

**MINUTES
MAY 15, 2023
REGULAR COUNCIL MEETING
PARMA COUNCIL CHAMBERS
6:41 P.M.**

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

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| COUNCIL MEMBERS PRESENT: | ALLAN DIVIS ROB EUERLE LINDA A. KOHAR KEVIN C. KUSSMAUL DEBORAH LIME KAMMY SHUMAN MONICA WILSON KELLY ZACHARIAS MARK CASSELBERRY |
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Mrs. Saban – 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: 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 Micky Vittardi, Chief of Staff Rich Summers and Clerk of Council Kristin L. Saban.

INVOCATION

The Invocation was given by Clerk of Council Kristin L. Saban.

PLEDGE OF ALLEGIANCE

VOICE VOTE:

RESOLUTION NO. 59-23

5/15/23

A RESOLUTION HONORING ABBY RECKER CITIZEN OF THE MONTH –
MAY, 2023

Motion made by Councilman Kussmaul seconded by Councilman Casselberry to adopt Resolution No. 59-23. Motion carried.

Councilman Euerle presented Abby the Resolution and certificates.
Recreation Commissioner Mickey Vittardi presented the Proclamation on behalf of the Mayor.

LEGISLATIVE COMMENT

No one wished to speak.

DISPOSAL OF JOURNAL

Mr. Dipierro – Stated, you have before you the Minutes from the May 1, 2023, Regular Council Meeting. Asked if there were any additions or corrections? Stated, hearing none, the Minutes will stand approved as printed.

COMMUNICATIONS, PETITIONS AND CLAIMS

Request received from the Ohio Division of Liquor Control for a new C2, D6 & C1 permit for 7510 Broadview Road, DBA TH Food Mart, 7510 Broadview Rd., Parma, Ohio 44134. Mailed April 27, 2023. Responses must be postmarked by May 28, 2023.

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

Mrs. Saban read the following - THE PARMA BOARD OF ZONING APPEALS met on Tuesday, May 9, 2023, at 6:30 and PROPOSED TO VARY, subject to the provisions of amended Ordinance Section 1153.03(a) (confirmation or rejection by Council within forty days of receipt of this notice) FOR THE APPLICANT Robert Scheidigger. PPN: 451-01-009 After discussion George Mastrobuono recommends to Council to grant the following variance to Robert Scheidigger 7110 Regal Dr. AREA variance of the City of Parma Codified Ordinance Section 1153.03 (a) ACCESSORY USES AND BUILDINGS, not more than one garage whether attached or detached, shall be permitted on any one lot. The maximum size of garage allowed on a lot shall not exceed a total floor area of 800 sq. ft. Proposing to erect a second garage of 30' x 35' (1050 sq. ft.) on lot size of 37,553 sq. ft. The current attached garage is sq. ft. 25'x 27' (675 sq. ft.) For a combined total of 1725 sq. ft. of garage area. *****This variance would result in allowing for a second garage and 925 more sq. ft. in garage area than allowed by code.** with a stipulation that no driveway would be added. Allesan Armstrong 2nd. George Mastrobuono, Allesan Armstrong, and John Yurkiw all agreed.

Motion made by Councilman Euerle seconded by Councilman Casselberry to thereafter read the variance by title only and further to refer the variance application to the Planning Committee. Motion carried.

Mrs. Saban read the following - THE PARMA BOARD OF ZONING APPEALS met on Tuesday May 9, 2023, at 6:30pm and PROPOSED TO VARY, subject to the provisions of amended Ordinance Section 1153.03(a) (confirmation or rejection by Council within forty days of receipt of this notice) FOR THE APPLICANT Tim A Neuffer AIA Neu Architecture. PPN: 441-02-033. The neighbor is concerned with the flooding that they have already experienced, they are afraid this structure would make it worse. Melissa suggests that we move forward with this, with the stipulation that engineering would be notified and look at the flooding at their property. George Mastrobuono recommends to council to grant TimA Neuffer AIA Architect 2157 Glenbury Ave. Lakewood, Ohio 44107 regarding property at 3207 West Ridgwood DR. Parma, Ohio 44134 **SECTION 1153.03(a) - SINGLE FAMILY HOUSE DISTRICTS-ACCESSORY USES AND BUILDINGS.** Not more than one garage, whether attached or detached, shall be permitted on any one lot. The maximum size garage allowed on a lot shall not exceed a total floor area of 800 sq. ft. Proposing to erect a garage addition of 24' x 43' (1032 sq. ft.) on lot size of 34,083 sq. ft. For a total garage area of 1032 sq. ft. of garage area. *****This variance would result in allowing a garage addition and 232 more sq. ft. in garage area than allowed by code.** With the stipulation that engineering should investigate this. Allesan Armstrong 2nd the motion. Mr. George Mastrobuono, Mrs Allesan Armstrong, and Mr. John Yurkiw all are in favor.

