be postmarked no later than April 18, 2016.

Mr. Brennan – Said Liquor Permit was referred to the Ward Council and Safety  
Director.

We are in receipt of the 2015 City of Parma Building Department Annual Report. Copy is on file in the Council Office.

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The Parma Board of Zoning Appeals met on Tuesday, March 8, 2016 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 Brendan Schmolz or Marie stakes for property at 11536 Sprague Rd. PPN is 457-24-016. After discussion Mr. Ziefle made the following recommendation: "I make a motion to recommend to Council to GRANT to Brendan Schmolz or Marie Stakes, The Revelt LLC Marie Stakes, 7296 Langerford Dr., 44129 has requested an "Use" variance of the City of Parma Codified Ordinances of Section 1153.02 – SINGLE FAMILY HOUSE DISTRICTS – PRINCIPAL USES AND BUILDINGS. Within any Single-Family House District, no building or premises shall be erected, used, arranged or designed to be used, in whole or in part, for other than single-family detached dwellings. The proposal is to use dwelling as two-family residence at 11536 Sprague Road. This variance would result in allowing use of dwelling as two-family residence in a Single-Family House District. The PPN is 457-24-016. By granting this variance the character of the neighborhood would not be substantially altered and by granting this variance the Zoning and Building requirements would be observed". Mr. Yurkiw seconded the motion. Mr. Ziefle, Mrs. Kraft, and Mr. O'Connor voted yes to grant the variance.

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

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The Parma Board of Zoning Appeals met on Tuesday, March 8, 2016 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 Anthony J. Coyne, Esq., Zaremba Group, LLC, c/o Mansour Gavin LPA, N. Point Tower, 1001 Lakeside Ave., #1400, Cleveland, OH 44114 for property at Ridge and Snow Road (southwest corner). PPN is 449-04-025, 026, 030, 060, 061- Redevelopment area. Parcels requiring "Use" variance are 449-04-025,060,061. After discussion Mr. Yurkiw made the following recommendation: "I make a motion to recommend to Council to GRANT to Anthony J. Coyne, Esq., Zaremba Group, LLC – c/o Mansour Gavin LPA, North Point Tower, 1001 Lakeside Ave, #1400, Cleveland, OH 44114 has requested an "Use" variance of the City of Parma Codified Ordinances of Section 1153.02 – PLANNING & ZONING CODE – PRINCIPAL USES AND BUILDINGS. Within any single-family district, no building or premises shall be erected, used, arranged or designed to be used, in whole or in part, for other than single-family detached dwellings. The Applicant is proposing to construct new commercial drugstore at the southwest corner of Ridge and Snow Roads between Snow and Essen Avenue. This variance would result in allowing to build new retail building in single-family house district. The PPNs are within Redevelopment Area – 449-04-025, 026, 030, 060, 061. Parcels requiring Use Variance – 449-04-025,060,061. By granting this variance the essential character of the neighborhood would not be substantially altered, and the adjoining properties would not suffer a substantial detriment as a result of the variance and the spirit and intent behind the Zoning and Building requirements would be observed and substantial justice done by granting this variance. Mr. Ziefle seconded the motion. Mr. Yurkiw, Mr. Ziefle, Mrs. Kraft and Mr. O'Connor voted yes.

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

**FIRST READING:**

ORDINANCE NO. 44-16      3/21/16      L-44-16

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 LEASE/PURCHASE OF SIX (6) 2016 AWD SPORT UTILITY VEHICLES FOR THE PARMA SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY

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

ORDINANCE NO. 45-16      3/21/16      L-45-16

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

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH STRYKER, SOLE SOURCE PROVIDER, FOR THE PURCHASE OF FOUR (4) POWER-LOAD COTS FOR THE PARMA FIRE DEPARTMENT, AND DECLARING AN EMERGENCY

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

ORDINANCE NO. 46-16      3/21/16      L-46-16

BY: S. M. TUMA  
(By Request – Clerk of Court)

AN ORDINANCE AUTHORIZING THE CLERK OF COURT TO ENTER INTO A CONTRACT UNDER THE STATE OF OHIO COOPERATIVE PURCHASE PROGRAM FOR THE PURCHASE OF AN X-RAY INSPECTION SYSTEM FOR THE PARMA JUSTICE CENTER, AND DECLARING AN EMERGENCY

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

**SECOND READING:**

ORDINANCE NO. 28-16      3/7/16      L-28-16

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

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF PARMA HEIGHTS FOR A PARTNERSHIP OF HOSTING SUMMER BAND CONCERTS AT ANTHONY ZIELINSKI PARK IN THE CITY OF PARMA AND GREENBRIAR COMMONS IN THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilman Napoli to refer Ordinance No. 28-16 back to the Public Service Committee. Motion carried.

