

**DECEMBER 15, 2014 MINUTES
PARMA CITY COUNCIL REGULAR MEETING
PARMA COUNCIL CHAMBER
7:04 PM**

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

COUNCIL MEMBERS PRESENT:

MARK CASSELBERRY
JEFFREY CROSSMAN
BRIAN DAY
VITO DIPIERRO
ALLAN DIVIS
DEBORAH LIME
LARRY NAPOLI
SCOTT TUMA
BRIAN BROCHETTI

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 Tim DeGeeter, Law Director Tim Dobeck, Treasurer Tom Mastroianni, Auditor Dennis Kish, Safety Director Greg Baeppler, Service Director Brian Higgins, Building Commissioner Paul Deichmann, Communications and Community Relations Director Jeannie Roberts, Recreation Commissioner Mickey Vittardi, Director of Public Housing Lev Kulchytsky, Director of Human Resources Tom Weinreich, and Clerk of Council Kenneth A. Ramser.

INVOCATION

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

PLEDGE OF ALLEGIANCE

Cub Scout Pack 371 began the Pledge of Allegiance.

LEGISLATIVE COMMENT

Mr. Brennan - Does anyone have any thing to say regarding the Legislation that is scheduled to be passed to night? No one came up to speak.

RESOLUTIONS:

RESOLUTION NO. 247-14 12/15/14 L-247-14

By: A. Divis and the rest of Council

A RESOLUTION HONORING STANCATO'S ITALIAN RESTAURANT - BUSINESS
OF THE MONTH - DECEMBER, 2014

Motion made by Councilman Tuma, seconded by Councilman Day to adopt Resolution No. 247-14. Motion carried.

Resolution was presented to Stancato representatives.

RESOLUTION NO. 248-14 12/15/14 L-248-14

By: A. Divis and the rest of Council

A RESOLUTION HONORING JOHN METZGER - CITIZEN OF THE MONTH
DECEMBER, 2014

Motion made by Councilman Tuma, seconded by Councilman Day to adopt Resolution No. 248-14. Motion carried.

Resolution was presented to John Metzger.

DISPOSAL OF THE JOURNAL

Mr. Brennan - You have before you the minutes of the Regular Council Meeting of December 1, 2014. Anyone have any questions or corrections? Hearing none, these minutes will stand as printed.

COMMUNICATIONS

Planning Committee Chairman Allan Divis stated the following:

PROPOSAL TO VARY

John Krueger

For property at 2607 Ingleside Dr.

The Planning Committee of Council met on Monday, December 8, 2014, and confirmed the recommendations of the Parma Board of Zoning Appeals FOR THE APPLICANT John Krueger, for property at 2607 Ingleside Dr. PPN is 446-04-055.

After discussion Mrs. Kraft made the following recommendation:

"I make a motion to recommend to Council to DENY John Krueger, 2607 Ingleside Dr. 44134 has requested an "Area" variance of the City of Parma Codified Ordinances of Section 1153.03(a) – SINGLE FAMILY HOUSE DISTRICTS – ACCESSORY USES AND BUILDINGS. The proposal is to erect a second garage at 2607 Ingleside Dr. Maximum size garage allowed on 5,500 sq. ft. lot shall not exceed a total floor area of 558 sq. ft. and only one garage is permitted per lot. This existing garage is 320 sq. ft. on 5,500 sq. ft. area parcel. The request is for a second garage of 440 sq. ft. with a total area of both garages being 760 sq. ft. This variance would result in allowing for a second garage on parcel with 202 more sq. ft. than allowed by Code. This is based on the character of the neighborhood would be altered. Also by denying the variance the spirit and intent of the Zoning requirements would be observed. Mr. Ziefle seconded the motion."

Mrs. Kraft and Mr. Ziefle voted yes and Mr. O'Connor voted nay.

Motion made by Councilman Divis, seconded by Councilman Day to deny this variance. Motion carried. Variance denied.

PROPOSAL TO VARY

Michael Plues

Your Construction

For property at 6715 Bradley Ave.

The Planning Committee of Council met on Monday, December 8, 2014, and confirmed the recommendations of the Parma Board of Zoning Appeals FOR THE APPLICANT Michael Plues, Your Construction, for property at 6715 Bradley Ave. PPN is 443-20-107.

