

CALENDAR
SEPTEMBER 4, 2018
REGULAR COUNCIL MEETING MINUTES
PARMA COUNCIL CHAMBERS
7:29 P.M.

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

COUNCIL MEMBERS PRESENT: DEBORAH LIME
 LARRY NAPOLI
 KRISTIN L. SABAN
 JEFFREY CROSSMAN
 VITO DIPIERRO
 ALLAN DIVIS
 DENNIS M. KISH

COUNCIL MEMBERS EXCUSED: BRIAN BROCHETTI
 MARK CASSELBERRY

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 Dobeck, Auditor Brian Day, Treasurer Tom Mastroianni, Service Director Brian Higgins, Building Commissioner/City Engineer Paul Deichmann, Communications and Community Relations Director Carolyn Kovach, Recreation Commissioner Mickey Vittardi, Director of Human Resources Renee Guy, Community Development Director Erik Tollerup, Director of Public Housing Priscilla Pointer-Hicks and Clerk of Council Kenneth A. Ramser.

INVOCATION

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

PLEDGE OF ALLEGIANCE

Council Meeting called to order at 7:29 p.m. recessed at 7:42 p.m. and reconvened at 9:00 p.m.

LEGISLATIVE COMMENT

Christine Kindle - Spoke regarding the teachers from Summit Academy Community School and there wanting to join the ACTS teachers union. Stated that they started this process last March. Explained that they chose to unionize for three primary reasons. 1. Lack of planning and break times. 2. Lack of pay raises relative to cost of living. 3. Instability from year to year. She thanked Council for their time and asked them to vote for Resolution No. 176-18.

Teacher from Summit Academy - Stated that their needs are very basic and that them wanting to join the union is not just for the money but for better working conditions. Stated that he would appreciate Council's support for the Resolution.

DISPOSAL OF JOURNAL

Mr. Brennan - Stated you have before you the Minutes from the Regular Council Meeting of August 6, 2018. Asked if there were any additions or corrections to the Minutes? Stated hearing none, these Minutes will stand as printed.

AMENDMENT TO THE CALENDAR

Motion made by Pro Tem Deborah Lime seconded by Councilman Divis to amend the Calendar by adding Resolution No. 176-18 under Suspension of the Rules. Motion carried.

COMMUNICATIONS, PETITIONS AND CLAIMS

Variance for Ramy Michael

The Planning Committee of Council met on September 4, 2018, to discuss the Notice of Proposal to Vary for the applicant Ramy Michael of 6370 Westminster Dr., for property located at 6617 S. Canterbury Rd., Parma 44129. PPN 440-23-020.

The request is for an "Area" variance of the City of Parma Codified Ordinances of Section 1153.03(b)(2) – SINGLE-FAMILY HOUSE DISTRICTS – ACCESSORY USES & BUILDINGS – REGULATIONS-PARKING AREAS. The amount of hard surface area for a driveway in residential front setback shall not exceed 32% of front setback area and width shall not exceed 16' wide on lot with 60' of effective frontage. Existing is 28'. Proposing to add additional 24' for overall total of 52' in driveway width. This variance would result in allowing 36' additional driveway width.

Please be advised that the applicant, Ramy Michael has amended the variance request. The applicant has reduced the proposed concrete driveway width. The original application was for 24' of additional driveway width for a total width of 52'. The amended request is for 7' additional width, for a total driveway width of 35'. The applicant respectfully requests City Council overturn the BZA decision and approve with the above amendment.

Motion made by Councilman Divis seconded by Councilwoman to Grant the Variance as amended. Motion carried.

Variance for Tony Adams

The Planning Committee of Council met on September 4, 2018, to discuss the Notice of Proposal to Vary for the Applicant Tony Adams, 6539 Roycroft Dr., Parma, 44129. PPN 449-24-028.

