

THE CITY OF PARMA HEIGHTS
COUNCIL MEETING MINUTES
OCTOBER 15, 2019

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

ALSO PRESENT: Law Director Pokorny, Director of Public Service Patten, Director of Recreation Tal and Assistant Law Director Schneider.

ABSENT: Councilman Verdile, Mayor Byrne, Director Iaconis, Engineer Neff and Director Sebes.

The meeting was called to order by Council President Gallo at 8:00 p.m.

Pledge of Allegiance

Councilman McCall motioned seconded by Councilwoman Koch to excuse the absence of Councilman Verdile.

Aye: McCall, Danczak, Gallo, Koch and Stavole

Nay: Everett

COUNCILMAN VERDILE IS EXCUSED FROM THE OCTOBER 15, 2019 COUNCIL MEETING.

Councilman Stavole motioned seconded by Councilwoman Everett to approve the September 23, 2019 Council meeting minutes.

Aye: Danczak, Gallo, Koch, Stavole, Everett and McCall

Nay: None

SEPTEMBER 23, 2019 COUNCIL MEETING MINUTES APPROVED.

Joe Tal, Director of Recreation

- No report.

Joe Sebes, Director of Community and Economic Development

- No report in his absence.

Dan Neff, Engineer

- No report in his absence.

Dennis Patten, Director of Public Service

- Service Department will start crack sealing on Thursday, October 17th.

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- Service Department will start leaf pick-up when there is a significant amount of leaves that have dropped, every two or three days they will make a determination.
- Mechanics are starting the winter prep to get equipment ready for winter.

Councilman Stavole asked how we are doing on salt, Director Patten replied we are good on salt, we have about 700 ton on hand.

Councilwoman Danczak asked if the lights in the back parking lot are on a timer because it is dark in the lot. Director Patten they are on a timer and he will have them adjusted.

Councilman McCall asked about the flashing light on Snow Road, Director Patten replied the complaint was sent to traffic control and once someone has checked on the complaint, they send a report. The Director stated it might be an issue with the loop because it is a loop driven system.

Councilman McCall asked about the repaving of Queens Highway and if it was going to be done this year. Director Patten replied it was not because there is a waterline replacement with the City of Cleveland, it came off the list and we had to put it back on. The replacement should be done in the spring of 2020 then it will be totally repaved.

Councilman McCall asked if there was an update on Parkhill. Director Patten stated the County has talked to the City about it, but nothing significant at this point.

Councilman McCall asked about his street, Calamie Drive. He stated that the street is in really bad shape; his neighbors ask when the street will be repaired. Director Patten stated that he spoke with Director Iaconis about funding that is available possibly this year and next year for roads. Director Patten commented that he is looking for a small paver; he feels if the City invests in a small paver we could make repairs and it would be significant enough to fix some of the streets. The City needs to put capital money into a roads program and decide where we are going to place. Director Patten stated that he street scans of all the streets, the company is working on the report and should be to the City by the end of the year. Every street was scanned and the City can now start prioritizing. Councilman McCall stated that he has been on Council for quite a while and he takes responsibility for some of that and this is the first time I have asked about my own street. He knows there are other streets that are in bad shape also.

Council President Gallo stated that Councilman McCall had suggested revisiting street assessments. The Council President asked the Streets Committee to schedule a meeting to discuss this option. Councilwoman Everett is the chairman of that committee and was asked when was the meeting scheduled. Councilwoman Everett replied we were waiting to get the reports from the street scanning. Director Patten stated that report would not be available for a while; Councilwoman Everett stated she would schedule a meeting of the committee soon so they can discuss the assessment issue.

Councilman Stavole asked if Director Patten was looking to lease or purchase the small paver. Director Patten replied he was looking to purchase the equipment.

Katie Iaconis, Director of Finance and Personnel

- No report in her absence.

Mayor Michael Byrne

- No report in his absence.

LEGISLATION

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

Aye: Gallo, Koch, Stavole, Everett, McCall and Danczak

Nay: None

RESOLUTION TO BE READ BY TITLE ONLY.