After discussion Mr. Ziefle made the following recommendation:

"I make a motion to recommend to Council to GRANT to (1) Michael Plues, Your Construction, 784 Substation Rd, Brunswick, OH 44212 has requested an "Area" variance of the City of Parma Codified Ordinances of Section 1185.05(d) – HEIGHT REGULATIONS – HEIGHT DISTRICT EXCEPTIONS. The proposal is to build a new detached garage at 6715 Bradley Ave. 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 proposed garage would be 17'8" in height. This variance would result in allowing garage to be 2'8" more in height than allowed by Code. The PPN is 443-20-107.

(2) Michael Plues, Your Construction, 784 Substation Rd., Brunswick, OH 44212 has requested an "Area" variance of the City of Parma Codified Ordinances of Section 1529.14© - GENERAL BUILDING REGULATIONS - GARAGES. The proposal is to build a new detached garage at 6715 Bradley Ave. Garages shall be placed no less than 18 inches from lot lines when no windows are installed on the wall adjacent to such lot line. The proposed garage is to be placed 12 inches from side lot line. This variance would result in garage being placed 6 inches less from side lot line. The PPN is 443-20-107. By granting this variance the neighborhood would not be substantially altered and by granting this variance the Building and Zoning requirements would be observed. The stipulations are as follows: 1185.05(d) - the variance request was for 17'8" it is going to be 17'0". Going along with that the part 1529.14(c) which is a variance for the off set of the property line, he is going to comply with our Building Code of 18" - that is no longer a factor. To comply with the Engineer's comments that no business shall be run out of the home and a fire rated wall on any wall that is closer to a property line than 3' to meet the Residential Code of Ohio".

Mrs. Kraft seconded the motion. Mrs. Kraft, Mr. Ziefle and Mr. O'Connor voted yes. Also be it noted that variance once granted, shall not be withdrawn or changed unless there is a change of circumstances or if after the expiration of six months no substantial construction is done in accordance with the terms and condition for which such variance was granted. In which case the Building Commissioner shall give notice in writing, and thirty days thereafter the variance will be deemed null and void, and all regulations governing such premises in question shall revert back to those in effect before the variance was granted. Motion made by Councilman Divis, seconded by Councilman Day to accept the subject variances with the stipulations. Motion carried. Variances are granted.

PROPOSAL TO VARY
Diane Bija
New Creation Builders
For property at 11300 Riveredge Dr.

The Planning Committee of Council met on Monday, December 8, 2014, and confirmed the recommendations of the Parma Board of Zoning Appeals FOR THE APPLICANT Diane Bija, New Creation Builders for property at 11300 Riveredge Dr. PPN is 442-36-063.

After discussion Mrs. Kraft made the following recommendation:

"I make a motion to recommend to Council to GRANT to Diane Bija, New Creation Builders, 5309 Barkwill Ave, 44127 has requested an "Area" variance of the City of Parma Codified Ordinances of Section 1153.03 (a) - SINGLE FAMILY HOUSE DISTRICTS - ACCESSORY USES AND BUILDINGS. The proposal is to build addition to garage at 11300 Riveredge Dr. resulting in it being larger than Code allows. Maximum size of garage permitted is 704 sq. ft. on lot size 60'x129' - 7,740 sq. ft. The proposed garage addition to existing 480 sq. ft. garage is 280 sq. ft. for total area of 760 sq. ft. This variance would result in 56 more sq. ft. of area for detached garage on lot size of 60'x129' - 7,740 sq. ft. By granting this variance the character of the neighborhood would not be substantially altered and by granting the variance the spirit and intent of the Zoning requirements would be observed."

Mr. Ziefle seconded the motion. Mrs. Kraft, Mr. Ziefle and Mr. O'Connor voted yes.

Also be it noted that variance once granted, shall not be withdrawn or changed unless there is a change of circumstances or if after the expiration of six months no substantial construction is done in accordance with the terms and condition for which such variance was granted. In which case the Building Commissioner shall give notice in writing, and thirty days thereafter the variance will be deemed null and void, and all regulations governing such premises in question shall revert back to those in effect before the variance was granted.

