

**MINUTES
SEPTEMBER 18, 2023
COUNCIL MEETING
PARMA COUNCIL CHAMBERS
6:37 P.M.**

The Regular Council Meeting was called to order by President of Council Vito Dipierro presiding:

COUNCIL MEMBERS PRESENT:	MONICA WILSON KELLY ZACHARIAS MARK CASSELBERRY ROB EUERLE LINDA A. KOHAR KEVIN C. KUSSMAUL DEBORAH LIME KAMMY SHUMAN
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COUNCIL MEMBER EXCUSED:	ALLAN DIVIS
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Ms. Beeble – 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 Dobeck, Law Department Staff Attorney Milos Veljkovic, Auditor Brian Day, Treasurer Tom Mastroianni, Service Director Tony Vannello, Safety Director Bob Coury, Building Commissioner Dan Kulchytsky, City Engineer Hasmukh Patel, 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 Kristin L. Saban.

INVOCATION

The Invocation was given by Chief Deputy Clerk Lisa Beeble.

PLEDGE OF ALLEGIANCE

CERTIFICATES

Mr. Dipierro – Asked the representatives of Werner’s Barber Shop to come forward to receive a certificate in honor of their 60th Anniversary.

Certificates were presented by Councilwoman Zacharias and Mayor DeGeeter.

Council recessed at 6:42 P.M. to return to Committee Meetings.
Council reconvened at 8:22 P.M.

LEGISLATIVE COMMENT

No one wished to speak.

DISPOSAL OF JOURNAL

Mr. Dipierro – Stated, you have before you the Minutes from the September 5, 2023, Regular Council meeting. 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

Councilman Euerle – Stated, the Planning Committee of Council met this evening to discuss the proposal to vary for the applicants Dave & Lisa Padget, 7600 Dogwood Lane. The request is for the following: Variance of Section 1153.03 Parking of Commercial Vehicles. The proposal is to park a 96 inch tall, 8850 lb. delivery van forward of the front setback in a residential driveway, daily. **The variance would result in allowing a delivery van that is 14” taller and 50 lb heavier than code allows.** Variance of Section 1153.03(f)(8) Home Occupations. The proposal is to park a vehicle outside of a residence for transporting food and snacks for a vending business. **The variance would result in allowing a business vehicle to be parked and stored in a residential district. ** There are stipulations that the van not have commercial plates and no advertisements be on the van.

Motion made by Councilman Euerle seconded by Councilwoman Zacharias to deny the Variance. Councilman Kussmaul voted No. Motion carried.

Councilman Euerle - Stated, the Planning Committee of Council met this evening to discuss the proposal to vary from the applicant Jeffrey R. Dvorak, 9914 Vienna Drive. The request is for a Variance of Section 1153.03 (b) (6) – Accessory Uses & Building Regulations – Parking. The proposal is to construct a driveway with parking pad, 20 feet wide at the public sidewalk, widening to 25.5 feet wide at the house, with a parking pad to the exterior of the lot. **The variance would result in allowing a parking pad be constructed closer to the right-of-way than code allows.** There is a stipulation that the parking pad be set 3 feet from the public sidewalk and shrubbery be installed in the space adjacent to the public sidewalk.

Motion made by Councilman Euerle seconded by Councilwoman Shuman to Deny the Variance. Motion carried.

Councilman Euerle - Stated, the Planning Committee of Council met this evening to discuss the proposal to vary for the applicants Harry and Connie Azzano, 7902 Newport Avenue. The request is for an Area Variance Section 1189.08 (d) Front Yard Line Exceptions. Proposal is to construct a covered front porch that projects 8 feet with a vertical area of 85% of the story. **The variance would result in allowing a covered porch to project an additional 5 feet and 65% more of the vertical area than code allows.**

Motion made by Councilman Euerle seconded by Councilman Casselberry to grant the variance as recommended by the Board of Zoning Appeals and Planning Committee of Council. Motion carried.

the Planning Committee of Council met this evening to discuss the proposal to vary for the applicant Rick Chiuchiarelli, Chiuchiarelli Builders, 7705 E. Linden Lane. The request is for a Variance of SECTION 1153.03(a) – SINGLE FAMILY HOUSE DISTRICTS – ACCESSORY USES AND BUILDINGS. The proposal is to erect a 4 – car garage of 1300 sq. ft. on lot size of 74,295 sq. ft. **This variance would result in allowing a garage 500 more sq. ft. in garage area than allowed by code.** There is a stipulation that no shed or outbuildings be constructed, and the garage doors shall be carriage style or equivalent.

