# MINUTES DECEMBER 7, 2020 REGULAR COUNCIL MEETING PARMA COUNCIL CHAMBERS 7:37 P.M.

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

COUNCIL MEMBERS PRESENT: KRISTIN L. SABAN

MARK CASSELBERRY VITO DIPIERRO ALLAN DIVIS ROY J. JECH LINDA A. KOHAR DEBORAH LIME

COUNCIL MEMBERS EXCUSED: BRIAN BROCHETTI

LARRY NAPOLI

Mr. Ramser – 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, Auditor Brian Day, Treasurer Tom Mastroianni, Service Director Brian Higgins, Safety Director Thomas Weinreich, Communications and Community Relations Director Carolyn Kovach, Recreation Commissioner Mickey Vittardi and Clerk of Council Kenneth A. Ramser.

#### **INVOCATION**

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

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#### PLEDGE OF ALLEGIANCE

LEGISLATIVE COMMENT

No one wished to speak.

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### **DISPOSAL OF JOURNAL**

Mr. Brennan – Stated, you have before you the Minutes from the Regular Council

Meeting held on November 16, 2020. Asked if there were any additions or corrections to the Minutes? Stated, hearing none, the Minutes will stand approved as printed.

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#### **COMMUNICATIONS, PETITIONS AND CLAIMS:**

Card received from Public Housing Director Priscilla Pointer Hicks thanking everyone for their support during their time of loss.

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Mr. Ramser – Read the following Variances into the record:

The Parma Board of Zoning Appeals met on Tuesday, November 10, 2020 and PROPOSED TO "VARY, subject to the provisions of amended Ordinance 1127.13 (confirmation

or rejection by Council within forty days of the receipt of this notice) FOR THE APPLICANT Jason Kuczmarski, 7609 Kenilworth Ave., Parma, Oh 44129. PPN 442-18-085. After discussion Mr. Mastrobuono made the following recommendation: "I recommend to Council to GRANT Jason Kuczmarski, 7609 Kenilworth Ave., 44129 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. Maximum size of garage permitted on lot shall not exceed a total floor area of 720 sq. ft. The Applicant is proposing to build a second detached garage, 484 sq. ft. in size on property at 7609 Kenilworth. The existing garage is 480 sq. ft. in area and is to remain. The parcel is 6,250 sq. ft. in area. This variance would result in allowing for a second garage on one lot and for 244 more feet in area than Code allows. The PPN is 442-18-085. The variance is substantial and the spirit and intent behind the Zoning and Building requirements would be observed and substantial justice done by granting this variance."

Mr. Ziefle second the motion. Mrs. Green, Mr. Yurkiw, Mr. Ziefle, Mr. Mastrobuono and Mr. O'Connor voted yes.

Also be it noted that a variance(s) 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 variances 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 Casselberry to thereafter read the variance application title only. Further moved to refer the variance application to the Planning Committee. Motion carried.

The Parma Board of Zoning Appeals met on Tuesday, November 10, 2020 and PROPOSED TO "VARY, subject to the provisions of amended Ordinance 1127.13 (confirmation or rejection by Council within forty days of the receipt of this notice) FOR THE APPLICANT Thomas & Rebecca Kovach, 5711 Theota Ave., Parma, OH 44129. PPN 443-15-039.

After discussion Mr. Mastrobuono made the following recommendation: "I recommend to Council to grant to Thomas & Rebecca Kovach, 5711 Theota Ave., Parma, OH 44129 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. Maximum size garage permitted on lot size of 10,700 sq. ft. lot area is 800 sq. ft. with maximum height of 15 feet. The Applicant is proposing to build new garage 1085 sq. ft. in area with height of 21' on parcel of 10,700 sq. ft. on property located at 5711 Theota Ave. This variance would result in allowing for 285 more square feet in area on lot size of 10,700 sq. ft. in area with second story. The PPN is 443-15-039.