Clerk Bohdan read A RESOLUTION SUPPORTING THE OHIO MUNICIPAL LEAGUE (OML) POSITION ON H.B. 49 AND H.B. 5 (CENTRALIZED TAX COLLECTION) AND ASKING THE OML TO INCLUDE THE CITY OF PARMA HEIGHTS AS A MUNICIPALITY SUPPORTING THE OML AMICUS BRIEF BEFORE THE OHIO SUPREME COURT. **ONE READING ONLY.**

Councilman McCall motioned seconded by Councilwoman Everett to suspend the rules.

Aye: Koch, Stavole, Everett, McCall, Danczak and Gallo

Nay: None

RULES SUSPENDED.

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

Aye: Stavole, Everett, McCall, Danczak, Gallo and Koch

Nay: None

RESOLUTION IS ADOPTED. RESOLUTION NO. 2019-14.

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

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

RESOLUTION TO BE READ BY TITLE ONLY.

Clerk Bohdan read A RESOLUTION AUTHORIZING AND DIRECTING THE FISCAL OFFICER OF CUYAHOGA COUNTY TO MAKE ADVANCES OF ALL PROPERTY TAXES LEVIED ON THE 2019 TAX LIST AND DUPLICATE OF THE CITY OF PARMA HEIGHTS, OHIO, AND DECLARING AN EMERGENCY. **ONE READING ONLY.**

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

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

RULES SUSPENDED.

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

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

RESOLUTION IS ADOPTED. RESOLUTION NO. 2019-15.

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

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

RESOLUTION TO BE READ BY TITLE ONLY.

Clerk Bohdan read A RESOLUTION RECOGNIZING OCTOBER 20 THROUGH OCTOBER 26, 2019 AS STORMWATER AWARENESS WEEK IN CUYAHOGA COUNTY. **ONE READING ONLY.**

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

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

RULES SUSPENDED.

Councilwoman Koch motioned seconded by Councilwoman Everett to adopt this resolution.

Aye: Koch, Stavole, Everett, McCall, Danczak and Gallo

Nay: None

RESOLUTION IS ADOPTED. RESOLUTION NO. 2019-16.

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.

Donna Marchese, 6453 Lawnwood Avenue, "I'm a little bit confused because I see one of the council members, that is a ward council member is now running at-large. The reason I am confused about that is, does that mean that person can continue for three consecutive terms because when the Charter Committee met 10 years ago, it was very clear that in the General Election every four (4) years the terms of all members of Council shall consist of not more than three (3) consecutive terms in office at this position. Terms to be considered consecutive unless separated by a period of two (2) or more years. So I don't know if this has changed or how this has changed because the whole idea when we worked on that was that there were too many people on Council too long."

Council President Gallo referred to Law Director Pokorny. Director Pokorny, "I think I defer, Mark if you heard the question, Mark was the counsel to the Charter Review Commission."

Asst. Law Director Schneider, "Again as the Law Department representative, not only for the City but for the Charter Commission, we are in a difficult position. I can say that the Charter Commission speaks through the amendments they put on the ballot, furthermore, we are not in a position to interpret for the general public those revisions. I will say on an informal basis, I am happy to talk to folks, but I don't have that language in front of me"

Ms. Marchese, "I am telling you the language we have

Council President Gallo, "Mrs. Marchese you are to defer your comments to me."

Mrs. Marchese, "Ten years ago it was very clearly stated that every four years all members of Council can only serve three (3) consecutive terms in office. So I am wondering did they change it this year and we don't know about it. I mean I read it and it didn't look like a change to me."

Council President Gallo, "I'm not sure what the question is."

Mrs. Marchese, "The question is the person that is going to go from ward to"

Council President Gallo, "you are referring to me running for an at-large seat?"

Mrs. Marchese, "Right, OK, so does that mean you can continue to have three consecutive terms of that, according to this it doesn't appear to be the case. He didn't answer my question."

Council President Gallo, "Mr. Schneider"

Asst. Law Director Schneider, "again, the Law Department is in a difficult position"

Mrs. Marchese, "why would"

Asst. Law Director Schneider, "legal interpretation for the general public, furthermore, it's a question that does not like at this time, the Charter Review amendment does not change anything that hasn't been voted on and the Law Department isn't in a position to give an interpretation of a proposed charter amendment for the general public."