ORDINANCE NO. 29-16      3/7/16      L-29-16  
BY: D. LIME, M. CASSELBERRY, J. CROSSMAN, A. DIVIS, K. L. SABAN  
(By Request – Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, RECEIVE AND ADMINISTER FUNDS IN DEMOLITION ACTIVITIES VIA ROUND THREE (3) OF THE CUYAHOGA COUNTY DEMOLITION PROGRAM, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 29-16 back to the Finance Committee. Motion carried.

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RESOLUTION NO. 31-16      3/7/16      L-31-16  
BY: D. LIME  
(By Request – Safety Director)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A HOLD HARMLESS AND INDEMNIFICATION AGREEMENT FOR POLICE AND FIRE DEPARTMENT TRAINING PURPOSES TO BE CONDUCTED ON PROPERTIES LOCATED ON COVENTRY DRIVE IN THE CITY OF PARMA OWNED BY WEST CREEK PRESERVATION COMMITTEE, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Resolution No. 31-16 back to the Public Safety Committee. Motion carried.

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ORDINANCE NO. 33-16      3/7/16      L-33-16  
BY: S. M. TUMA  
(By Request – Building Commissioner)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT FOR THE CUTTING OF HIGH GRASS/WEEDS AND YARD CLEAN-UP IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 33-16 back to the Finance Committee. Motion carried.

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ORDINANCE NO. 35-16      3/7/16      L-35-16  
BY: L. NAPOLI, S. M. TUMA  
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) THROUGH THE COMMUNITY COST-SHARE PROGRAM FOR THE COVENTRY DRIVE-WEST CREEK IMPERVIOUS SURFACE REMOVAL PROJECT IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilman Napoli to refer Ordinance No. 35-16 back to the Public Service Committee. Motion carried.

BY: L. NAPOLI  
(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 DEMOLITION OF STRUCTURES LOCATED AT 2406, 2415, AND 2416 COVENTRY DRIVE IN THE CITY OF PARMA, ON BEHALF OF WEST CREEK PRESERVATION COMMITTEE, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 36-16 back to the Finance Committee. Motion carried.

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

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE LEASE/PURCHASE OF FOUR (4) 2016 CHEVROLET IMPALAS AT THE STATE PROCUREMENT PRICE FOR THE PARMA SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to refer Ordinance No. 39-16 back to the Finance Committee. Motion carried.

**THIRD READING:**

BY: S. M. TUMA  
(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, 2016, TO AND INCLUDING DECEMBER 31, 2016, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to hold Ordinance No. 213-15 on Third Reading. Motion carried.

BY: S. M. TUMA

AN ORDINANCE TO REZONE PERMANENT PARCEL NUMBER 450-03-009 FROM SINGLE-FAMILY AA-1 DISTRICT TO RETAIL BUSINESS AA-1 DISTRICT LOCATED AT 6901 RIDGE ROAD IN THE CITY OF PARMA

Councilman Tuma – As the Administration indicated earlier, we are asking that the developers in this instance take the steps necessary to reasonably accommodate the residents of Pine Tree Vista with respect to any safety issues. I also ask that there be a traffic survey done and that be taken into consideration as the project moves forward, and that the developers work with the Planning Commission with respect to safety concerns as they move forward as well.

Councilman Crossman – I am guessing that the character of the neighborhood has changed since Fifth Third and Dunkin Donuts were constructed. It doesn't seem like we would have much of a leg to stand on by not agreeing to rezone and would be the subject to litigation if we to deny the rezone.

Councilman Tuma – That is my understanding as well given the nature and character of the neighborhood as it stands now. This property was a church at the time and is a residential property and both to the north and south of that property are now businesses. Also, to the west of the property are businesses and I don't see any viable argument for maintaining it as a residence.

Mr. Miller – It would be a fight for us to deny the zoning. I am not saying that we wouldn't prevail, but it certainly would be fight. We had a fight, a number of years ago, when Colozza's, right in that same neighborhood, wanted to change a single-family home to a business. That was quite a fight. We prevailed on that, but this is a little different and I think it would be problematic. I would also make note that for Mr. Tuma who wants them to work with the Planning Commission to accommodate the residents and it is certainly the way it has to go. We can't, for zoning purposes, put conditions on the zoning. That can be done in a variance issue proceeding, but for zoning you are voting for the zoning or not for the zoning.