Thomas & Rebecca Kovach, 5711 Theota Ave., Parma, OH 44129 have requested an "Area" variance of the City of Parma Codified Ordinances of Section 1185.05 – HEIGHT REGULATIONS – HEIGHT DISTRICT EXCEPTIONS. In residence districts, an accessory building shall not exceed 15' in height at the highest point of the roof nor more than one story. The Applicant is proposing to build new detached garage with height of 21' on parcel of 10,700 sq. ft. on property located at 5711 Theota Ave. This variance would result in allowing for 6' more in height with second story. The PPN 443-15-039. That the essential character of the neighborhood would not be substantially altered and the adjoining properties would not suffer a substantial detriment as a result of these variances and the spirit and intent behind the Zoning/Building requirements would be observed and substantial justice done by granting these variance with the stipulations: Height of new garage will be no more than 18' maximum for the highest point.

1. No business will operate out of the garage.

- 2. At no time will the garage be used as a residence or living space.
- 3. No bathtub or shower ever installed in the garage.

Mr. Yurkiw second the motion. Mr. Ziefle, Mr. Mastrobuono, Mrs. Green, Mr. Yurkiw and Mr. O'Connor voted ves to grant these variances with the stipulations.

Also be it noted that a variance(s) 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 variances 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 Casselberry to thereafter read the variance application title only. Further moved to refer the variance application to the Planning Committee. Motion carried.

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Request for a New C1 Liquor Permit to SH Karas LLC dba Speedy Gas Station, 3017 Brookpark Road, Parma, Ohio 44134. Mailed November 16, 2020. Responses must be postmarked no later than December 17, 2020.

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

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Request for a Transfer of a D5 Liquor Permit from RAXX LLC dba RAXX to Tadam LLC dba Rookies Sports Bar & Grill, 5513 Pearl Road, Parma, Ohio 44129. Mailed November 19, 2020. Responses must be postmarked no later than December 21, 2020.

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

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Request for a Transfer of a D5, D6 Liquor Permit from Blue Line Bar & Grill LLC dba Blue Line Bar & Grill, to JBS Tayern Inc. dba Blue Line Bar & Grill, 4305 Brookpark Road, Parma, Ohio 44134. Mailed November 27, 2020. Responses must be postmarked no later than December 28, 2020.

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

Request for a Transfer of a D5, D6 Liquor Permit from West 48 Bar LLC dba Lincoln Inn, to Lee-Con Inn LLC dba Lincoln Inn, 5409 State Road, 1st Floor and Basement, Parma, Ohio 44134. Mailed November 27, 2020. Responses must be postmarked no later than December 28, 2020.

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

# INTRODUCTION OF ORDINANCES AND RESOLUTIONS

# **FIRST READING:**

ORDINANCE NO. 167-2020 12/7/2020 L-167-2020

BY: A. DIVIS

> AN ORDINANCE AUTHORIZING THE MAYOR TO HIRE AN ENGINEERING FIRM TO PREPARE PLANS, SPECIFICATIONS AND ESTIMATES OF COST FOR THE REPAIR OF THE DAM AT HOLLENBECK LAKE IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

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

L-189-2020

BY: B. BROCHETTI

(By Request – City Engineer)

AN ORDINANCE SETTING THE TIME AND PLACE OF THE ASSESSMENT EQUALIZATION BOARD HEARING WITH RESPECT TO THE INSTALLATION OF SANITARY SEWERS AS PART OF THE SPRAGUE ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY

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

ORDINANCE NO. 190-2020 17/7/2020 L-190-2020

BY: B. BROCHETTI

(By Request – City Engineer)

AN ORDINANCE TO APPOINT AN ASSESSMENT EQUALIZATION BOARD TO HEAR AND DETERMINE OBJECTIONS FILED WITH RESPECT TO THE INSTALLATION OF SANITARY SEWERS AS PART OF THE SPRAGUE ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY

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

# **SECOND READING:**

ORDINANCE NO. 177-2020 11/16/2020 L-177-2020

BY: R.J. JECH

(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORSD) THROUGH THE COMMUNITY COST-SHARE PROGRAM FOR THE RUSTIC TRAIL STORM SEWER IMPROVEMENT PROJECT IN THE CITY OF PARMA, AND **DECLARING AN EMERGENCY** 

Motion made by Councilwoman Saban seconded by Councilwoman Lime to refer Ordinance No. 177-2020 back to the Environmental Standards Committee. Motion carried.