Mrs. Marchese, "again my question is did a change take place, if it's voted is it going to change?"

Council President Gallo, "I don't think Mr. Schneider wants to comment on it right now."

Mrs. Marchese, "but he helped with the Charter Review Commission why can't he answer the question."

Council President Gallo, "Mr. Schneider you said you would speak to Mrs. Marchese"

Asst. Law Director Schneider, "I will not talk in any limited capacity I can, off the record at the same time that the Law Department, as legal counsel for the Charter Review Commission, can only indicate what the Charter Review Commission had decided the amendments they offered. The Law Department is not going to speculate on interpretations of the law that haven't even been passed into law at this time based on factual scenarios that members of the general public offer up."

Mrs. Marchese, "the general public doesn't know how this will affect us and the general public doesn't know how they are going to vote on it."

Council President Gallo, "the general public will be given the language changes, correct for the charter?"

Director Pokorny, "yes" Council President Gallo, "OK"

Council President Gallo, "at this point, the public is required to get that, it is sent out through the Charter Review Commission's secretary."

Mrs. Marchese, "I saw the paper, the article, and it does not explain anything."

Council President Gallo, "but it's not the City's responsibility to explain to the public for politic in something that is sent out to them by the Charter Review Commission and that is why Mr. Schneider is hesitant to say anything on the record."

Mrs. Marchese, "what I'm trying to say it's not going to be sent to the residents, it's just in the paper, I read the paper there is no explanation about it. So where do we find this out? It's public information."

Council President Gallo, "Mr. Schneider is the City obligated to send an explanation of each amendment to the public."

Asst. Law Director Schneider, "it would be impossible and reckless for the City to offer legal interpretations of speculated charter amendments based on an infinite number of factual scenarios that the general public could put forward."

Mrs. Marchese, "I attended every one of those Charter Commission meetings and they never explained anything about that, so that is why I am asking the question."

Council President Gallo, "the City has done its due diligence per the Charter Review Commission on giving information to the public for the election."

Mrs. Marchese, "what information, all they gave is what is in the paper."

Council President Gallo, "right, and that is what the City is required to do."

Mrs. Marchese, "it doesn't explain it; I have the paper right here."

Council President Gallo, "the City is in no position to explain, Mr. Schneider."

Asst. Law Director Schneider, "Madam President, I can say that the requirements of the City as far as notification are set forward from the State Constitution on down to our own Charter and it is my understanding that the City has complied with all such requirements."

Council President Gallo, "OK, thank you Mr. Schneider."

Mrs. Marchese, "the paper does not explain it."

Council President Gallo, "Mr. Schneider has answered the question."

Mrs. Marchese, "he has not answered my question, how do I get the answer."

Council President Gallo, "Mrs. Marchese we are not going to get into a back and forth during this Public Session."

Mrs. Marchese, "how do I get this information?"

Council President Gallo, "you can meet with Mr. Schneider afterwards; he said he is willing to talk to you. Thank You."

Kathy Walsh, 11362 Blossom, "I wasn't going to say anything this evening but I'm a little confused, if the Law Department of the City of Parma Heights cannot give an opinion nor explain a Charter Review that went on, that is going on the ballot, who can? Who can explain it to us than. Where do the residents go to get an answer and I read the minutes from the Charter Review Commission, it was recommended by the City to put those words in the Charter, in this office. It was recommended by the City so how did the City Administration recommend something that they can't explain to Donna or myself."

Council President Gallo, "which Charter Amendment are you speaking of?"

Ms. Walsh, "54, the same one. I don't understand where we are supposed to, please advise Donna and myself and many other people out there, who do we ask to explain what this means."

Council President Gallo, "Mr. Schneider, I believe you met with him after the last meeting as well."

Ms. Walsh, "and Mr. Schneider was not clear, was not clear, I still do not understand. I sent the Law Director an e-mail to ask, please help me understand but I still haven't received an answer. I'm just asking who is going to tell the residents what they are voting on."