The request is for an "Area" variance of the City of Parma Codified Ordinances of Section 1153.03(b)(2) – SINGLE FAMILY HOUSE DISTRICTS – ACCESSORY USES AND BUILDINGS-REGULATIONS-PARKING OF COMMERCIAL VEHICLES. Only one commercial vehicle not exceeding gross weight of 8,500 pounds or an overall height of 82 inches may be parked per dwelling unit. Must be in enclosed garage or on a hard surface driveway or turnabout to rear of front setback with restrictions of types of commercial vehicles. The proposal is to park commercial vehicles on concrete drive. This variance would result in allowing for parking of a one-ton single axle dually; 1/2 ton pickup truck, enclosed trailer (6 x12), flat bed open trail (6 x 12) and a mini passenger van and no other commercial vehicles parked overnight on concrete drive. Also stipulated that no dispatching center is to be run on the property.

Motion made by Councilman Divis seconded by Councilwoman Lime to Grant the Variance with the stipulation. Motion carried.

Variance for Glenn H. Bridges - Tyler Properties LLC

The Planning Committee of Council met on September 4, 2018, to discuss the Notice of Proposal to Vary for the Applicant Glenn H. Bridges - Tyler Properties LLC for Precision Mechanical, 5441 State Rd., Parma 44134. PPN 444-09-001, 002, 129, 130 & 131.

This first request is for an "Area" variance of the City of Parma Codified Ordinances of Section 1170.06(c)-COMMERCIAL/OFFICE DISTRICTS-SCHEDULE OF LOT AREA, WIDTH AND COVERAGE REGULATIONS. Maximum lot coverage allowed is 30%. The request is for 43% lot coverage at property. This variance would result in allowing for 13% more lot coverage. The second request is for an "Area" variance of the City of Parma Codified Ordinance of Section 1199.05(c)-SCREENING AND BUFFERING-GENERAL PROVISIONS-NATURAL PLANTING REQUIREMENT. Where natural plants are used to provide landscaped buffer contiguous to side and rear property lines, such planting shall provide 80% summer opacity and 60% winter opacity when viewed from 2' to 10' above ground level. The proposal is for 7' high vinyl fence on property line to provide 62.5% opacity year round for property located at 5441 State Rd. This variance would result in allowing fence to provide allowable opacity.

Motion made by Councilman Divis seconded by Councilman Napoli to Grant the Variance. Motion carried.

Variance for Wendy Harbaugh representing Dave Zwolenik

The Planning Committee of Council met on September 4, 2018, to discuss the Notice of Proposal to Vary for the Applicant Wendy Harbaugh, 12980 Sprague Rd., Parma 44130. PPN 457-15-023-002-022.

The request is for an "Use" variance of the City of Parma Codified Ordinances of Section 1170.03 – COMMERCIAL/OFFICE DISTRICTS – SCHEDULE OF PERMITTED BUILDINGS AND USES. Miniature golf courses not included in permitted buildings and uses in Commercial/Office Districts schedule. Permitted only in Commercial/Manufacturing "B" Districts. The proposal is for a new miniature golf course in Retail Business District. This variance would result in allowing of placement of new miniature golf course in Retail Business District.

Motion made by Councilman Divis seconded by Councilwoman Lime to Grant the Variance. Motion carried.

Variance for Carmen Angelo, Tri County Construction

The Planning Committee of Council met on September 4, 2018, to discuss the Notice of Proposal to Vary for the Applicant Carmen Angelo, Tri County Construction, for the property at 3209 Russell Ave., Parma 44134. PPN 444-11-100.

The request is for an "Area" variance of the City of Parma Codified Ordinances of Section 1185.05(d) – HEIGHT REGULATIONS – HEIGHT DISTRICT EXCEPTIONS. An accessory building shall not exceed 15' in height at the highest point of the roof nor be more than one story in a residential district. The proposal is for garage to be 20'6" in height with second story. This variance would result in allowing 5'6" more in height for garage with second story. The stipulation is to reduce the height to 19'6".

