

**MINUTES
FEBRUARY 21, 2023
REGULAR COUNCIL MEETING
PARMA COUNCIL CHAMBERS
6:35 P.M.**

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

COUNCIL MEMBERS PRESENT:

KEVIN KUSSMAUL
DEBORAH LIME
KAMMY SHUMAN
MONICA WILSON
KELLY ZACHARIAS
MARK CASSELBERRY
ALLAN DIVIS
ROB EUERLE
LINDA A. KOHAR

Mrs. Saban – Mr. Chairman, the Roll Call 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, 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, Communication and Community Relations Director Carolyn Kovach, Recreation Commissioner Mickey 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

LEGISLATIVE COMMENT

No one wished to speak.

DISPOSAL OF JOURNAL

Mr. Dipierro – Stated, you have before you the minutes from the Regular Council Meeting of February 6, 2023. Asked if there were any additions or corrections to the minutes? Stated, hearing none, the minutes will stand as printed.

COMMUNICATIONS, PETITIONS AND CLAIMS

Mrs. Saban – Read a letter from Lisa M. Williams/Manager Government Relations U.S Post Office.

Councilwoman Lime – Asked for an update as far as the property owner of the Post Office. Stated that the front door has been broken for over three months and that there is a broken lamp sitting along side of the building. Councilwoman Lime stated she passed by the Day Drive site one evening and noticed the flag was not lit. She also stated that she finds the whole situation an embarrassment.

Mayor DeGeeter – Asked Building Commissioner Kulchytsky to come up, but stated that an inspection was done, and there were violations. He also stated that Congressman Max Miller is involved.

Building Commissioner Kulchytsky – Stated that after the last meeting they did send out Property Maintenance Inspectors to both the State Rd. site and the Day Dr. site. He stated that there were no violations from State Rd. but Day Dr. did have a list of violations. The violations were reviewed by the Manager on site. Mr. Kulchytsky stated that he contacted the property owner who is out of state, that the property on Day Dr. was leased to the U.S. Postal Service. He stated that he was unsure of the results of that meeting with the inspectors. Mr. Kulchytsky also stated that Jim Lobenthal of our Property Maintenance Department also had a meeting set up with the owner from New York to review the site on Day Dr.,but did not have any information on what resulted from that meeting, but will follow up with Council members in the near future.

Councilwoman Lime – Asked if there was an NOV written?

Building Commissioner Kulchytsky – Replied with a yes.

Councilwoman Lime – Asked about the compliance date?

Building Commissioner Kulchytsky – Stated that he did not have the date handy.

Councilwoman Lime – Asked if Commissioner Kulchytsky would please let her know.

Mrs. Saban – Read the following – PARMA BOARD OF ZONING APPEALS met on Tuesday February 14, 2023 at 6:35pm and PROPOSED TO VARY, subject to the provisions of amended Ordinances Section 1197.05 (27) (confirmation or rejection by Council within forty days of receipt of this notice) FOR THE APPLICANT Ubiquitous Design LTD for Brickrealty, LLC. PPN445-01-036. After discussion Michelle Green made the following recommendations: I make a motion to recommend to Council to deny Ubiquitous Design, LTD for Brickrealty, LLC of 2221 Brookpark Rd. Parma, Ohio 44134 has requested variances of the City of Parma Codified Ordinances of Section 1197.05 (27) OFF STREET PARKING AND LOADING FACILITIES SCHEDULE OF REQUIRED PARKING – EATING PLACES, BARS AND TAVERNS. One space per 50 square feet of public floor area is required. This building has 2,350 square feet of public area requiring 37 parking spaces. The side has 3 parking spaces. The applicant is requesting a variance for 44 fewer spaces than required by code. Mrs. Alesan Armstrong seconded it. The board members were concerned with the safety of pedestrians. Brickrealty is offering valet parking, but the members were concerned with pedestrian not using and crossing Brookpark Road on their own. Mr. George Mastrobuono, Michele Green and Alesan Armstrong voted not to grant the variance.