Motion made by Councilman Euerle seconded by Councilman Casselberry to thereafter read the variance by title only and further to refer the variance application to the Planning Committee. Motion carried.

Mrs. Saban read the following - The Parma Board of Zoning Appeals met on Tuesday, May 9, 2023, at 6:30 and PROPOSED TO VARY, Subject to provisions of amended Ordinance section 1153.03 (a) (confirmation or rejection by Council within forty days of receipt of this notice) For the Applicant Irma Ramishvili. PPN: 456-19-017. After discussion Mr. George Mastrobuono made the following recommendations. He made the motion to recommend to

Council to deny. Irma Ramishvili regarding property at 7590 Amber Lane Parma, Ohio 44130. PPN: 456-19-017 has requested a variance of the City of Parma Codified Ordinances of Section **1153.03 ACCESSORY USES AND BUILDINGS.** (c) Parking of Commercial Vehicles (2) Only one commercial vehicle not exceeding a gross weight of 8,500 pounds or an overall height of 82 inches may be parked per dwelling unit. Such vehicles must be parked either in an enclosed garage or on a hard-surfaced driveway or turnabout to the rear of the front setback line of the residence. In addition to the above restrictions, there shall be no parking of the following commercial vehicle types: The proposal is to park a 104" tall, 8850lb delivery van in the residential driveway, daily. *The variance would result in allowing a delivery van that is 22" taller and 50lb heavier than code allows. **1153.03 ACCESSORY USES AND BUILDINGS.** (f) Home Occupations. Gainful home occupations may be permitted in residential districts, including dressmaking, interior decorating, arts and crafts or any other similar home occupations, but excluding uses permitted as commercial or industrial uses, and may be conducted in the dwelling used by such person as his or her residence, provided that: (3) The occupation must be conducted wholly within the dwelling. (4) No merchandise is sold except that which is produced on the premises. (5) No equipment is used which will create objectionable disturbances beyond the premises. (7) The use does not change the residential character of the dwelling exterior; and (8) The use does not require the storage of any equipment, materials, or vehicles outside the main building. The proposal is to operate a delivery business out of a residential district, daily. *The variance would result in allowing a business to be operated in a residential district. Board members were concerned with the number of cars parked in the driveway and how busy the street being. The vehicle in question is not suitable for the neighborhood. Allesan Armstrong, 2nd the motion. George Mastrobuono, Allesan Armstrong, and John Yurkiw all recommends to council to deny.

Motion made by Councilman Euerle seconded by Councilman Casselberry to thereafter read the variance by title only and further to refer the variance application to the Planning Committee. Councilman Kussmaul voted against referring variance application to Planning Committee. Councilman Kussmaul – Stated, he was at the BZA pertaining to a property in his ward. Also, that he has been to a lot of these meetings and the case that was made for Amber Lane was probably the best case he had seen brought before any committee. Also, he drove by the house, stating that the resident has had the van parked since 2014. Stated that he would not consider it a business, he leaves, drops off a package then comes back. He encourages the other Councilmembers to drive by the property and see for themselves. Stated again that the applicant made the best case for the variance that he has ever seen. Motion carried.

FIRST READING:

ORDINANCE NO. 84-23

5/15/23

BY: M. CASSELBERRY

(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ESTABLISH THE SOLID WASTE AND RECYCLING COLLECTION FEE FOR RESIDENTIAL ACCOUNTS FOR CALENDAR YEAR 2024 AND TO CERTIFY UNPAID FEES TO THE COUNTY FISCAL OFFICER FOR COLLECTION IN 2024, AND DECLARING AN EMERGENCY

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

SECOND READING:

RESOLUTION NO. 70-23

5/1/23

BY: M. CASSELBERRY
(By Request – Auditor)

A RESOLUTION ADOPTING THE TAX BUDGET FOR THE CITY OF PARMA, OHIO, FOR THE YEAR 2024, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilwoman Lime to refer Resolution No. 70-23 back to the Finance Committee. Motion carried.