Motion made by Councilman Divis seconded by Councilwoman Lime to Grant the Variance with the stipulation. Motion carried.

Variance for Lance Wanamaker

The Planning Committee of Council met on September 4, 2018, to discuss the Notice of Proposal to Vary for the Applicant Lance Wanamaker, 12221 Plaza Dr., Parma 44130. PPN 441-37-006.

The first request is for an "Area" variance of the City of Parma Codified Ordinances of Section 1175.05(c) – RESEARCH MANUFACTURING DISTRICTS-YARDS REQUIRED-LOT AREA, WIDTH AND COVERAGE REQUIREMENTS. The proposal is for construction of new telecommunications critical facility. A 75' setback is required against residential. The Applicant is proposing a 30' setback. This variance would result in allowing only 45' setback next to residential district.

The second request is for an "Area" variance of the City of Parma Codified Ordinances of Section 1175.05(c) – RESEARCH MANUFACTURING DISTRICTS-OFF STREET PARKING FACILITIES. The proposal is for construction of new telecommunications critical facility. No parking shall be permitted in either a required front yard or a required rear yard when such rear yard is adjacent to a residential district, nor within 50' of a street line in any other yard, nor within 10' of any side or rear property line not abutting a residential district. The Applicant is proposing a 0' setback. This variance would result in allowing for 10' less setback next to non-residential district.

The third request is for an "Area" variance of the City of Parma Codified Ordinances of Section 1109.05(a) (2)-WETLANDS SETBACK ESTABLISHMENT OF WETLAND SETBACKS. The proposal is for construction of new telecommunications critical facility. A 75' setback is required for category 2 wetlands. The Applicant is proposing 59' setback with a fence for category 2 wetland. This variance would result in 16' less setback with fence for category 2 wetland. The stipulation is that the design group and Cox get with the adjoining neighbors and work out a better buffer zone to their appreciation.

Motion made by Councilman Divis seconded by Councilwoman Lime to Grant the Variance with the stipulation. Motion carried.

Communication from the Ohio Division of Liquor Control for a transfer from Speedy Gas 5 LLC, 3017 Brookpark Road, Parma, 44134, to SKFJ LLC, for C1 and C2. Mailed on 08/07/2018. Responses must be postmarked no later than 09/07/2018.

Mr. Brennan - Said Liquor Permit to be sent to Safety Director and Ward 4 Council.

Communication from the Ohio Division of Liquor Control for a transfer from BM Kailini LLC, DBA Deli 4 Less, 7893 W 130th Street, Parma, 44130, to Zoey & Khloey Family LLC, DBA Deli 4 Less for C1, C2 and D6. Mailed on 08/16/2018. Responses must be postmarked no later than 09/17/2018.

Mr. Brennan - Said Liquor Permit to be sent to Safety Director and Ward Council.

Communication received from Creative Living for Life in Middleburgh Hts. will be available in Council office.

BY: J. CROSSMAN
(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH STRATEGIC AGGREGATION CONSULTANTS FOR CONSULTING SERVICES FOR ELECTRIC AGGREGATION ISSUES RELATING TO OUR ELECTRIC SUPPLY AGREEMENT WITH FIRST ENERGY SOLUTIONS (FES), AND DECLARING AN EMERGENCY

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

SECOND READING:

BY: L. NAPOLI
(By Request - Building Commissioner)

A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT PARCEL NUMBER 451-03-008, 6695 STATE ROAD PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Dipierro to refer Resolution No. 133-18 back to the Public Safety Committee. Motion carried.

BY: J. CROSSMAN, L. NAPOLI, K. L. SABAN
(By Request - Service Director)

A RESOLUTION TO EXEMPT CERTAIN PARCELS OF LAND FROM SPECIAL ASSESSMENTS FOR STREET LIGHTS, AND DECLARING AN EMERGENCY

Motion made by Councilman Kish seconded by Councilman Crossman to refer Resolution No. 135-18 back to the Finance Committee. Motion carried.