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

PARMA BOARD OF ZONING APPEALS met on Tuesday 14, February 14, 2023 at 6:30pm and PROPOSED TO VARY, subject to the provisions of amended Ordinances Section 1170.08 (confirmation or rejection by Council within forty days of receipt of this notice.) For the applicant Mittas Holdings, LLC and DGP Properties. After discussion Mrs. Green made the following recommendations: I make a motion to recommend to Council to deny DLZ Corporation for: Mittas Holdings LLC and DGP Properties, LLC regarding the property at 7889 York Rd. Parma, Ohio 44130 PPN: 456-26-027 has requested variance of the City of Parma Codified Ordinances of Section 1170.08 – SCHEDULE OF YARD HEIGHT REFULATIONS. The proposal building is in the Retail Business District is required by code to have a front building setback of 30 feet. The building is proposed at a 5-foot front setback. The Applicant has requested approval for 25 feet less front building setback that requires. Mrs. Alesan Armstrong

seconded it. Mr. George Mastrobuono, Mrs. Michele Green, and Mrs. Alesan Armstrong voted not to grant variance.

Councilwoman Shuman – Stated that this is in her ward, it is the property between German Central and the gas station, where the creek runs through. She said that the owner of the parcel lives out of town, and that they have been trying to get something on this property. She stated that if the land is touched, it would affect all five of the sewer projects that are happening now. Councilwoman Shuman stated that she hopes that the variance would not be considered and also stated that West Creek had also been trying to buy this property but DLZ would not sell it, and that she could not imagine anything fitting on the property.

Mayor DeGeeter – Stated that this is the second time that someone wanted to develop this property. He also stated that DLZ is the engineer who has done the design work. The Mayor added that besides the Administration, the Sewer District and West Creek being against this, Cleveland Soil and Water are now involved. The Mayor stated that he hopes that Council would unanimously reject the request for this variance.

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

AMENDMENT TO THE CALENDAR

Motion made by Councilwoman Lime seconded by Councilman Casselberry to amend the Calendar by removing Resolution No. 27-23 under Suspension of the Rules. Motion carried.

FIRST READING:

ORDINANCE NO. 28-23 2/21/23

BY: D. LIME, R. EUERLE, K. SHUMAN
(By Request – Community Services/Economic Development Director)

AN ORDINANCE AUTHORIZING THE MAYOR TO TRANSFER, BY QUIT CLAIM DEED, THE CITY OWNED VACANT RESIDENTIAL LAND LOCATED AT 7103 DARTWORTH AVENUE (PERMANENT PARCEL NUMBER 448-04-020), 5965 WAREHAM ROAD (PERMANENT PARCEL NUMBER 448-07-105), W. RIDGEWOOD DRIVE (PERMANENT PARCEL NUMBER 446-27-102), W. RIDGEWOOD DRIVE (PERMANENT PARCEL NUMBER 446-27-103), W. RIDGEWOOD DRIVE (PERMANENT PARCEL NUMBER 446-27-001), 3322 COMMONWEALTH DRIVE (PERMANENT PARCEL NUMBER 446-06-024), AND EAST BAGLEY ROAD (PERMANENT PARCEL NUMBER 457-07-005), TO THE PARMA COMMUNITY IMPROVEMENT CORPORATION (PCIC), AND DECLARING AN EMERGENCY

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

RESOLUTION NO. 29-23 2/21/23

BY: M. CASSELBERRY
(By Request – Auditor)

A RESOLUTION PERMITTING THE CITY AUDITOR, OR THE BOARD OR OFFICER HAVING SUPERVISION OR MANAGEMENT OF THE PROPERTY, TO UTILIZE THE INTERNET AUCTION FOR SURPLUS ITEMS IN THE 2023 CALENDAR YEAR, AND DECLARING AN EMERGENCY

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

BY: K. SHUMAN, A. DIVIS

AN ORDINANCE TO AMEND SECTION 636.05 "MENACING" WITHIN CHAPTER 636 "OFFENSES RELATING TO PERSONS" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA AND DECLARING AN EMERGENCY

Mr. Dipierro – Said Ordinance to be referred to the Public Safety Committee.

SECOND READING

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

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH TESCO FOR THE PURCHASE OF A 2023 STARTRANS SENATOR II, 2023 CHEVROLET G-3500 TWELVE (12) PASSENGER BUS, UNDER THE STATE OF OHIO BID PRICING FOR THE DONNA SMALLWOOD ACTIVITIES CENTER, WITH PARTIAL REIMBURSEMENT FROM NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) AND DELARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilwoman Shuman to refer Ordinance No. 14-23 back to the Finance Committee. Motion carried.

BY: D. LIME

AN ORDINANCE TO AMEND THE TRAFFIC CODE OF THE CITY TO CONFORM TO CURRENT STATE LAW, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Ordinance No. 17-23 back to the Public Safety Committee. Motion carried.