Motion made by Councilman Euerle seconded by Councilwoman Shuman to grant the variance, with the stipulations, as recommended by the Board of Zoning Appeals and Planning Committee of Council. Motion carried.

Notice from Ohio Division of Liquor Control for a Transfer of a D5, D6 Permit to Fiesta Vallarta, Inc., dba The 3.14 Bar & Patio, 5221 State Road & Patio, Parma, Ohio 44134. Mailed on August 30, 2023. Responses must be postmarked no later than October 2, 2023.

Mr. Dipierro – Said liquor permit was referred to Council and Safety Director.

Notice from the Ohio Division of Liquor Control for a Transfer of a C1, C2, D6 Permit to The Beata Company, LLC, dba Krakow Deli, 5747 Ridge Road, Parma, Ohio 44129. Mailed on August 30, 2023. Responses must be postmarked no later than October 2, 2023.

Mr. Dipierro – Said Liquor Permit was referred to Council and Safety Director.

Notice from the Ohio Division of Liquor Control for a Transfer of a C1 Liquor Permit to Antonys LLC, 3017 Brookpark Road, Parma, Ohio 44134. Mailed on August 29, 2023. Responses must be postmarked no later than September 29, 2023.

Mr. Dipierro – Said Liquor Permit was referred to Council and Safety Director.

FIRST READING:

ORDINANCE NO. 134-23

9/18/23

BY: K. SHUMAN
(By Request – Mayor)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TWO-YEAR CONTRACT WITH THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT TO PROVIDE PUBLIC HEALTH SERVICES FOR THE CITY OF PARMA RESIDENTS FOR THE YEARS 2024 AND 2025, APPROPRIATING THE SUM OF \$588,309.00 FOR 2024 AND \$649,168.00 FOR 2025, AND DECLARING AN EMERGENCY

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

ORDINANCE NO. 135-23

9/18/23

BY: M. CASSELBERRY
(By Request – Law Director)

AN ORDINANCE TO AMEND A PORTION OF EXHIBIT "A" OF ORDINANCE NO. 423-06 TO AMEND THE COMPENSATION RANGE FOR VARIOUS PART-TIME POSITIONS WITHIN THE LAW DEPARTMENT, AND DECLARING AN EMERGENCY

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

BY: M. CASSELBERRY
(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, 2024, TO AND INCLUDING MARCH 31, 2024, AND DECLARING AN EMERGENCY

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

BY: M. CASSELBERRY
(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, 2024, TO AND INCLUDING DECEMBER 31, 2024, AND DECLARING AN EMERGENCY

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

BY: M. CASSELBERRY
(By Request – Auditor)

AN ORDINANCE REQUESTING AND AUTHORIZING THE CUYAHOGA COUNTY FISCAL OFFICER TO MAKE TAX ADVANCES TO CERTAIN DESIGNATED OFFICERS OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

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

SECOND READING:

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

AN ORDINANCE TO ENACT CHAPTER 106 ENTITLED "CONDUCT ON CITY PROPERTY" OF PART ONE, "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Shuman seconded by Councilman Casselberry to refer Ordinance No. 124-23 back the Governmental Operations Committee. Motion carried.

ORDINANCE NO. 125-23

9/5/23

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

AN ORDINANCE AMENDING SECTION 618.21 ENTITLED "HUNTING PROHIBITED" AND REPEALING SECTION 618.11 ENTITLED "HUNTING OR TRAPPING PROHIBITED" OF THE PARMA CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Ordinance No. 125-23 back to the Public Safety Committee. Motion carried.

ORDINANCE NO. 126-23

9/5/23

BY: D. LIME, M. CASSELBERRY
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT OF COOPERATION BETWEEN CUYAHOGA COUNTY AND THE CITY OF PARMA FOR THE RESURFACING OF SNOW ROAD BETWEEN RIDGE AND STATE ROADS IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilwoman Shuman to refer Ordinance No. 126-23 back to the Finance Committee. Motion carried.

ORDINANCE NO. 127-23

9/5/23

BY: M. CASSELBERRY
(By Request – Recreation Director)

AN ORDINANCE TO AMEND SECTION 131.01 "PETTY CASH ACCOUNTS" WITHIN CHAPTER 131 "ADMINISTRATION GENERALLY" RELATING TO PARMA MUNICIPAL GOLF COURSE PETTY CASH LIMIT WITHIN THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilwoman Shuman to refer Ordinance No. 127-23 back to the Finance Committee. Motion carried.