Motion made by Councilman Divis, seconded by Councilman Day to accept the subject variances with the stipulations. Motion carried. Variances are granted.

PROPOSAL TO VARY
David Mastrostefano
Sheetz, Inc.
For property at 5795 W. 130 St.

The Planning Committee of Council met on Monday, December 8, 2014, and confirmed the recommendations of the Parma Board of Zoning Appeals FOR THE APPLICANT Mr. David Mastrostefano, Sheetz, Inc. 817 Brookfield Dr., Seven Fields, PA 16046 for property at 5795 W. 130 St. PPN is 441-20-001.

After discussion Mr. Ziefle made the following recommendation:

"I make a motion to recommend to Council to GRANT to (1) David Mastrostefano, Sheetz, Inc., 817 Brookfield Dr., Seven Fields, PA 16046 has requested an "Use" variance of the City of Parma Codified Ordinances of Section 1177.02© - INDUSTRIAL PARK DISTRICTS-USE REGULATIONS. The proposal is to use part of property for retail sales at 5795 W. 130 St. Residences and dwellings of all types, and retail sales establishments shall be prohibited in the Industrial Park District. This variance would result in allowing for retail sales use in Industrial Park District.

(2) David Mastrostefano, Sheetz, Inc., 817 Brookfield Dr., Seven Fields, PA 16046 has requested an "Area" variance of the City of Parma Codified Ordinances of Section 1197.08© - OFF STREET PARKING AND LOADING FACILITIES-ACCESS DRIVEWAYS. The proposal is to use part of property for retail sales at 5795 W. 130 St. Permitted 34' maximum width of drive aprons. The Applicant is requesting 45' width of drive aprons on Snow Rd and on W. 130 Street. This variance would result in 11' more for width of drive aprons. By granting these variances the characteristic of the neighborhood would not be substantially altered and by granting these variances the spirit and intent of the Zoning requirements would be observed".

Mrs. Kraft seconded the motion. Mrs. Kraft, Mr. Ziefle and Mr. O'Connor voted yes.

Also be it noted that variance once granted, shall not be withdrawn or changed unless there is a change of circumstances or if after the expiration of six months no substantial construction is done in accordance with the terms and condition for which such variance was granted. In which case the Building Commissioner shall give notice in writing, and thirty days thereafter the variance will be deemed null and void, and all regulations governing such premises in question shall revert back to those in effect before the variance was granted.

Motion made by Councilman Divis, seconded by Councilman Day to accept the subject variances with the stipulations. Motion carried. Variances are granted.

PROPOSAL TO VARY
Howard Shergalis, RDL Architects
For property on Shopping Center District on Day Drive.

The Planning Committee of Council met on Monday, December 8, 2014, and confirmed the recommendations of the Parma Board of Zoning Appeals FOR THE APPLICANT Mr. Howard Shergalis, RDL Architects, 16102 Chagrin Blvd., Shaker Hts., OH for property on Shopping Center District on Day Drive. PPN is Parcel 1-A-1.

After discussion Mr. Ziefle made the following recommendation:

"I make a motion to recommend to Council to GRANT Howard Shergalis, RDL Architects, 16102 Chagrin Blvd., Shaker Hts., OH 44120 has requested an "Use" variance of the City of Parma Codified Ordinances of Section 1170.03 - PLANNING & ZONING CODE-COMMERCIAL/OFFICE DISTRICTS-SCHEDULE OF PERMITTED BUILDINGS AND USES. The proposal is for mixed use of property on Shopping Center District on Day Dr. Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained, in whole or in part, in the Shopping Center District only for uses as set forth in schedule and regulations. The request is for mixed use in Shopping Center District. This variance would result in allowing for mixed use in Shopping Center District. The PPN is Parcel 1-A 1. By granting this variance the characteristics of the neighborhood would not be substantially altered and by granting the spirit and intent of the Zoning and Building requirements would be observed".

Mrs. Kraft seconded the motion. Mr. Ziefle, Mrs. Kraft and Mr. O'Connor voted yes.

