THE CITY OF PARMA HEIGHTS
COUNCIL MEETING MINUTES
APRIL 8, 2019

PRESENT: Council President Gallo, Council Members Koch, Everett, McCall, Danczak, Stavole and Clerk of Council Bohdan.

ALSO PRESENT: Mayor Byrne, Assistant Law Director Schneider, Director of Finance and Personnel Hickey, Director of Public Service Patten, Engineer Neff, Director of Community and Economic Development Sebes and Director of Recreation Tal.

ABSENT: Councilman Verdile

The meeting was called to order by Council President Gallo at 8:03 p.m.

Pledge of Allegiance

Councilman Stavole motioned seconded by Councilwoman Everett to excuse the absence of Councilman Verdile.

Aye: McCall, Danczak, Gallo, Koch, Stavole and Everett
Nay: None

COUNCILMAN VERDILE IS EXCUSED FROM THE APRIL 8, 2019 COUNCIL MEETING.

Councilman Stavole motioned seconded by Councilwoman Everett to approve the March 25, 2019 Council meeting minutes.

Aye: Danczak, Gallo, Koch, Stavole, Everett and McCall
Nay: None

MARCH 25, 2019 COUNCIL MEETING MINUTES APPROVED.

Councilman Stavole motioned seconded by Councilwoman Everett to approve the March 27, 2019 Special Council meeting minutes.

Aye: Gallo, Koch, Stavole, Everett, McCall and Danczak
Nay: None

MARCH 27, 2019 SPECIAL COUNCIL MEETING MINUTES APPROVED.

Councilman McCall presented the report of the Finance Committee with total expenditures for the period of 3/22/2019 through 3/29/19 to be $399,167.19 (detailed report attached).

The Mayor announced that Joe Tal accepted the position as part-time Recreation Director. Mr. Tal has an extensive work history in the City of Parma Heights. He started in 1985 as a part-time Recreation Director, and then moved to full time Recreation Director, Service Director and bailiff in the Mayor's Court. Mr. Tal will once again assist in Mayor's Court along with his Recreation Department duties.

Joe Tal, Director of Recreation

- There will be crews out on the weekends patrolling the parks. The crews will be required to turn in a daily report on what they did that day; they will create their work for the following week by walking the parks and making notes on what has to be done.
- The Director will be at the pool on a daily basis. A priority will be to make sure the locker rooms are cleaned.
- The Director welcomes comments from Council.

Councilman McCall welcomed Mr. Tal. Councilman McCall stated that he is happy that you will have crews patrolling the parks and noting what needs to be done.

Joe Sebes, Director of Community and Economic Development

- No report.

Dan Neff, Engineer

- No report.

Dennis Patten, Director of Public Service

- The Service Department was able to get hot mix today and have started to repair the streets.

Councilman Stavole asked if the street sweepers was still out. Director Patten replied it is out every day. Councilman Stavole asked when that would be completed. Director Patten replied they have been cleaning the entire City and then, it will be put out right before a street is asphalted.

Terrence Hickey, Director of Finance and Personnel

- No report.

Mayor Michael Byrne

- The Mayor announced that there will be a public meeting for the regarding the Nathan Hale Stormwater Basin project on Wednesday, May 1, 2019 at Cassidy Theatre.

LEGISLATION

Councilman Stavole motioned seconded by Councilwoman Everett to read the following resolution by title only.

Aye: Koch, Stavole, Everett, McCall, Danczak and Gallo
Nay: None

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) COOPERATIVE PURCHASING PROGRAM FOR THE 2019-2020 WINTER SEASON, AND DECLARING AN EMERGENCY. ONE READING ONLY.

Councilman Stavole motioned seconded by Councilwoman Danczak to suspend the rules.

Aye: Stavole, Everett, McCall, Danczak, Gallo and Koch
Nay: None

RULES SUSPENDED.

Councilman Stavole motioned seconded by Councilwoman Everett to adopt this resolution.

Aye: Stavole, Everett, McCall, Danczak, Gallo and Koch
Nay: None

RESOLUTION IS ADOPTED. RESOLUTION NO. 2019-6.

Councilwoman Everett motioned seconded by Councilman Stavole to read the following ordinance by title only.

Aye: Everett, McCall, Danczak, Gallo, Koch and Stavole
Nay: None

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE COUNTY OF CUYAHOGA, OHIO AND THE CITY OF PARMA HEIGHTS FOR THE RESURFACING OF YORK ROAD FROM PEARL ROAD TO PLEASANT VALLEY IN THE CITY OF PARMA HEIGHTS AND DECLARING AN EMERGENCY. ONE READING ONLY.

Councilwoman Everett motioned seconded by Councilwoman Danczak to suspend the rules.

Aye: McCall, Danczak, Gallo, Koch, Stavole and Everett
Nay: None

RULES SUSPENDED.