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ORDINANCE NO. 178-2020 11/16/2020 L-178-2020

BY: A. DIVIS, R.J. JECH

(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORSD) THROUGH THE COMMUNITY COST-SHARE PROGRAM FOR THE ORCHARD PARK STORM SEWER IMPROVEMENT PROJECT PHASE 2 IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Saban seconded by Councilman Casselberry to refer Ordinance No. 178-2020 back to the Environmental Standards Committee. Motion carried.

BY: L. NAPOLI

(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORSD), UNDER THE MEMBER COMMUNITY INFRASTRUCTURE GRANT PROGRAM (MCIP) FOR THE DESIGN COST OF THE GREEN ACRES DRIVE AREA SEWER IMPROVEMENT PROJECT IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Saban seconded by Councilman Casselberry to refer Ordinance No. 181-2020 back to the Environmental Standards Committee. Motion carried.

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ORDINANCE NO. 182-2020 11/16/2020 L-182-2020

BY: M. CASSELBERRY

(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORSD), UNDER THE MEMBER COMMUNITY INFRASTRUCTURE GRANT PROGRAM (MCIP) FOR THE DESIGN COST OF THE KRUEGER AVENUE AREA SEWER IMPROVEMENT PROJECT IN THE CITY OF PARMA, AND DECLARING AN **EMERGENCY** 

Motion made by Councilwoman Saban seconded by Councilman Casselberry to refer Ordinance No. 182-2020 back to the Environmental Standards Committee. Motion carried.

ORDINANCE NO. 185-2020 11/16/2020 L-185-2020

BY: B. BROCHETTI

(By Reguest – Human Resources Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR MEDICAL INSURANCE COVERAGE FOR CITY EMPLOYEES, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Ordinance No. 185-2020 back to the Finance Committee. Motion carried.

ORDINANCE NO. 186-2020 11/16/2020 L-186-2020

BY: K. SABAN, V. DIPIERRO

(By Request – Mayor)

AN ORDINANCE TO ENACT CHAPTER 789 ENTITLED "SELF STORAGE FACILITIES" OF PART SEVEN "BUSINESS REGULATION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN **EMERGENCY** 

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Ordinance No. 186-2020 back to the Public Safety Committee. Motion carried.

ORDINANCE NO. 187-2020 11/16/2020 L-187-2020

BY: K. SABAN, V. DIPIERRO (By Request – Mayor)

> AN ORDINANCE TO AMEND SEVERAL SECTIONS WITHIN CHAPTER 1170 "COMMERCIAL/OFFICE DISTRICTS", CHAPTER 1171 "INDUSTRIAL DISTRICTS", AND CHAPTER 1177 INDUSTRIAL PARK DISTRICTS" ALL WITHIN PART 11 "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Divis seconded by Councilman Casselberry to refer Ordinance No. 187-2020 back to the Planning Committee.

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# **THIRD READING:**

ORDINANCE NO. 165-2020 11/2/2020 L-165-2020

BY: D. LIME

(By Request – Mayor)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A RENEWAL CONTRACT WITH THE LAW FIRM OF ZASHIN & RICH CO., L.P.A. FOR LEGAL SERVICES FOR LABOR NEGOTIATIONS WITH VARIOUS BARGAINING UNITS, AND DECLARING AN EMERGENCY.

Motion made by Councilman Jech seconded by Councilman Casselberry to adopt Ordinance No. 165-2020.

Saban, Casselberry, Dipierro, Divis, Jech, Kohar, Lime. Yes:

No: None; Ordinance No. 165-2020 is adopted.