Also be it noted that variance once granted, shall not be withdrawn or changed unless there is a change of circumstances or if after the expiration of six months no substantial construction is done in accordance with the terms and condition for which such variance was granted. In which case the Building Commissioner shall give notice in writing, and thirty days thereafter the variance will be deemed null and void, and all regulations governing such premises in question shall revert back to those in effect before the variance was granted.

Motion made by Councilman Divis, seconded by Councilman Day to accept the subject variances. Motion carried. Variances are granted.

Notice to Legislative Authority from the Ohio Division of Liquor Control for New C1 and C2 permit for Sam & Sons, Inc. dba Sams Beverage, 5239 State Road, Parma, Ohio 44134.
Mr. Brennan - Said liquor permit shall be referred to Ward Council and the Safety Director.

Notice to Legislative Authority from the Ohio Division of Liquor Control for a Transfer of a D5 liquor license from Rojeks Entertainment Incorporation, 1151 W. Pleasant Valley Road, Parma, Ohio, 44134 to Ladaika Enterprises LLC, dba Nice Shot, at the same location.
Mr. Brennan - Said liquor permit transfer shall be referred to Ward Council and the Safety Director.

SECOND READING:

ORDINANCE NO. 239-14 12/1/14 L-239-14

By: L. Napoli
(By Request - City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ANNUAL AGREEMENT FOR 2015 WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT FOR TASKS RELATED TO PUBLIC EDUCATION AND PUBLIC INVOLVEMENT, PLAN REVIEWS AND CONSTRUCTION SITE INSPECTION ACTIVITIES WITH REGARD TO THE CITY'S NPDES PERMIT FOR STORMWATER MANAGEMENT AND DECLARING AN EMERGENCY

Motion made by Councilman Napoli, seconded by Councilman Day to refer Ordinance No. 239-14 back to the Environmental Standards Committee.. Motion carried.

SECOND READING SUSPENSION OF THE RULES:

RESOLUTION NO. 238-14 12/1/14 L-238-14

By: L. Napoli
(By Request - Mayor)

A RESOLUTION SUPPORTING WEST CREEK CONSERVANCY'S CLEAN OHIO GREENSPACE GRANT APPLICATION FOR THE WEST CREEK GREENWAY PHASE 4 AND THE BALDWIN CREEK CORRIDOR CONSERVATION PROJECT BY THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mr. Brennan - Shall the statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 238-14 on three different days be dispensed with?

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

No: None; motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day to adopt Resolution No. 238-14.

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

No: None; Resolution No. 238-14 is adopted.

THIRD READING:

ORDINANCE NO. 217-14 10/20/14 L-217-14

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, 2015, TO AND INCLUDING MARCH 31, 2015, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to amend Ordinance No. 217-14 by attaching Exhibit A, and further moved to waive Rule 52 and place amended Ordinance No. 217-14 on Third Reading for passage. Motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day to adopt amended Ordinance No. 217-14.

Yes: Casselberry, Crossman, Day, Dipierro, Divis, Lime, Napoli, Tuma, Brochetti.
No: None; Ordinance No. 217-14 is adopted as amended.

ORDINANCE NO. 228-14 11/17/14 L-228-14

By: S.M. Tuma
(By Request - Mayor)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT TO PROVIDE PUBLIC HEALTH SERVICES FOR THE CITY OF PARMA RESIDENTS FOR THE YEAR 2015 AND APPROPRIATING THE SUM OF \$319,876.00, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to adopt Ordinance No. 228-14.

Yes: Casselberry, Crossman, Day, Dipierro, Divis, Lime, Napoli, Tuma, Brochetti.
No: None; Ordinance No. 228-14 is adopted.

*Comments by Councilwoman Lime and Auditor Kish.

ORDINANCE NO. 235-14 11/17/14 L-235-14

By: B. Day
(By Request - Safety Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A 2015 CHEVROLET 4500 CUTAWAY VAN FOR THE PARMA POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to hold Ordinance No. 235-14 on Third Reading. Motion carried.

SUSPENSION OF THE RULES:

Mr. Brennan - Shall the statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 249-14, Ordinance No. 250-14 and Ordinance No. 251-14 on three different days be dispensed with?

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

No: None; motion carried.