BY: M. CASSELBERRY
(By Request – Human Resources and Purchasing Director)

AN ORDINANCE TO AMEND SECTION 155.09 "FORMAL CONTRACT PROCEDURE" OF CHAPTER 155 "DIVISION OF PURCHASES" OF PART 1 "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilwoman Shuman to refer Ordinance No. 129-23 back to the Finance Committee. Motion carried.

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

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PURCHASE AGREEMENT FOR THE SALE OF K-9 DOG CONEY OF THE PARMA POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilman Euerle to refer Ordinance No. 130-23 back to the Finance Committee. Motion carried.

SECOND READING SUSPENSION:

THIRD READING:

BY: M. CASSELBERRY

AN ORDINANCE TO REPEAL CHAPTER 1519 "SIGN REGULATIONS" AND TO ENACT A NEW CHAPTER 1196 "SIGN REGULATIONS", OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Euerle seconded by Councilman Casselberry to accept Substitute Exhibit A of Ordinance No. 153-22 which amends the language on the previous Exhibit A of Ordinance No. 153-22 as stated in the substitute Exhibit. Further moved to waive Rule 52 and Rule 45 and place Ordinance No. 153-22 with Substitute A on Third Reading for final passage as amended. Motion carried.

Motion made by Councilwoman Shuman seconded by Councilman Casselberry to adopt Ordinance No. 153-22 as amended.

Yes: Wilson, Zacharias, Casselberry, Euerle, Kohar, Lime, Shuman.

No: Kussmaul; Ordinance No. 153-22 is adopted as amended.

BY: M. CASSELBERRY

AN ORDINANCE TO AMEND A PORTION OF DIVISION (b) "RECREATION DEPARTMENT" OF SECTION 185.05 "FEES OF THE DIRECTOR OF PUBLIC SERVICE", AND SECTION 961.07 "MERCHANDISING, ADVERTISING AND SIGNS" RELATIVE TO SIGNS IN PARKS AND RECREATIONAL FACILITIES, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 156-22.

Yes: Wilson, Zacharias, Casselberry, Euerle, Kohar, Kussmaul, Lime, Shuman.

No: None; Ordinance No. 156-22 is adopted.

BY: M. CASSELBERRY

AN ORDINANCE TO AMEND NUMEROUS CODE SECTIONS IN THE PARMA CODIFIED ORDINANCES RELATIVE TO THE SIGN CODE, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 157-22.

Yes: Wilson, Zacharias, Casselberry, Euerle, Kohar, Kussmaul, Lime, Shuman.

No: None; Ordinance No. 157-22 is adopted.

SUSPENSION OF THE RULES:

Mr. Dipierro – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 136-23, Resolution No. 140-23, Resolution No. 141-23, Ordinance No. 142-23 and Ordinance No. 143-23 on three different days be dispensed with?

Yes: Wilson, Zacharias, Casselberry, Euerle, Kohar, Kussmaul, Lime, Shuman.

No: None; motion carried.

Shall Rule 45 requiring reference to committee be dispensed with and Resolution No. 136-23, Resolution No. 140-23, Resolution No. 141-23, Ordinance No. 142-23 and Ordinance No. 143-23 be placed on final passage?

Yes: Wilson, Zacharias, Casselberry, Euerle, Kohar, Kussmaul, Lime, Shuman.

No: None; motion carried.

BY: D. LIME, M. CASSELBERRY

A RESOLUTION SUPPORTING "NATIONAL PROSTATE CANCER AWARENESS MONTH" IN THE MONTH OF SEPTEMBER, 2023, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 136-23.

Yes: Wilson, Zacharias, Casselberry, Euerle, Kohar, Kussmaul, Lime, Shuman.
No: None; Resolution No. 136-23 is adopted

RESOLUTION NO. 140-23

9/18/23

BY: M. CASSELBERRY
(By Request – Auditor)

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

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt
Resolution No 140-23.

Yes: Wilson, Zacharias, Casselberry, Euerle, Kohar, Kussmaul, Lime, Shuman.
No: None; Resolution No. 140-23 is adopted.

