MINUTES PARMA CITY COUNCIL MEETING PARMA COUNCIL CHAMBERS NOVEMBER 18, 2019 7:00 P.M.

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

COUNCIL MEMBERS PRESENT:

MARK CASSELBERRY

ALLAN DIVIS
DENNIS M. KISH
DEBORAH LIME
LARRY NAPOLI
KRISTIN L. SABAN
BRIAN BROCHETTI

COUNCIL MEMBER EXCUSED:

ROY J. JECH

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, Chief Deputy Law Director Timothy Miller, Auditor Brian Day, Treasurer Tom Mastroianni, Communications and Community Relations Director Carolyn Kovach, Recreation Commissioner Mickey Vittardi, Director of Human Resources Renee Guy, Community Development Director Erik Tollerup, Chief of Staff Michael Culp and Chief Deputy Lisa Beeble.

INVOCATION

The Invocation was given by Father Anthony J. Suso, Pastor at St. Columbkille Catholic Parish.

PLEDGE OF ALLEGIANCE

LEGISLATIVE COMMENT:

No one wished to speak.

DISPOSAL OF JOURNAL

Mr. Brennan – Stated, you have before you the Minutes of the Regular Council Meeting of November 4, 2019. 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

Chief Deputy – Stated, the Parma Board of Zoning Appeals met on Tuesday, Nov. 12, 2019 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 Daniel Sprouse, 5247 State Rd. PPN 444-04-114.

After discussion Mr. Mastrobuono made the following recommendation:

"I make a motion to recommend to Council to grant to Daniel Sprouse of Sprouse Enterprises, LLC, 5247 State Road, 44134 has requested an "USE" variance of the City of Parma Codified Ordinances of Section 1170.03 – COMMERCIAL/OFFICE DISTRICTS – SCHEDULE OF PERMITTED BUILDINGS AND USES. The proposal is to allow selling of remanufactured appliances in Retail Business District located at the existing building at 5247 State Road. The sale of used products is not included in permitted buildings and uses in the Retail Business District. Permitted only in Commercial Manufacturing A and B Districts. This variance would result in allowing the sales of used appliances in Retail Business District. The PPN is 444-04-114. The essential character of the neighborhood would not be substantially altered and the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. It is recommended by the Engineering Dept. that if the "use" variance is granted it include the following stipulations:

- a. Sales be limited to new and remanufactured appliances, and appliance parts only.
- b. No wall or window signage be permitted beyond what Code allows.
- c. No promotional signage be permitted including but not limited to temporary signage, pendants, streamers and/or moving signage.
- d. Sidewalk or tent sales only be permitted twice a year.
- e. No broken or scrap appliances outside unless completely contained inside a closed dumpster enclosure. (A dumpster enclosure does not appear to exist currently. If one is to be constructed it would be subject to review and approval for the City Planning Commission.)"

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

A 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 conditions for which such variance was granted, in which case the Building Commissioner shall give a notice in writing and thirty days thereafter the variance shall be deemed null and void and all regulations governing such premises in question shall revert to those in effect before the variance was granted.

Mr. Brennan – Said variance will be referred to the Planning Committee.

Chief Deputy – Stated, the Parma Board of Zoning Appeals met on Tuesday, Nov. 12, 2019 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 Anthony Siciliano, 7444 Midland Road, Independence, OH 44131 for property located at 1285 Rockside Road. PPN 445-17-306.

After discussion Mrs. Green made the following recommendation:

"I make a motion to recommend to Council to grant to Anthony Siciliano, 7444 Midland Road, Independence, OH 44131 has requested an "Use" variance of the City of Parma Codified Ordinances of Section 1170.03 – COMMERCIAL/OFFICE DISTRICT – SCHEDULE OF PERMITTED BUILDINGS AND USES. The proposal is to open a food/beverage, nutrition/wellness café at 1285 Rockside Road. Serving of food and beverages on site not a permitted use in Office Building Districts. This variance would result in allowing to open food/beverage, nutrition/wellness café in Office Building District. PPN is 445-17-306.

We see that the essential character of the neighborhood would not be substantially altered and the adjoining properties would not suffer any detriment as a result of this variance. The Engineering Department does not object to this variance request."

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

A 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 conditions for which such variance was granted, in which case the Building Commissioner shall give a notice in writing and thirty days thereafter the variance shall be deemed null and void and all regulations governing such premises in question shall revert to those in effect before the variance was granted.

Mr. Brennan – Said variance will be referred to the Planning Committee.