Mr. Brennan - Shall Rule 45 requiring reference to committee be dispensed with and Resolution No. 249-14, Ordinance No. 250-14 and Ordinance No. 251-14 be placed on final passage?

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

No: None; motion carried.

RESOLUTION NO. 249-14

12/15/14

L-249-14

By: S. M. Tuma

(By Request - Auditor)

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

Motion made by Councilman Tuma, seconded by Councilman Day to attach a new Exhibit A. Motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day to adopt Resolution No. 249-14.

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

No: None; Resolution No. 249-14 is adopted.

ORDINANCE NO. 250-14

12/15/14

L-250-14

By: S.M. Tuma

(By Request - Auditor)

AN ORDINANCE TO AMEND THE 2014 PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to adopt Ordinance No. 250-14.

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

No: None; Ordinance No. 250-14 is adopted.

ORDINANCE NO. 251-14

12/15/14

L-251-14

By: S.M. Tuma

(By Request - Auditor)

AN ORDINANCE AUTHORIZING THE TRANSFER OF APPROPRIATIONS WITHIN THE 2014 PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to adopt Ordinance No. 251-14.

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

No: None; Ordinance No. 251-14 is adopted.

REAPPOINTMENTS

Motion made by Appointment Scanning Committee Chairman Mark Casselberry, seconded by Councilman Day to confirm the following re-appointments which were discussed by the Parma City Council Appointment Scanning Committee on December 8, 2014. Motion carried. To wit:

Reappointment to Fair Housing Review Board - Father Mark Peyton has been accepted to continue his appointment for a three year term ending on December 31, 2018.

Reappointment to the Records Commission - Dianna Kall has been accepted to continue her appointment for a three year term ending on March 1, 2017.

Reappointment to the Municipal Income Tax Board of Review - Salvatore Talarico has been accepted to continue his appointment for a three year term ending on January 9, 2018.

Reappointment to the Civil Service Commission - John Thomas has been accepted to continue his appointment for a new six year term ending December 31, 2021.

PUBLIC SESSION

No one wished to speak.

MISCELLANEOUS BUSINESS

Mayor DeGeeter - No comment.

Service Director Baeppler - No comment.

Safety Director Higgins - No comments.

Auditor Kish - Made everyone aware that there will be a special meeting on December 29th to conclude auditing issues for 2014. Wished everyone a happy holiday.

Councilman Casselberry - Commented on holiday lighting; wished everyone a happy holiday and commented on the peanut butter drive.

Councilman Crossman - Wished everyone a happy holiday and thanked everyone for the help over the past year.

Councilman Day - Wished everyone a happy holiday and complimented the two new council members on their work this past year.

Councilman Dipierro - Thanked all for the compliments and wished everyone a happy holiday.

Councilman Divis - Complimented the two new members and wished everyone a happy holiday.

Councilwoman Lime - Wished everyone a happy holiday and stated there will be new challenges next year as far as the budget goes. Commented on the Parma Theater demo.

Councilman Napoli - Wished everyone a Merry Christmas.

Councilman Tuma - Commented on the Christmas Parade on Saturday and wished everyone a Merry Christmas and Happy New Year.

Councilman Brochetti - Commented on his first Christmas parade, on the Peanut Butter drive and the Cub Scouts who contributed to it besides leading the Pledge.

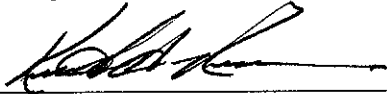
Councilman Brennan - Complimented Council and the Administration for their stewardship and wished everyone a Merry Christmas and Happy New Year.

ADJOURNMENT

Motion made by Councilman Day, seconded by Councilman Casselberry to adjourn said meeting at 8:00 PM. Motion carried.

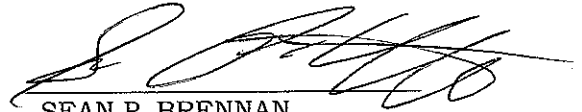
CERTIFICATION

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 Monday, December 15, 2014.



KENNETH A. RAMSER
CLERK OF COUNCIL

Minutes completed on December 30, 2014 llc



SEAN P. BRENNAN
PRESIDENT OF COUNCIL