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

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT BETWEEN THE CITY OF PARMA AND CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS TO SHARE THE DESIGN AND CONSTRUCTION COSTS FOR RESURFACING OF YORK ROAD BETWEEN PLEASANT VALLEY AND PEARL ROADS IN THE CITIES OF PARMA AND PARMA HEIGHTS, AND DECLARING AN EMERGENCY

Motion made by Councilman Kish seconded by Councilwoman Lime to refer Resolution No. 136-18 back to the Finance Committee. Motion carried.

ORDINANCE NO. 140-18

8/6/18

L-140-18

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

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A RESTATED WATER SERVICE AGREEMENT FOR DIRECT SERVICE AND A MUNICIPAL UTILITY DISTRICT AGREEMENT WITH THE CITY OF CLEVELAND, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Divis seconded by Councilwoman Lime to amend Ordinance No. 140-18 by attaching Exhibit A-1 and refer it back to the Finance Committee as amended. Motion carried.

ORDINANCE NO. 141-18

8/6/18

L-141-18

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

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ASSET TRANSFER AGREEMENT WITH THE CITY OF CLEVELAND, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Kish seconded by Councilwoman Lime to amend Ordinance No. 141-18 by attaching Exhibit A-1 and refer it back to the Finance Committee as amended. Motion carried.

RESOLUTION NO. 145-18

8/6/18

L-145-18

BY: J. CROSSMAN, L. NAPOLI, K. L. SABAN
(By Request - City Engineer)

A RESOLUTION TO EXEMPT CERTAIN PARCELS OF LAND, UPON MEETING CERTAIN CRITERIA, FROM SPECIAL ASSESSMENTS FOR THE MAINTENANCE OF SANITARY SEWERS, STORM SEWERS, AND WATER MAINS, AND DECLARING AN EMERGENCY

Motion made by Councilman Kish seconded by Councilman Crossman to refer Resolution No. 145-18 back to the Finance Committee. Motion carried.

ORDINANCE NO. 148-18

8/6/18

L-148-18

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

AN ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH TIM LALLY CHEVROLET, INC., TO PURCHASE ONE (1) 2019 CHEVROLET TAHOE POLICE VEHICLE FOR THE PARMA POLICE DEPARTMENT, UNDER THE STATE OF OHIO PROCUREMENT PRICING, AND DECLARING AN EMERGENCY

Motion made by Councilman Kish seconded by Councilwoman Lime to refer Ordinance No. 148-18 back to the Finance Committee. Motion carried

ORDINANCE NO. 158-18

8/6/18

L-158-18

BY: K. L. SABAN, J. CROSSMAN
(By Request - City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROCEED WITH THE PROPOSED BROADVIEW ROAD RESURFACING PROJECT FROM WEST RIDGEWOOD DRIVE TO BROOKPARK ROAD IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Kish seconded by Councilman Divis to refer Ordinance No. 158-18 back to the Finance Committee. Motion carried.

ORDINANCE NO. 159-18

8/6/18

L-159-18

BY: B. BROCHETTI
(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIVE YEAR LEASE/PURCHASE AGREEMENT WITH MURPHY TRACTOR AND EQUIPMENT FOR ONE (1) 2018 JOHN DEERE 60G COMPACT EXCAVATOR AND FELLING FT-16 1 DROP DECK (MINI EXCAVATOR TRAILER) FOR THE PARMA SERVICE DEPARTMENT, THROUGH SOURCEWELL, AT THE COOPERATIVE PURCHASE PRICE OF \$78,134.91, AND DECLARING AN EMERGENCY

Motion made by Councilman Kish seconded by Councilman Divis to refer Ordinance No. 159-18 back to the Finance Committee. Motion carried.