Mayor DeGeeter – Just kind of reiterate for the record everything that was spoken by the Ward Councils and the Law Director. Everything north where there is an Outback, Wendy's, Kohl's, Target, Chick fil A, the Plaza, it is all zoned commercial. This is the only parcel that is out there. Again, if you look to the south, that was Office, which was a lawsuit originally to get that zoned office, and there was no interest in that property. We will honor the Councilman's concerns regarding asking for a traffic study done at the time of Planning Commission. All members of the Planning Commission are aware. We have a wonderful Planning Commission Member, Katherine Holmeck, who is a landscape architect who does a great job on the buffering, mounding, etc. We will look to utilize her expertise as this project goes forward and will stay in constant communication with the Councilman.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 240-15.

Yes: Napoli, Saban, Tuma, Brochetti, Casselberry, Crossman, Dipierro, Divis, Lime.  
No: None; Ordinance No. 240-15 is adopted.

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ORDINANCE NO. 18-16      2/16/16      L-18-16  
BY: D. LIME, L. NAPOLI, K. L. SABAN, S. M. TUMA, B. BROCHETTI,  
M. CASSELBERRY, J. CROSSMAN, V. DIPIERRO, A. DIVIS, D. LIME  
(By Request – Safety Director)

AN ORDINANCE TO AMEND SECTIONS 660.22 "EXTERIOR PROPERTY AREAS; PENALTY"; 1705.99 "PENALTY"; AND 1707.10 "NOXIOUS WEEDS AND GRASS; LITTER" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 18-16.

Yes: Napoli, Saban, Tuma, Brochetti, Casselberry, Crossman, Dipierro, Divis, Lime.  
No: None; Ordinance No. 18-16 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 TAC COMPUTER, INC., FOR A TWO (2) YEAR PERIOD FOR ANNUAL MAINTENANCE SUPPORT FOR RECORDS MANAGEMENT SYSTEM, COMPUTER AIDED DISPATCH AND MOBILE REPORTING FOR THE COMMUNICATIONS CENTER, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to hold Ordinance No. 27-16 on Third Reading. Motion carried.

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**SUSPENSION OF THE RULES:**

Mr. Brennan - Shall the statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 40-16, Ordinance No. 41-16, Ordinance No. 42-16, Ordinance No. 43-16 and Resolution No. 47-16 on three different days be dispensed with?

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

No: None; motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to committee be dispensed with and Resolution No. 40-16, Ordinance No. 41-16, Ordinance No. 42-16, Ordinance No. 43-16 and Resolution No. 47-16 be placed on final passage?

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

No: None; motion carried.  
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BY: K. SABAN, L. NAPOLI, S. M. TUMA, B. BROCHETTI, M. CASSELBERRY, J. CROSSMAN, V. DIPIERRO, A. DIVIS, D. LIME  
(By Request – Building Commissioner)

A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT PARCEL NUMBER 445-11-078, 1675 MARIETTA AVENUE, PARMA, OHIO, AND DECLARING AN EMERGENCY

Councilwoman Saban – The Mayor along with Mr. Graves have visited the neighbor, and I was there as well. This is a nightmare of a property. Mr. Bonness will be very happy. No one should have to live next to something like this. I am very happy that this is going to pass.

Mayor DeGeeter – Just want to thank our Detective Bureau and our Police Department. They did an outstanding job. This goes back to 2010.

Mr. Miller – I would also like to let Council know that, after working with Councilwoman Saban, we are also going to file an Injunction in Common Pleas Court to hit them from all corners. This is a meth house for the second time. They also have a garage that they started to put up that is the size of a barn that they have already been convicted of in Municipal Court. We are going to go after this person with all zeal.

Auditor Day – Thank you, Councilwoman Saban, for picking up the ball over there and running with this. This was huge challenge in Ward 4 for years. Was a meth house. The individual built a huge barn/garage without permits that. We successfully had this individual remove the barn, but he kept going to the courts and they kept kicking it back to us. So, we received little help from the courts and it was quite a



challenge for years of dealing with this property. So, this has been a huge issue on Marietta and I agree with Mrs. Saban, there will probably be a party thrown over there.

Mr. Brennan – Was it our local court or court of common pleas?