Chief Deouty – Stated, the Parma Board of Zoning Appeals met on Tuesday, November 12, 2019 and PROPOSED TO "VARY, subject to the provisions of amended Ordinance 1127 .13 (confirmation or rejection by Council within forty days of receipt of this notice for the Brian J. Intihar, 7794 Theota Ave. PPN 442-18-047.

After discussion Mrs. Green made the following recommendation:

"I make a motion to recommend to Council to grant to Brian J. Intihar, 7794 Theota Ave, 44129 has requested an "Area" variance of the City of Parma Codified Ordinance of Section 1153.03(b)(2) – SINGLE FAMILY HOUSE DISTRICTS – ACCESSORY USES AND BUILDINGS – REGULATIONS – PARKING AREAS. The proposal is to add more parking area than allowed by Code at 7794 Theota Ave. The amount of hard surface area for a driveway in residential front setback shall not exceed 32% of front setback area and width shall not exceed 16' wide on lot with 54' of effective frontage. Existing is 22'. Proposing to add additional 8' for overall total of 30' in driveway width. This variance would result in allowing 14 additional feet of driveway width. The PPN is 442-18-047. 047. This variance would result in allowing an additional 14' of driveway width and would not affect the essential character of the neighborhood or substantially alter the adjoining properties. The Engineering Department has no objection to granting this variance request because the property does have a valid hardship. The driveway fronts on the side street not the main street the house fronts on. Therefore, the driveway has physically less depth allowing less parking area that other driveways in the neighborhood."

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

A 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 conditions for which such variance was granted, in which case the Building Commissioner shall give a notice in writing and thirty days thereafter the variance shall be deemed null and void and all regulations governing such premises in question shall revert to those in effect before the variance was granted.

Mr. Brennan – Said variance will be referred to the Planning Committee.

Chief Deputy – Stated. the Parma Board of Zoning Appeals met on Tuesday, Nov. 12, 2019 and PROPOSED TO "VARY, subject to the provisions of amended Ordinance 1127 .13 (confirmation or rejection by Council within forty days of receipt of this notice for the Brendan & Jennifer Brunk, 9123 Running Brook, 44130. PPN 456-24-041.

After discussion Mr. Ziefle made the following recommendation:

"I make a motion to recommend to Council to grant to Brendan & Jennifer Brunk, 9123 Running Brook, 44130 have requested an "Area" variance of the City of Parma Codified Ordinances of Section 1153.03(d)(2)-SINGLE FAMILY HOUSE DISTRICTS-ACCESSORY USES AND BUILDING-PARKING OF RECREATIONAL VEHICLE REGULATIONS. The proposal is to park 23' boat that sits on a 27' trailer on pad in side yard at 9123 Running Brook. Any owner of recreational equipment may park or store such equipment, not in excess of 24' in overall length on property owned by him. This variance would result in allowing 3' additional overall length of trailer used to store a 23' boat on his property. PPN is 456-24-041. By granting this variance the characteristics of the neighborhood would not be substantially altered, by granting this variance the spirit and intent of the zoning and building requirements would be observed. The Engineering Comments do not oppose to granting the variance since the recreational vehicle itself is 23', a length permitted by code, it is just the trailer that causing the inability to conform to code. The applicant would have to obtain a permit for the concrete pad that they indicated the trailer will sit on. The parcel is large enough that a concrete pad could be installed in the side yard the required 3' off the side property line."

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

A 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 conditions for which such variance was granted, in which case the Building Commissioner shall give a notice in writing and thirty days thereafter the variance shall be deemed null and void and all regulations governing such premises in question shall revert to those in effect before the variance was granted.

Mr. Brennan – Said variance will be referred to the Planning Committee.

SECOND READING:

ORDINANCE NO. 214-19

11/4/19

L-214-19

BY: K. L. SABAN

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOIUS 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 Saban seconded by Councilman Casselberry to refer Ordinance No. 214-19 back to the Governmental Operations Committee. Motion carried.

ORDINANCE NO. 215-19

11/4/19 L-215-19

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. 215-19 back to the Public Safety Committee. Motion carried.

ORDINANCE NO. 216-19

11/4/19 L-216-19

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. 216-19 back to the Public Safety Committee, Motion carried. ______

ORDINANCE NO. 219-19

11/4/19 L-219-19

BY: B. BROCHETTI

(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 Brochetti seconded by Councilman Casselberry to refer Ordinance No. 219-19 back to the Finance Committee. Motion carried.