BY: D. LIME

AN ORDINANCE TO AMEND THE GENERAL OFFENSES CODE OF THE CITY TO CONFORM TO CURRENT STATE LAW, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Ordinance No. 18-23 back to the Public Safety Committee. Motion carried.

BY: K. SHUMAN

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT AND ENACT NEW MATTER IN

THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY

Motion made by Councilwoman Shuman seconded by Councilman Casselberry to refer Ordinance No. 19-23 back to the Governmental Operations Committee. Motion carried.

ORDINANCE NO. 23-23

2/6/23

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

AN ORDINANCE TO AMEND ORDINANCE NO. 168-22, BY ACCEPTING A NEW EXHIBIT "A" FOR THE LEASE AGREEMENT BETWEEN THE CITY OF PARMA AND THE SOUTHWEST ENFORCEMENT BUREAU (SEB) FOR THE LEASE OF CITY LAND FOR PURPOSES OF STORING SEB EMERGENCY VEHICLES AND EQUIPMENT AT 7355 RIDGE ROAD IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

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

ORDINANCE NO. 25-23

2/6/23

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

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A GRANT AGREEMENT AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2023 ENERGIZED COMMUNITY GRANT(S) FUNDS, AND DECLARING AN EMERGENCY

Motion made by Councilman Casselberry seconded by Councilwoman Shuman to refer Ordinance No. 25-23 back to the Finance Committee. Motion carried.

THIRD READING

ORDINANCE NO. 3-23

1/17/23

BY: K. ZACHARIAS
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH OHM ADVISORS FOR THE DESIGN OF THE NORTH AVENUE WATERLINE REPLACEMENT PROJECT FROM STATE ROAD TO BROADVIEW ROAD, CONSISTING OF THE REPLACEMENT OF THE EXISTING WATERLINE AND ASPHALT OVERLAY WITH ALL OF THE NECESSARY APPURTENANCES, IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 3-23.

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

No: None; Ordinance No. 3-23 is adopted.

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

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (b) "RECREATION DEPARTMENT" OF SECTION 185.05 "FEES OF THE DIRECTOR OF PUBLIC SERVICE", SECTION (b) "RECREATION DEPARTMENT" RELATIVE TO SEVERAL RECREATION FEES, OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 11-23.

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

No: None; Ordinance No. 11-23 is adopted.

BY: M. CASSELBERRY
(By Request – Recreation 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 DIVISION OF PARKS AND RECREATION, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 12-23.

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

No: None; Ordinance No. 12-23 is adopted.

SUSPENSION OF THE RULES:

Mr. Dipierro – Shall the Statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 26-23, Ordinance No. 30-23, Resolution No. 31-23, and Ordinance No. 33-23, on three different days be dispensed with?

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

No: None; motion carried.

Mr. Dipierro – Shall Rule 45 requiring reference to committee be dispensed with and Resolution 26-23, Ordinance No. 30-23, Resolution No. 31-23, and Ordinance No. 33-23, be placed on final passage?

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

No: None; motion carried.

BY: **D. LIME**, M. CASSELBERRY, K. SHUMAN

A RESOLUTION SUPPORTING MARCH AS "NATIONAL ATHLETIC TRAINING MONTH", AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 26-23.

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

No: None; Resolution No. 26-23 is adopted.

ORDINANCE NO. 30-23

2/21/23

BY: M. CASSELBERRY
(By Request – Auditor)

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

Councilwoman Lime – Had a question for the Auditor’s Office about Professional Services 405 for \$370,000.00.

Auditor Day – Stated that he received an email from the Service Department that they had a contract that needed to be funded, that was not funded in the Temporary Appropriations. Mr. Day stated that it did not state what the contract was for or if Service Director Vannello knew what it was for because it came from Brian Waldeck, and they could not wait for the permanent budget.

Service Director Vannello – Stated that he would get back to them as to what the contract was for. He stated also that there were a few different Appropriations that he had asked for that had not been brought over in the Temporary budget.

Councilwoman Lime – Asked that as we move forward with budgets, will we be having a discussion on 405?

Mayor DeGeeter – Replied yes.

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 30-23.

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

No: None; Ordinance No. 30-23 is adopted.

RESOLUTION NO 31-23

2/21/23

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. 31-23.

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

No: None; Resolution No. 31-23 is adopted.