Auditor Day – Local.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 40-16.

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

No: None; Resolution No. 40-16 is adopted.

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ORDINANCE NO. 41-16      3/21/16      L-41-16

BY: D. LIME

(By Request – Building Commissioner)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (b)  
OF SECTION 1705.99 "PENALTY" OF THE CODIFIED ORDINANCES  
OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Councilwoman Lime – I would ask that we put it back to Committee for discussion before passage.

Mayor DeGeeter – I will refer to Mr. Deichmann, but this is a change to add something that was inadvertently left out.

Mr. Deichmann – This is to clean up an oversight from a couple of years ago when we amended the penalty clause section 1705.99. It was passed originally. It was 1707.17 (g) which dealt with the time limits on which the garbage cans be out on the tree lawn before and after pick up. It did omit Section (b) which is the section in the code which deals with the proper storage of the cans on those days when it is not time for pick up. So, it was simply an oversight a couple of years ago.

Councilwoman Lime – This is the penalty end of it though. This is not talking about someone on the street having their trash cans out. This is actually the penalty. So, I believe that, before we pass anything with the penalty in there we should have some discussion. I just want to make sure that everyone is knowledgeable to what this actually does. It makes it a minor misdemeanor, which I believe is a ticket and sends it over to Court.

Councilman Crossman – This, to me, looks like it might have been a typo.

Mr. Deichmann – This was actually caught by the Court, but it is correct. It was a typo originally. Section (b) should have been in there at the time this was originally amended. It could complicate enforcement if it is not added.

Councilman Crossman – In essence, Council already approved this, but there was just an omission when the original legislation was proposed to Council. It is a reference to a section. Correct?

Mr. Deichmann – That is correct. It was originally a typo when this was originally put together and we are just simply bringing it up to where it should have been when this amendment to the penalty sections were originally passed.

Councilman Crossman – I would submit to Council then that Council, when it was passed, this was probably thoroughly discussed as to what the penalty would be and this is just clean up.

Mayor DeGeeter – I believe what happened was, one of our inspectors cited someone under that, took it to court, and found out that (b) is not within that penalty for a minor misdemeanor. So, this is putting that back in so we can continue to send the minor misdemeanor ticket to the Court.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 41-16.

Yes: Napoli, Saban, Tuma, Brochetti, Casselberry, Crossman, Dipierro, Divis, Lime.  
No: None; Ordinance No. 41-16 is adopted.

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ORDINANCE NO. 42-16      3/21/16      L-42-16

BY: B. BROCHETTI  
(By Request – Mayor)

AN ORDINANCE TO AMEND A PORTION OF SECTION 1 OF  
ORDINANCE NO. 98-15 RELATIVE TO THE RENEWAL CONTRACT  
WITH THE LAW FIRM OF ZASHIN & RICH CO., L.P.A. FOR LEGAL  
SERVICES FOR LABOR NEGOTIATIONS WITH VARIOUS BARGAINING  
UNITS, AND DECLARING AN EMERGENCY

Councilman Tuma – Can I get an explanation from the Mayor?

Mayor DeGeeter – As you are all aware, during my first term we decided to change Legal Counsel to do our negotiations. We went to Zashin & Rich. We did this in 2013 and 2014. That contract will expire again in May. So, we will have to come back to reengage them and we recommended them as well. They have been handling our negotiations. We have been successful with them. So, we are asking for this fund to be replenished.

Councilwoman Lime – When you come back with another contract, will you be looking at additional dollars.

Mayor DeGeeter – Inaudible comment.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 42-16.

Yes: Napoli, Saban, Tuma, Brochetti, Casselberry, Crossman, Dipierro, Divis, \*Lime.  
No: None; Ordinance No. 42-16 is adopted.

\*Councilwoman Lime – I think Zashin has done a great job with the negotiations, but I raise the flag because we are passing this before we pass the budget.

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ORDINANCE NO. 43-16      3/21/16      L-43-16

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

AN ORDINANCE TO AMEND SECTION 779.02 "PUBLIC VEHICLE  
LICENSE REQUIRED" OF CHAPTER 779 "TAXICABS" OF THE  
CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING  
AN EMERGENCY

Councilman Crossman – It looks as if the State of Ohio is exempting Uber, Lyft, and other ride share companies from obtaining licenses for taxi cabs. Is that correct?