Councilwoman Koch asked the Mayor how he would respond to Part C of the application for approval of the project using county motor vehicle license tax funds. Part C refers to the Traffic Control Inventory and the first questions is "are existing signs, markings and traffic signals in conformance with the Ohio Manual of Traffic Control devices? Councilwoman Koch's question is do you have any issues with the light and traffic flow. She is referring to the signal light at Old York and the Drug Mart parking lot. The Mayor

referred the question to Engineer Neff. Engineer Neff stated that the last time the Councilwoman brought this issue up they referred the issue to Signal Service who maintains the signals throughout the City as well as the Police Department maintains some of the equipment. Engineer Neff stated the equipment is old and they would need to check the equipment to ensure the loop detectors are working adequately. Engineer Neff verified that for this project, resurfacing York Road, the County is paying for the resurfacing of the projects. If there are needs for other issues, they will have to come out of the City's share of the cost. Councilwoman Koch states that at this intersection Old York Road should have the right-of-way not Drug Mart parking lot, she asked if this can be changed. Engineer Neff said he would coordinate that between the Police Department and Signal Service. He stated that a traffic consultant reviewed it and a letter put together several years ago. Engineer Neff stated he would have the professionals who deal with this type of situation give the recommendation on what is the best and safest way. Engineer Neff believes that the loop detector and some equipment at the intersection at Incarnate Word may not be functioning properly. He stated that the school, by law, gets priority for safety reasons.

Councilwoman Koch stated that the State of Ohio has ordinances that would confirm that the City is out of compliances.

Mayor Byrne asked Councilwoman Koch if previously she stated that she would bring a representative from the state to address this issue. The Mayor reiterated that previously you told Council and the Administration that you had a contact. Councilwoman Koch stated she does not remember saying that but she would find someone to come in and discuss this issue. The Mayor thought that you and your husband had said you had contact with the state. Councilwoman Koch replied we went to the State Highway Patrol office and discussed this situation with them. The Mayor stated he understands he just wanted a contact person so that we can get clarification.

Fred Koch, 11687 Woodview Blvd, stated that he and his wife, Councilwoman Koch, went to the State Highway Patrol and talked to the captain of the patrol. He showed the captain a diagram of Old York Road; they also showed him a diagram of Ackley and a diagram of the intersection at Incarnate Word. The captain's thoughts were that the codified ordinance of the State of Ohio, 4511-11 declared the City was not in compliance with the state law. Mr. Koch stated that Engineer Neff said the school has the right-of-way, the problem is the traffic that comes out of the school is the public.

The Mayor stated that he wanted the contact person because he is just trying to expedite the situation.

Councilwoman Everett motion seconded by Councilwoman Koch to adopt this ordinance.

Aye: Danczak, Gallo, Koch, Stavole, Everett and McCall
Nay: None

ORDINANCE IS ADOPTED. ORDINANCE NO. 2019-13.

Councilman McCall motioned seconded by Councilman Stavole to read the following ordinance by title only.
Aye: Gallo, Koch, Stavole, Everett, McCall and Danczak
Nay: None

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE COUNTY OF CUYAHOGA, OHIO AND THE CITY OF PARMA HEIGHTS FOR THE RESURFACING OF WEST 130TH STREET FROM PLEASANT VALLEY ROAD TO SNOW ROAD IN THE CITY OF PARMA HEIGHTS AND DECLARING AN EMERGENCY. ONE READING ONLY.

Councilman McCall motioned seconded by Councilman Stavole to suspend the rules.

Aye: Koch, Stavole, Everett, McCall, Danczak and Gallo
Nay: None

RULES SUSPENDED.

Councilman McCall motioned seconded by Councilwoman Danczak to adopt this ordinance.

Aye: Stavole, Everett, McCall, Danczak, Gallo and Koch
Nay: None

ORDINANCE IS ADOPTED. ORDINANCE NO. 2019-14.

Councilwoman Danczak motioned seconded by Councilwoman Everett to read the following ordinance by title only.

Aye: Stavole, Everett, McCall, Danczak, Gallo and Koch
Nay: None

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read AN ORDINANCE AUTHORIZING THE RECOMMENDATIONS OF THE PLANNING COMMISSION FOR THE NATHAN HALE STORMWATER PROJECT AND DECLARING AN EMERGENCY. FIRST OF THREE READINGS.

PUBLIC SESSION

Council President Gallo reminded the audience if they have a comment to stand, state their name, address and city if they live outside of Parma Heights and there is a three-minute limit to speak. All comments and questions will be directed to the Council President.