RESOLUTION NO. 71-23

5/1/23

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

A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING TAX LEVY IN EXCESS OF THE TEN MILL LIMITATION FOR THE PURPOSE OF MAINTAINING AND ADDING FIRE APPARATUS, APPLIANCES AND BUILDINGS, PAYMENT OF PERMANENT FIREFIGHTING PERSONNEL TO OPERATE THE SAME, AND PAYMENT OF THE FIREFIGHTERS EMPLOYER'S CONTRIBUTION REQUIRED UNDER SECTION 742.34 OF THE OHIO REVISED CODE, AND REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT RENEWAL LEVY, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilwoman Lime to accept Substitute Resolution No. 71-23 which amends the language of the previous Resolution No. 71-23 as stated in the substitute legislation and further refer Substitute Resolution No. 71-23 back to the Finance Committee. Motion carried.

RESOLUTION NO. 72-23

5/1/23

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

A RESOLUTION DECLARING IT NECESSARY TO RENEW AN EXISTING TAX LEVY IN EXCESS OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES AND BUILDINGS, PAYMENT OF PERMANENT FIREFIGHTING PERSONNEL TO OPERATE THE SAME, AND PAYMENT OF THE FIREFIGHTERS EMPLOYER'S CONTRIBUTION REQUIRED UNDER SECTION 742.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilwoman Lime to accept Substitute Resolution No. 72-23 which amends the language of the previous Resolution No. 72-23 as stated in the substitute legislation and further refer Substitute Resolution No. 72-23 back to the Finance Committee. Motion carried.

BY: M. WILSON, D. LIME

A RESOLUTION IN SUPPORT OF OHIO SENATE BILL 36 ALLOWING PROSPECTIVE OWNER-OCCUPANTS AND SPECIFIED NON-PROFIT HOUSING ORGANIZATIONS TO BID ON RESIDENTIAL PROPERTY CONTAINING ONE TO FOUR SINGLE-FAMILY UNITS AFTER A FORECLOSURE SALE HAS ALREADY TAKEN PLACE AND IF THE APPARENT WINNER OF THE AUCTION DOES NOT INTEND TO OCCUPY THE PROPERTY AS THEIR PRIMARY RESIDENCE, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Shuman seconded by Councilman Casselberry to refer Resolution No. 73-23 back to the Governmental Operations Committee. Motion carried.

ORDINANCE NO. 77-23

5/1/23

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

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A RENEWAL LICENSE AGREEMENT WITH THE PARMA ANIMAL SHELTER, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Ordinance No. 77-23 back to the Public Safety Committee. Motion carried.

SECOND READING SUSPENSION:

Mr. Dipierro – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 74-23 on three different days be dispensed with?

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

No: None; motion carried.

RESOLUTION NO. 74-23

5/1/23

BY: K. SHUMAN

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO ISSUE A PERMIT TO TRANSPORT INTO THE TERRITORIAL LIMITS OF THE CITY OF PARMA, FIREWORKS AND FIREWORK SUNDRIES FOR A PYROTECHNIC DISPLAY IN CONJUNCTION WITH THE HOLY FAMILY PARISH FESTIVAL, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 74-23.

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

No: None; Resolution No. 74-23 is adopted.

THIRD READING:

ORDINANCE NO. 63-23

4/3/23

BY: L. A. KOHAR, M. CASSELBERRY, D. LIME, A. DIVIS
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROJECT AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORS) FOR THE GRANT RECEIVED FROM THE HAZARD MITIGATION GRANT PROGRAM IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 63-23.

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

No: None; Ordinance No. 63-23 is adopted.

SUSPENSION OF THE RULES:

Mr. Dipierro – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 79-23, Resolution No. 80-23, Resolution No. 81-23, Ordinance No. 82-23, Ordinance No. 83-23, Ordinance No. 85-23, Resolution No. 86-23, and Ordinance No. 87-23 on three different days be dispensed with?

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

No: None; motion carried.

Mr. Dipierro – Shall Rule 45 requiring reference to committee be dispensed with and Resolution No. 79-23, Resolution No. 80-23, Resolution No. 81-23, Ordinance No. 82-23, Ordinance No. 83-23, Ordinance No. 85-23, Resolution No. 86-23, and Ordinance No. 87-23 be placed on final passage.

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

No: None; motion carried.

RESOLUTION NO. 79-23

5/15/23

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. 79-23.

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

No: None; Resolution No. 79-23 is adopted.

RESOLUTION NO. 80-23

5/15/23

BY: **A. DIVIS**, L. KOHAR, K. SHUMAN, M. CASSELBERRY

A RESOLUTION DECLARING MAY 2023 AS "NATIONAL NURSES MONTH" IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 80-23.