RESOLUTION NO. 141-23

9/18/23

BY: K. KUSSMAUL

A RESOLUTION ON THE OPERATING FUTURE OF THE PARMA CITY SCHOOL
DISTRICT, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Shuman seconded by Councilwoman Wilson to amend
Resolution No. 141-23 by deleting the 4th, 5th and 6th Whereas Clauses and Section 1.

Councilman Kussmaul – Asked that Council not change the legislation. He thinks that it
is important that we get this out in the Resolution right now due to the timeline of what the
district is doing, but he respects the wishes of his fellow Council members with whatever they
choose.

Councilwoman Lime – Stated she would like to see the Resolution go back to Committee
and the Resolution be rewritten with the amendments that Councilwoman Shuman made and
then bring it out at the next Council Meeting for a vote.

Councilwoman Shuman – Stated that she already made a motion to amend and there is
a second to the motion.

Mr. Dipierro – Asked for a voice vote. Councilwoman Lime and Kussmaul voted no.
Motion carried on the amendment.

Motion made by Councilwoman Shuman seconded by Councilwoman Wilson to adopt
Resolution No. 141-23 as amended.

Yes: Wilson, Zacharias, Casselberry, Euerle, Kohar, Kussmaul, Lime, Shuman.
No: None; Resolution No. 141-23 is adopted as amended.

ORDINANCE NO. 142-23

9/18/23

BY: M. CASSELBERRY
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC
SERVICE TO GRANT A PERMANENT EASEMENT TO NORTHEAST OHIO
REGIONAL SEWER DISTRICT (NEORS) FOR A PARCEL OF LAND ON 1579
BIG CREEK RESTORATION NEAR RIDGE ROAD, AND KNOWN AS PERMANENT
PARCEL NUMBER 454-15-001, FOR THE PURPOSE OF STREAM, FLOOD PLAIN,
AND RESTORATION WETLANDS, IN THE CITY OF PARMA, AND DECLARING AN
EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 142-23.

Yes: Wilson, Zacharias, Casselberry, Euerle, Kohar, Kussmaul, Lime, Shuman.

No: None; Ordinance No. 142-23 is adopted.

ORDINANCE NO. 143-23

9/18/23

BY: K. SHUMAN

(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO GRANT PERMANENT EASEMENTS AT PERMANENT PARCEL NUMBERS 457-28-022 AND 457-28-036 AND GRANT A 30 FOOT WIDE PERMANENT INGRESS/EGRESS EASEMENT ON PERMANENT PARCEL NUMBER 457-24-017; AND TO GRANT A TEMPORARY EASEMENT DURING CONSTRUCTION ON PERMANENT PARCEL NUMBER 457-24-017 ALL TO THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) FOR THE IMPROVEMENTS AND MAINTENANCE OF THE 1661 BONNY BANKS BASIN IMPROVEMENT PROJECT, IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 143-23.

Yes: Wilson, Zacharias, Casselberry, Euerle, Kohar, Kussmaul, Lime, Shuman.

No: None; Ordinance No. 143-23 is adopted.

PUBLIC SESSION

No one wished to speak.

MISCELLANEOUS BUSINESS

Mayor DeGeeter – No comment.

Safety Director Coury – No comment.

Service Director Vannello – No comment.

Auditor Day – No comment.

Law Director Dobeck – Thanked everyone for their excellent questions regarding the sign legislation.

Councilwoman Wilson – No comment.

Councilwoman Zacharias – No comment.

Councilman Casselberry – Congratulated Werner's Barber Shop.

Councilman Euerle – No comment.

Councilwoman Kohar – No comment.

Councilman Kussmaul – Stated he started the Citizen's Police Academy last week and he is looking forward to the next 9 weeks.

Councilwoman Lime – Wanted to thank Milos from the Law Department who was at her Safety Meeting. Stated he did an awesome job. Thanked Mr. Dipierro for going to Krakow Grand Opening with her.

Councilwoman Shuman – No comment.

REPORT ON ABSENT MEMBERS

Motion made by Councilwoman Kohar seconded by Councilman Kussmaul to excuse Councilman Divis from said Meeting. Motion carried.

ADJOURNMENT

Motion made by Councilwoman Kohar seconded by Councilwoman Zacharias to adjourn said meeting at 8:47 P.M. Motion carried.

CERTIFICATION

I, Kristin L. Saban, 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 Monday, September 18, 2023.

/s/ Kristin L. Saban
KRISTIN L. SABAN
CLERK OF COUNCIL

/s/ Vito Dipierro
VITO DIPIERRO
PRESIDENT OF COUNCIL

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