Jim Wohl, 11338 Blossom Avenue, asked if the resurfacing project on York Road was going to be black topping the roads. It is his understanding that the black top will not hold up as well with the heavy equipment that travels on those roads. Engineer Neff replied that the design of the project is that they will do base repairs, it is a concrete roadway. They will repair the base in the areas that need to be repaired, they will do some grinding along the gutter lines and they will then do two surfaces of asphalt

to resurface the road. Engineer Neff stated that is the natural progression for concrete. Mr. Wohl stated that it would not last very long because of the heavy trucks driving on the surface. Engineer Neff stated that road is 9" of concrete, which is on 6" of stone. Life expectancy on a roadway is 20-30 years; York Road has surpassed its life expectancy. Mr. Wohl asked why concrete was put in at Valley Forge High School. Engineer Neff replied because the pavement failed below and it already had been resurfaced. The next step for York Road if it is not resurfaced again would be a reconstruction. Engineer Neff stated that the weather is the number one factor on the condition of our roadways.

Rich Rob, 9676 Greenbriar, stated that in Wednesday's Plain Dealer there was an article about the Ohio Legislatures approving the gas tax. The article also mentioned that the bill would crack down on local government's traffic cameras. The bill limits governments use of traffic cameras which catch speeders or drivers going through red lights making it more expensive for communities when drivers appear in court and reducing the funds cities amass in camera tickets. Mr. Rob then mentioned the article in the Sun Post about Council passing the budget. In the Sun Post article, Mr. Rob read a quote "the Mayor stated that the state legislators are still debating making some changes and the last word we got out of Columbus is that it will not impact Parma Heights. It is budgeted for the entire year for $675,000." Mr. Rob asked if the Governor signs the bill and the City does not get the funds, the budget is shot.

Assistant Law Director Schneider responded by saying the Governor did say he was signing that bill without any line item vetoes. The struggle with local communities and Columbus is over the constitutional right to Home Rule Authority including a community's right to enforce its own traffic laws as well as its own public safety administration. It is well grounded in the Constitution. Asst. Law Director Schneider stated that similar measures were passed in the past and forwarded into law by the legislature. Constitutional lawsuits ensued and the cities prevailed. Director Schneider stated that we would be weighing this law as it has been passed; he suspects there will be communities again issuing those same challenges. Mr. Rob asked if the law has passed, Director Schneider stated that if it hasn't already been signed and in affect, it will be. Mr. Rob asked if this law goes into effect, the monies will be taken back dollar for dollar out of state funds, will this happen until a lawsuit is determined. Director Schneider replied no, the last time this passed a stay was issued to allow the lawsuit without these measures taking affect. Mr. Rob thought it was risky to pass a budget with $675,000 of traffic cameras with the possibility of it going away. The City would then be in a deficit. Mr. Rob felt the City should have put the money away and not spend it until you get it. Director Schneider stated the large cities in Ohio have passed and balanced their budgets with traffic camera revenue included.

Dale Maxwell, 6835 Beresford Avenue, asked when the Pearl Road and W. 130th Street projects would take place. She asked if W. 130th would be done while the Pearl Road project is being done in Strongsville so that intersection isn't totally torn up. Engineer Neff replied that both projects are being bid right now; it will take 30 days to review the bids with early June as the start for both projects. The Pearl Road project must be completed by November 2020 and the W. 130th project must be completed by September 1, 2020. Engineer Neff stated that he would be working closely with the agencies and hope that both projects do not meet at the intersection of Pearl and W. 130th. Engineer Neff stated that traffic would be maintained during all of the construction.

Councilman McCall motioned seconded by Councilwoman Everett to adjourn into Executive Session to discuss potential litigation.

Aye: Everett, McCall, Danczak, Gallo, Koch and Stavole
Nay: None

COUNCIL ADJOURNED INTO EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION AT 8:35 P.M.

Council reconvened from Executive Session at 9:42 p.m.

Councilwoman Koch motioned seconded by Councilwoman Everett to adjourn the meeting.

Aye: Stavole, Everett, Koch, McCall, Danczak and Gallo
Nay: None

Meeting Adjourned at 9:43 p.m.

Florence A. Bohdan
Clerk of Council

Marie Gallo
Council President

REPORT OF COUNCIL FINANCE COMMITTEE
(Review of City Expenditures)

COUNCIL MEETING:
4/8/19

REVIEW PERIOD:
3/22/19 - 3/29/19

EXPENDITURE TOTAL: $399,167.19

RE-CAP OF MAJOR EXPENDITURES:	**AMOUNT:**
3/29/19 PAYROLL	$329,917.43
OSBORN ENGINEERING - Engineering for TLCI Impvts - Pearl Road Project	$22,500.00
AXELROD BUICK GMC - Purchase of Used 2014 Impala Sedan	$11,754.50
DJ NEFF ENTERPRISES - Building Inspection/Consultant Services (2/9-3/22)	$6,124.18
DJ NEFF ENTERPRISES - Retainer for Services as City Engineer (March)	$4,400.00
ULLMAN OIL - Vehicle Fuel	$4,052.09
WESTVIEW CONCRETE - Street Repaaiars on Rochelle and Fernhurst	$3,754.80