RESOLUTION NO. 223-19

11/4/19 L-223-19

BY:

D. LIME

(By Request - Building Commissioner)

A RESOLUTION REQUESTING THE BUILIDNG COMMISSIONER TO INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT PARCEL NUMBER 443-02-114, 7606 WOOSTER PARKWAY, PARMA, OHIO, AND DECLARING AN **EMERGENCY**

Motion made by Councilwoman Lime seconded by Councilman Casselberry to refer Resolution No. 223-19 back to the Public Safety Committee. Motion carried.

THIRD READING:

ORDINANCE NO. 124-19

6/3/19 L-124-19

BY:

B. BROCHETTI

AN ORDINANCE PROVIDING FOR COMPENSATION FOR THE AUDITOR, LAW DIRECTOR, AND TREASURER, AND REPEALING ORDINANCE NO. 189-07, AND

DECLARING AN EMERGENCY

Motion made by Councilman Brochetti seconded by Councilman Casselberry to accept substitute Ordinance No. 124-19 which amends the language on the previous Ordinance No. 124-19 as stated in the substitute legislation. Further moved to refer substitute Ordinance No. 124-19 back to the Finance Committee. Motion carried.

ORDINANCE NO. 173-19

9/16/19

BY: B. BROCHETTI

(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, 2020, TO AND INCLUDING MARCH 31, 2020, AND DECLARING AN **EMERGENCY**

Motion made by Councilman Brochetti seconded by Councilman Casselberry to amend Ordinance No. 173-19 by accepting Exhibit "A". Further moved to waive Rule 52 and place Ordinance No. 173-19 on Third Reading as amended for passage. Motion carried.

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 173-19 as amended.

Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti.

None; Ordinance No. 173-19 is adopted as amended. No:

ORDINANCE NO. 180-19

10/21/19 L-180-19

BY: B. BROCHETTI

(By Request – 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 adopt Ordinance No. 180-19.

Yes: Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti.

None; Ordinance No. 180-19 is adopted. No:

ORDINANCE NO. 206-19

10/21/19 L-206-19

BY: B. BROCHETTI

(By Request – 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 SANITARY SEWERS ON SPRAGUE ROAD BETWEEN YORK ROAD AND W. 130TH STREET, AS PART OF THE SPRAGUE ROAD WIDENING PROJECT IN THE CITY OF PARMA, AND DECLARING AN **EMERGENCY**

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 206-19.

Yes: Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti.

No: None; Ordinance No. 206-19 is adopted.

ORDINANCE NO. 213-19

10/21/19 L-213-19

BY: V. DIPIERRO, M. CASSELBERRY, A. DIVIS, D. M. KISH, D. LIME. L. NAPOLI,

K. L. SABAN

AN ORDINANCE PLACING A MORATORIUM ON NEW ESTABLISHMENTS THAT SELL OR DISTRIBUTE ELECTRONIC SMOKING DEVICES AND/OR VAPOR PRODUCTS IN THE CITY OF PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilwoman Saban to adopt Ordinance No. 213-19.

Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti. Yes:

None; Ordinance No. 213-19 is adopted. No:

SUSPENSION OF THE RULES:

Mr. Brennan – Shall the statutory provision and Rule 48 requiring the full and distinct reading of Ordinance No. 226-19, Ordinance No. 227-19, Resolution No. 228-19, Ordinance No. 229-19, Resolution No. 230-19 and Ordinance No. 232-19 on three different days be dispensed with?

Yes: Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti.

No: None; motion carried.

Mr. Brennan – Shall Rule 45 requiring reference to committee be dispensed with and Ordinance No. 226-19, Ordinance No. 227-19, Resolution No. 228-19, Ordinance No. 229-19, Resolution No. 230-19 and Ordinance No. 232-19 be placed on final passage?

Yes: Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti.

No: None; motion carried.

ORDINANCE NO. 226-19

11/18/19 L-226-19

BY: B. BROCHETTI

(By Request – Auditor)

AN ORDINANCE TO AMEND THE 2019 PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 226-19.

Yes: Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti.

No: None; Ordinance No. 226-19 is adopted.

ORDINANCE NO. 227-19

11/18/19 L-227-19

BY: B. BROCHETTI

(By Request – Auditor)

AN ORDINANCE AUTHORIZING THE TRANSFER OF APPROPRIATIONS WITHIN

THE 2019 PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 227-19.

Yes: Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti.

No: None; Ordinance No. 227-19 is adopted.