# **SUSPENSION OF THE RULES:**

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and Distinct reading of Ordinance No. 191-2020 and Resolution No. 192-2020 on three different days be dispensed with?

Saban, Casselberry, Dipierro, Divis, Jech, Kohar, Lime. Yes:

No: None; motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to committee be dispensed with and Ordinance No. 191-2020 and Resolution No. 192-2020 be placed on final passage.

Yes: Saban, Casselberry, Dipierro, Divis, Jech, Kohar, Lime.

No: None; motion carried.

ORDINANCE NO. 191-2020 12/7/2020 L-191-2020

BY: K. L. SABAN

(By Request – City Engineer)

AN ORDINANCE TO ACCEPT THE PERMANENT UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT IN CERTAIN PREMISES KNOWN AS PERMANENT PARCEL NUMBER 445-15-007, 1020 OLD ROCKSIDE ROAD, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Casselberry to adopt Ordinance No. 191-2020.

Yes: Saban, Casselberry, Dipierro, Divis, Jech, Kohar, Lime.

No: None: Ordinance No. 191-2020 is adopted.

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RESOLUTION NO. 192-2020 12/7/2020 L-192-2020

BY: D. LIME

(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 Jech seconded by Councilman Casselberry to adopt Resolution No. 192-2020.

Yes: Saban, Casselberry, Dipierro, Divis, Jech, Kohar, Lime.

No: None; Resolution No. 192-2020 is adopted.

# **APPOINTMENTS AND CONFIRMATIONS**

Councilwoman Kohar – Stated, the Appointment Scanning Committee met this evening to discuss the Appointment of Dennis Vasko to the Building Board of Appeals. Dennis Vasko's new appointment would be for a five (5) year term, replacing Timothy Carney. Dennis' term will end November 21, 2025. Motion made by Councilwoman Kohar seconded by Councilman Casselberry to confirm the appointment of Dennis Vasko to the Building Board of Appeals as recommend by Mayor DeGeeter and the Appointment Scanning Committee of Council. Motion carried.

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#### **PUBLIC SESSION**

No one wished to speak.

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### **MISCELLANEOUS BUSINESS**

Mayor DeGeeter – No comment.

Auditor Day – No comment.

Law Director Dobeck - No comment.

Treasurer Mastroianni – No comment.

Safety Director Weinreich – No comment.

Service Director Higgins – No comment.

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Councilwoman Saban – Thanked Police Chief Bobek and Safety Director Weinreich for meeting with her and Brookdale Avenue residents regarding ongoing issues.

Thanked the Auxiliary Police for their assistance with her Santa event. It was a huge success.

Thanked Santa, aka former Councilman Kish for his help with the We are Parma Proud event. It was very well received.

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Councilman Casselberry – He is planning an event for December 19<sup>th</sup>. More information will be forthcoming but it will involve Santa at his home and a Christmas light tour for the kids.

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Councilman Dipierro – No comment.

Councilman Divis – Commended Councilwood Proud event and Parade. They made many children	man Saban and Lime for their We are Parma In happy.
Councilman Jech – No comment.	
Councilwoman Kohar – No comment.	
Councilwoman Lime – Helping families during family adopted two children to help with Christmas Thanksgiving. Is looking forward to Santa coming The We are Parma Proud Event with Santa, aka De The We are Parma Proud website has been posting be ugly sweater photos and kids crafts. She will me planned.	to her Ward on Sunday, December 13th. ennis Kish was well received. g cookie and other recipes and soon there will
President of Council Brennan – No commen	
Motion made by Councilwoman Lime secon Members Brochetti and Napoli from said meeting.	ded by Councilman Jech to excuse Council
meeting at 8:04 P.M. Motion carried.	l by Councilman Casselberry to adjourn said
CERTIFIC	the City of Parma, Ohio, hereby certifies this
/s/ Kenneth A. Ramser KENNETH A. RAMSER CLERK OF COUNCIL	_/s/ Sean P. Brennan_ SEAN P. BRENNAN PRESIDENT OF COUNCIL