Mr. Weinreich – The Law Department, brought to their attention, that state law was changing to create this exemption for Uber type operations and advised that we amend our local ordinance to comply with state law. This is on Suspension of the Rules because the change in the state law takes effect March 23<sup>rd</sup>.

Mr. Brennan – So, basically, they are exempt from our local ordinances.

Mr. Weinreich – Correct.

Mr. Brennan - So, we have no way of regulating them as a municipality.

Mr. Weinreich – That is correct. The state law has chosen to exempt them from licensing and this is to comply with state law.

Councilman Tuma – What would the legislative intent behind exempting them. It seems like you would want to regulate them.

Mr. Weinreich – I would defer to the Law Department. I can't speak to the legislative intent at the state level.

Mr. Miller – Why the state legislature did that, I can't tell you but the import of what the general assembly did was that they made the law so that our codified ordinances is inconsistent. Our regulatory system is different than what state law provides. So, they are saying local municipalities can not regulate transportation network companies, which is Uber, Lyft and those sorts of operations. So, we have to change our ordinance to conform with state law.

Mr. Brennan – My follow up to that is, normally when the state makes some type of change to the law and they regulate something, usually we have to adopt the regulations and codify them in our ordinances.

Mr. Miller – They have preempted that function. They state the local municipalities may not regulate Uber, Lyft and other transportation companies.

Mr. Brennan – Are there state regulations on them or not? What do our Police do? Do they know what the regulations are regarding these Uber drivers?

Mr. Miller – I'm not sure that they are doing that. They are just saying that cities may not regulate those.

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Ordinance No. 43-16.

Yes: Napoli, Saban, \*Tuma, Brochetti, Casselberry, Crossman, Dipierro, Divis, Lime.

No: None; Ordinance No. 43-16 is adopted.

\*Councilman Tuma – I am saying yes because the state told us to.

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RESOLUTION NO. 47-16      3/21/16      L-47-16

BY: S. M. TUMA  
(By Request – Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S POST CERTIFICATION OF REQUISITIONS AND DETAILED IN EXHIBIT "A", AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Casselberry to adopt Resolution No. 47-16.

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

No: None; Resolution No. 47-16 is adopted.

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**APPOINTMENTS AND CONFIRMATIONS:**

Councilman Crossman – Stated, the Appointment Scanning Committee met to consider the following: Appointment of Timothy Boyko to serve on the UH Parma Medical Board of Directors. Mr. Boyko's appointment would be for a three year term, replacing Al Kohler. His term will end May 31, 2019.

Re-appointment of Jack Krise to the UH Parma Medical Board of Directors. Mr. Krise's term is set to expire on May 31, 2016. His new appointment would be for a term of three years, ending May 31, 2019.

Re-appointment of Devilla Moncrief to the Fair Housing Review Board. Mr. Moncrief's term expired on December 31, 2015. His new appointment would be for a term of three years, ending on December 31, 2018.

Motion made by Councilman Crossman seconded by Councilman Casselberry to grant the appointment and re-appointments as recommended by the Mayor and the Appointment Scanning Committee of Council. Motion carried.  
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**PUBLIC SESSION**

Resident of Ward 2 – Asked if Council is in favor of the proposed CVS, if the Planning Commission is in favor of the proposed and will the decision be published in the newspaper?

Mr. Brennan – We don't control the newspapers. I would assume it will be published in the newspapers. As your government, we don't have any control over what the newspapers print, because newspapers are a private business.

Resident – I have heard pro and con. So, I wanted to make sure.

Mr. Brennan – I can tell you that, personally, I am in favor of it.

Resident – I am not.

Mr. Brennan – I understand. These things are never unanimous.

Resident – I am going to own a home in that vicinity. I live in the block of Debbie Lime and I want to make sure of the traffic back and forth, because it has been heavy traffic to cut out the light and also the police come through there three at a time at night.

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**MISCELLANEOUS BUSINESS**

Mayor DeGeeter – Congratulations to Michael O'Malley on his election as our next County Prosecutor. As indicated previously that I would be announcing staffing changes post the March primary. So, Mr. O'Malley will be rejoining us here at City Hall in his capacity as Safety Director until the end of this year. In the interim, I do want to thank Tom Weinreich who has stepped up as well as Director Higgins during the leave of Mr. O'Malley. When Mr. O'Malley becomes our next County Prosecutor in 2017, Mr. Weinreich will be our Safety Director moving forward.

There is a meeting on March 28<sup>th</sup>, with Police Chiefs, Safety Directors and Mayors in North Royalton regarding the deer culling program. Everyone will get an action plan together and reporting back to City Councils. We want to do this in a safe way.