ORDINANCE NO. 33-23

2/21/23

BY: M. CASSELBERRY, L.A. KOHAR
(By Request – Service Director)

AN ORDINANCE TO AMEND THE HEADING AND SECTION 1 OF ORDINANCE NO. 17-19, FOR THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT FROM 2019-2023 IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Councilwoman Lime – Asked why are we taking it out ten years? She also asked what advantage is there to us by doing this?

Service Director Vannello – Stated that the request was received from the Solid Waste District for the amount. He stated that he did not know what the advantage for us would be for the time frame. He also stated that it is similar to the County Mitigation Plan that we follow, and that we typically follow County standards.

Councilwoman Lime – Asked if there was a cost to this?

Service Director Vannello – Replied yes, but stated that he did not have the number.

Councilwoman Lime – Asked if the cost was increased because of the change?

Service Director Vannello – Replied that he did not know.

Councilwoman Lime – Asked if this could be looked at.

Mayor DeGeeter – Stated that a number of organizations have raised their fees this past year, that is why there is an increase in Budget on Dues and Subscriptions. Mayor DeGeeter also stated that he could not recall if Solid Waste is one, but will let you know before the Budget Hearings.

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 33-23.

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

No: None; Ordinance No. 33-23 is adopted.

APPOINTMENTS AND CONFIRMATIONS

PUBLIC SESSION

No one wished to speak.

MISCELLANEOUS BUSINESS

Mayor DeGeeter – Welcomed Councilwoman Wilson

Safety Director Coury – No Comment

Service Director Vannello – No Comment

Auditor Day – Welcomed Councilwoman Wilson, was happy that they had an opportunity to meet with each other for a great discussion, and told Councilwoman Wilson she can always reach out to him any time.

Law Department – No Comment

Treasurer Mastroianni – Welcomed Councilwoman Wilson

Councilman Kussmaul – Welcomed Councilwoman Wilson

Councilwoman Lime – Welcomed Councilwoman Wilson. Stated she was looking forward to starting budgets this week. Thanked the Law Department for reaching a verdict regarding the man that was impersonating the Parma Police Department. She stated that she received many phone calls and texts on the matter regarding his posts. She expressed her gratitude to the Law Department, as well as to Detective Connor and Captain Riley for all their hard work. She also stated that the Fire and Police Department Rock. She mentioned the fire at Midtown Towers, and how nice it was to see many neighboring community departments come together to help out.

Councilwoman Shuman – Welcomed Councilwoman Wilson. She stated that she was so happy to have her seated next to her.

Councilwoman Wilson – Thanked everyone on Council for being so kind and warm. She also wished to thank the Mayor for all the hours he gave her for her orientation, and gave a special thank you to Clerk of Council Saban. She stated that she is very excited to be on City Council.

Councilwoman Zacharias – Welcomed Councilwoman Wilson

Councilman Casselberry – Stated that the Budget Hearings start tomorrow at 6PM, and the following dates of February 28 at 6, and March 8 at 6PM. Wished to welcome Councilwoman Wilson, and thanked the Service, Building, the Administration, and anyone that had a hand in the Krueger Avenue sewer project. He stated that thanks to a mild winter, the project got underway. He stated that the work is starting and that people are excited, and that this project was long overdue and it was a very long process.

Councilman Divis – Welcomed Councilwoman Wilson. He also wished to carry over Councilwoman Lime’s gratitude of our great city and is proud how everyone works together.

Councilman Euerle – Welcomed Councilwoman Wilson. He stated that there were some great comments backing up our Police Department.

Councilwoman Kohar – Welcomed Councilwoman Wilson

Clerk of Council Saban – Welcomed Councilwoman Wilson. She thanked all on behalf of Councilwoman Lime and herself for all the support they received for the Parma Proud Wing Night. She stated that it was a very successful evening, and the support was amazing.

Council President Dipierro – Thanked Marta for the update on Ukraine. Stated that thoughts and prayers will continue for them. He stated that the Parma Proud Wing Night was a great event, and wanted to acknowledge Kristin Saban, Debbie Lime, and the committee members for everything they do for Parma Proud. He also wished to Congratulate Councilwoman Wilson on her first meeting.

ADJOURNMENT

Motion made by Councilwoman Lime seconded by Councilwoman Shuman to adjourn said meeting at 7:12 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 Tuesday, February 21, 2023.

/s/ Kristin L. Saban
Kristin L. Saban
Clerk of Council

/s/ Vito Dipierro
Vito Dipierro
President of Council

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