ORDINANCE NO. 160-18

8/6/18

L-160-18

BY: B. BROCHETTI
(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIVE YEAR LEASE/PURCHASE AGREEMENT WITH MURPHY TRACTOR AND EQUIPMENT FOR ONE (1) 2018 JOHN DEERE 310SL BACKHOE LOADER AND FELLING FT-30-2 LP DECKOVER TRAILER WITH ELECTRIC BRAKES FOR THE PARMA SERVICE DEPARTMENT, THROUGH SOURCEWELL, AT THE COOPERATIVE PURCHASE PRICE OF \$116,044.00 AND DECLARING AN EMERGENCY

Motion made by Councilman Kish seconded by Councilwoman Lime to refer Ordinance No. 160-18 back to the Finance Committee. Motion carried.

ORDINANCE NO. 161-18

8/6/18

L-161-18

BY: B. BROCHETTI
(By Request - Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIVE YEAR LEASE/PURCHASE AGREEMENT WITH MURPHY TRACTOR

Motion made by Councilman Kish seconded by Councilwoman Lime to amend Resolution No. 156-18 by inserting in the heading in line 8 after State Road; Ridge Road Resurfacing Project, from West Pleasant Valley Road to Pearl Road; furthermore in Section 1 line 5 after State Road; insert Ridge Road Resurfacing Project, from West Pleasant Valley Road to Pearl Road. Motion carried.

Motion made by Councilwoman Lime seconded by Councilman Napoli to adopt Resolution No. 156-18 as amended.

Yes: Lime, Napoli, Saban, Crossman, Dipierro, Divis, Kish.

No: None; Resolution No. 156-18 is adopted as amended.

THIRD READING:

RESOLUTION NO. 124-18

7/2/18

L-124-18

BY: D. KISH
(By Request - City Engineer)

A RESOLUTION AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) THROUGH THE COMMUNITY COST-SHARE PROGRAM FOR THE SOUTH CANTERBURY CULVERT REPAIR AND REPLACEMENT PROJECT IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Kish seconded by Councilwoman Lime to amend Resolution No. 124-18 by accepting "Exhibit A" and to waive Rule 52 and place Resolution No. 124-18 on Third Reading for final passage as amended.

Motion made by Councilwoman Lime seconded by Councilman Napoli to adopt Resolution No. 124-18 as amended.

Yes: Lime, Napoli, Saban, Crossman, Dipierro, Divis, Kish.

No: None; Resolution No. 124-18 is adopted as amended.

RESOLUTION NO. 125-18

7/2/18

L-125-18

BY: D. KISH
(By Request - City Engineer)

A RESOLUTION AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) THROUGH THE COMMUNITY COST-SHARE PROGRAM FOR THE SKYLARK CULVERT REPAIR AND REPLACEMENT PROJECT IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Kish seconded by Councilwoman Lime to amend Resolution No. 125-18 in Section 1 shall be amended as follows: "That the Mayor and/or the Director of Public Service are hereby authorized to file an application and enter into a agreement with the Northeast Ohio Regional Sewer District (NEORS) through the Community Cost-Share Program for the Skylark Culvert Repair and Replacement Project in the City of Parma **with a copy of said agreement in substantially similar form attached as Exhibit "A".** Also to waive Rule 52 and place Resolution No. 125-18 on Third Reading for final passage as amended.

Motion made by Councilwoman Lime seconded by Councilman Crossman to adopt Resolution No. 125-18 as amended.

Motion made by Councilwoman Lime seconded by Councilman Napoli to forgo Round Robin. Motion carried.

REPORT ON ABSENT OFFICIALS

Motion made by Councilwoman Lime seconded by Councilman Crossman to excuse Councilman Brochetti and Councilman Casselberry. Motion carried.

ADJOURNMENT

Motion made by Councilman Crossman seconded by Councilwoman Lime to adjourn at 9:39 p.m. Motion carried.

CERTIFICATION

I, Kenneth A. Ramser, Clerk of Council for 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 Tuesday, September 4, 2018.

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

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

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