RESOLUTION NO. 228-19

11/18/19 L-228-19

BY: B. BROCHETTI

(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. 228-19.

Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti. Yes:

None; Resolution No. 228-19 is adopted. No:

ORDINANCE NO. 229-19

11/18/19

L-229-19

D. LIME, M. CASSELBERRY, A. DIVIS, D. M. KISH, L. NAPOLI, K. S. SABAN, BY:

B. BROCHETTI

(By Request – Safety Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH LEONARDO, DBA SELEX ES, INC., FOR THE PURCHASE AND INSTALLATION OF A LICENSE PLATE READER SYSTEM AT OHIO DAS STATE TERM PRICING FOR THE PARMA POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

Councilwoman Lime – Asked for an explanation?

Safety Director Weinreich – Stated that this is a purchase along with the county's license plate reader and data base. Also, that there is a \$20,000 grant that must be used by years end.

Councilman Casselberry - Asked if this was a replacement or a new system?

Safety Director Weinreich - Stated that is to be a new system, in addition to the one at Ridge Rd. and Pearl Rd.

Councilwoman Lime – Asked where the new one will be located?

Safety Director Weinreich – Stated that it will be located at State Road and Tuxedo Avenue.

Motion made by Councilwoman Lime seconded by Councilwoman Saban to adopt Ordinance No. 229-19.

Yes: Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti.

None; Ordinance No. 229-19 is adopted. No:

RESOLUTION NO. 230-19

11/18/19

L-230-19

BY:

D. LIME, M. CASSELBERRY, A. DIVIS, D. M. KISH, L. NAPOLI, K. L. SABAN,

B. BROCHETTI

A RESOLUTION SUPPORTING "SMALL BUSINESS SATURDAY" DESIGNATED FOR SATURDAY, NOVEMBER 30, 2019, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Resolution No. 230-19.

Yes: Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti.

No:

None; Resolution No. 230-19 is adopted.

ORDINANCE NO. 232-19

11/18/19 L-232-19

BY: D. LIME, K. L. SABAN

> AN ORDINANCE TO AMEND SUBSECTIONS (a)(2) AND (b)(2) OF SECTION 1501.36 "REGISTRATION AND INSPECTION REQUIREMENTS INCLUDING DISCLOSURE OF ALL CONTRACTORS" IN CHAPTER 1501 "ADMINISTRATION" TO INCLUDE PROPERTY MANAGEMENT COMPANIES, AND DECLARING AN **EMERGENCY**

Councilwoman Lime – Gave a brief explanation of the Ordinance.

Motion made by Councilwoman Lime seconded by Councilman Casselberry to adopt Ordinance No. 232-19.

Yes: Casselberry, Dipierro, Divis, Kish, Lime, Napoli, Saban, Brochetti.

No:

None; Ordinance No. 232-19 is adopted. ______

PUBLIC SESSION

No one wished to speak.

MISCELLANEOUS BUSINESS

Mayor DeGeeter – No comment.

Safety Director Weinreich – No comment.

Service Director Higgins – No comment.

Auditor Day – Wished everyone a Happy Thanksgiving. Also thanked Father Suso for giving the invocation. -----

Chief Deputy Law Director Miller – No comment.

Treasurer Mastroianni – Wished everyone a Happy Thanksgiving.

Councilman Casselberry – Wished everyone a Happy Thanksgiving and asked everyone to support Small Business Saturday.

Councilman Dipierro – Wished everyone a Happy Thanksgiving.

| Councilman Divis – Wished everyone a | Happy Thanksgiving. |
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| Councilman Kish – Wished everyone a Fremember the less fortunate at this time of the | lappy Thanksgiving and asked everyone to year. |
| Councilwoman Lime – Wished everyone | |
| support Small Business Saturday. | a Happy Thanksgiving and asked everyone to |
| Councilwoman Saban – Wished everyon | |
| Councilman Brochetti – Wished everyon | e a Happy Thanksgiving. |
| REPORT ON AB | SENT OFFICIALS y seconded by Councilwoman Lime to excuse rried. |
| | RNMENT conded by Councilman Casselberry to adjourn |
| I, Kenneth A. Ramser, Clerk of Council for the City of Parma, Ohio, do hereby certify the above to be a true and correct copy of the Minutes from the Regular Council Meeting held on Monday, November 18, 2019. | |
| /s/ Kenneth A. Ramser KENNETH A. RAMSER CLERK OF COUNCIL | /s/ Sean P. BrennanSEAN P. BRENNAN PRESIDENT OF COUNCIL |