Yes: Divis, Euerle, Kohar, Kussmaul, Lime, Shuman, Wilson, Zacharias, Casselberry.
No: None; Resolution No. 80-23 is adopted.

RESOLUTION NO. 81-23 5/15/23

BY: **A. DIVIS**, R. EUERLE, L. A. KOHAR, D. LIME, K. SHUMAN, M. WILSON, M. CASSELBERRY

A RESOLUTION DECLARING MAY 8 THROUGH MAY 12, 2023, AS "TEACHER APPRECIATION WEEK" IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No.81-23.

Yes: Divis, Euerle, Kohar, Kussmaul, Lime, Shuman, Wilson, Zacharias, Casselberry.
No: None; Resolution No. 81-23 is adopted.

ORDINANCE NO. 82-23 5/15/23

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

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH FIRE SAFETY SERVICES, INC., A SOLE SOURCE PROVIDER, FOR THE PURCHASE OF FORTY-ONE (41) SETS OF TURNOUT GEAR FOR THE PARMA FIRE DEPARTMENT, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 82-23.

Yes: Divis, Euerle, Kohar, Kussmaul, Lime, Shuman, Wilson, Zacharias, Casselberry.
No: None; Ordinance No. 82-23 is adopted.

ORDINANCE NO. 83-23 5/15/23

BY: M. CASSELBERRY
(By Request – Auditor)

AN ORDINANCE TO AMEND THE 2023 PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, OHIO, AND DECLARING AN EMERGENCY

Councilwoman Lime – Asked, for a brief explanation?

Auditor Day – Stated that this was left off the budget, the money was allocated for.

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 83-23.

Yes: Divis, Euerle, Kohar, Kussmaul, Lime, Shuman, Wilson, Zacharias, Casselberry.
No: None; Ordinance No. 83-23 is adopted.

ORDINANCE NO. 85-23 5/15/23

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

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO AUTHORIZE PAYMENT TO THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC

WORKS FOR THE RESURFACING OF YORK ROAD BETWEEN PLEASANT VALLEY AND PEARL ROADS IN THE CITY OF PARMA, AND DECLARING EMERGENCY

Motion made by Councilwoman Shuman seconded by Councilman Kussmaul to amend Ordinance No. 85-23 as follows: In Section 1 line 3 the second York shall read Pearl. Motion carried.

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 85-23 as amended.

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

No: None; Ordinance No. 85-23 is adopted as amended.

RESOLUTION NO. 86-23

5/15/23

BY: **D. LIME, M. CASSELBERRY, A. DIVIS**

A RESOLUTION SUPPORTING "NATIONAL POLICE WEEK", AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 86-23.

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

No: None; Resolution No. 86-23 is adopted.

ORDINANCE NO. 87-23

5/15/23

BY: **M. CASSELBERRY, A. DIVIS**
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS FOR THE 2023 PAVEMENT PREVENTIVE MAINTENANCE SERVICES PROGRAM, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Shuman seconded by Councilman Casselberry to adopt Ordinance No. 87-23.

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

No: None: Ordinance No. 87-23 is adopted.

PUBLIC SESSION

No one wished to speak.

MISCELLANEOUS BUSINESS

Safety Director Coury – No comment.

Service Director Vannello – No comment.

Auditor Day – No comment.

Staff Attorney Veljkovic – No comment.

Treasurer Mastroianni – No comment.

Councilman Divis - Stated, that he and the Mayor will be going to Metro Hospital and Parma UH to present the nurses with Resolution No. 80-23 honoring National Nurses Month.

Councilman Euerle – No comment.

Councilwoman Kohar – Thanked Ms. Wozniak a teacher at Parma Senior High for many years of dedication to her students.

Councilman Kussmaul – Asked the Safety Director to pass along his thanks to the Police and Fire departments for their dedication to the city.

Councilwoman Lime- No comment.

Councilwoman Shuman - Stated, that she forwarded an email from the resident on Amber Lane regarding her rebuttal on the variance that the BZA recommended to deny.

Councilwoman Wilson – No comment.

Councilwoman Zacharias – No comment.

Councilman Casselberry – No comment.

REPORT ON ABSENT MEMBERS

Mr. Dipierro excused Mayor DeGeeter from the Council Meeting.

ADJOURNMENT

Motion made by Councilwoman Lime seconded by Councilman Kussmaul to adjourn said meeting at 7:33 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, May 15, 2023.

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

/s/ Vito Dipierro
VITO DIPIERRO
PRESIDENT OF COUNCIL

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