RTA is proposing some rate and services changes. There is a Public Hearing scheduled at Tri C Western Campus on March 24<sup>th</sup>. I have asked Erik Tollerup to attend. The meeting is open to the public.

Hope everyone has a Blessed and Happy Easter.

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Acting Safety Director Weinreich – I would like to thank all members of Council for the passage of 18-16, the amendments to the codified ordinances as they relate to high grass/noxious weeds and litter. This will provide additional tools for our Building Department to address the property maintenance issues this summer.

Happy and Blessed Easter.

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Service Director Higgins – No comment.

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Auditor Day – A few weeks they met with Representatives from the State Treasurers Office regarding Ohio Checkbook to have some conversation as to whether Parma should participate in this program. I have been working with them over the past few weeks along with the MIS Department to provide them with information regarding expenditures for the City of Parma and looking to see if we would like to participate in Ohio Checkbook. We just received our test page, I viewed it the other day, I am finishing going through it to make sure that it looks as we want it to and is providing the information we want it to. We will go through that over the next couple of weeks and then MIS will provide them with several years of information. So, Parma will be participating in Ohio Checkbook. It provides us with the opportunity to utilize technology to post financial information and increase transparency for the City. I will let

you know when the City of Parma is up and running and that should be within the next couple of weeks.

Happy Easter.

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Mr. Miller – Congratulations to Mike O'Malley. He is going to be an outstanding County Prosecutor. I look forward to him serving the County well.

Happy Easter.

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Treasurer Mastroianni – Congratulations to Mike O'Malley. Congratulations to Tom Weinreich.

Happy Easter.

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Councilman Napoli – Congratulations to Mike O'Malley. Our loss is the County's gain and our gain as well. I am real happy Tom Weinreich will be taking over for Mike next year.

On April 8<sup>th</sup>, the All Kids Playground has another fundraiser. This will be at Three Spot in North Royalton.

Happy Easter.

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Councilwoman Saban – Congratulations to Mike O'Malley. Congratulations to Tom Weinreich. Thank you for your help over the last few weeks on some issues.

Happy Easter.

Thank you for passing that nuisance abatement on Marietta. I really appreciate it.

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Councilman Tuma – Congratulations to Mike O'Malley and much success in the County. I look forward to working with Mr. Weinreich.

With respect to the Budget, we are looking at Monday and possibly Tuesday. We will let you know as soon as we can. I would ask Council to look at the final budget, review it, and have any questions prepared for the meeting.

I want to congratulate our recipients this evening.

Happy Easter.

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Councilman Brochetti – Congratulations to Mike O'Malley. It is well deserved. Congratulated Tom Weinreich. Congratulations to the recipients.

Happy Easter.

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Councilman Casselberry – Congratulations to Mike O'Malley and also to Director Weinreich. Congratulations to the recipients.

Congratulations to my sister, former Girl Scout, who got a well deserved promotion.

Happy Blessed Easter.

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Councilman Crossman – Congratulations to Mike O'Malley. Appreciates the team work that all of the Directors have given and working with Council. Any issue that comes up with Safety or Service, I can expect that my phone will be answered quickly. Have already started getting phone calls regarding the deer issue.

Happy Easter.

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Councilman Dipierro – Congratulations to Mike O'Malley and Tom Weinreich.

Happy Easter.

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Councilman Divis – Congratulations to Mike O'Malley and Tom Weinreich.

Happy Easter.

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Councilwoman Lime – The Safety Fair is scheduled for Saturday, April 30, from 11 A.M. to 2 P.M.

Polish Constitution Day is May 1<sup>st</sup>. The Parade starts at 2 P.M. at Parma Circle and there will be the after party.

We are very fortunate to have the girl scout organization in Parma, because they are one of the most active ones in Northeast Ohio.

Ordinance No. 18-16 is a good ordinance that was passed.

Will have a conversation to the resident regarding the proposed CVS.

Happy Easter.

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Mr. Brennan – Glad to hear that we will be participating in the Ohio Checkbook Program. It is a good transparency for the public.

Happy Easter.

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**ADJOURNMENT**

Motion made by Councilman Napoli seconded by Councilman Crossman to adjourn said meeting at 9:11 P.M. Motion carried.

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**CERTIFICATION**

I, Kenneth A. Ramser, Clerk of Council of 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 Monday, March 21, 2016.

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

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

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