Council President Gallo, "Mr. Schneider."

Asst. Law Director Schneider, "I have the utmost respect for the last two speakers, each of them are well aware of the fact that the City's Law Department cannot give legal advice or legal interpretation to the members of the general public. We advise boards and commissions, the officials of this community and the City in general. The Law Department served as counsel for

the Charter Review Commission. The Charter Review Commission met with all means and deliberations in public at public forums and that Charter Review Commission speaks to its amendments that offer that have been public and will be on the ballot. Folks are free to vote yea or nay in that respect."

Ms. Walsh, "I wasn't asking for legal advice I am asking for an explanation. The Law Department of this City wrote that charter amendment, I would certainly hope that they could explain it in layman's terms to the rest of us. I worked in the Law Department, Donna was a councilwoman for numerous years, if we don't understand what it means, how do we expect a resident who doesn't have the background, that doesn't deal with this type of language. I have had people ask me what does this mean, all I can say is I think it means that now people can run at-large and in wards and have 26 years when the charter amendment was specific for three terms. I don't want legal advice, what is the opinion on that amendment that is on the Charter. I would hope that we don't pass legislation that no one can explain to anybody. We have a law on the books"

Council President Gallo, "when you say people are asking, what do you mean Ms. Walsh?"

Ms. Walsh, "what is Issue 54."

Council President Gallo, "what people are asking you?"

Ms. Walsh, "what does Issue 54 mean to the Charter? Why is it being"

Council President Gallo, "in what situation are people asking you, out on the street?"

Ms. Walsh, "when I knock on the door"

Council President Gallo, "OK, now under Mayor Cassidy, under Mayor Zanotti and under Mayor Byrne it has been made very clear during Public Session of Council meeting"

Ms. Walsh, "oh please Marie, thank you, this isn't about"

Council President Gallo, "this is not about politicking; I have the floor Ms. Walsh,"

Ms. Walsh, "I am not politicking" "I am not politicking and I disagree with you."

Council President Gallo, "you know with your history, do not, I have the floor Ms. Walsh, do not speak over me. Now I will tell you, Ms. Walsh, do not speak over me."

Ms. Walsh, "I am not politicking"

Council President Gallo, "do not speak over me, this is not the forum to bring what is going on out in the public regarding elections and politics into this Chamber."

Ms. Walsh, "It's not election, it's about"

Council President Gallo, "everyone in this Chamber, I said Ms. Walsh, I have the floor do not speak over me. Mayor Cassidy made that clear during Council meetings, Mayor Zanotti made it clear and Mayor Byrne has made it clear and now I'm making it clear. This is not the forum and you are not going to attempt to get our Asst. Law Director on record giving an opinion when he has stated over and over again that he has no intention to do that."

Ms. Walsh, "I didn't ask for an opinion."

Council President Gallo, "I believe you said you wanted an opinion."

Ms. Walsh, "I said an explanation."

Council President Gallo, "I believe you said you wanted an opinion."

Ms. Walsh, "I'm sorry that you don't listen, you are more worried about"

Council President Gallo, "Ms. Walsh, I'm not going to sit here and be insulted by you, OK, that's not fair."

Ms. Walsh, "thank you for your time."

Ms. Walsh, "it's not fair to me to say I was politicking here because"

Council President Gallo, "are there any other comments?"

Ms. Walsh, "am I politicking?"

Council President Gallo, "Ms. Walsh, Ms. Walsh"

Council President Gallo, "are there any other comments this evening?"

Rhonda Cox, 6516 Big Creek Parkway, "Ms. Koch, you even brought up about the sidewalks, not sure where you are talking about, but as a resident of the Big Creek area, we have been there three years. There is no way anyone has ever inspected this area for sidewalks. I have fallen out of my wheelchair twice because of the sidewalks. I had to go onto someone's lawn and there was a hole, I landed face first. Now that is not fair to a handicapped person to have to deal with. How many inspectors are there for the City of Parma Heights?"

Director Patten, "three"

Ms. Cox, "OK, how often do they inspect areas for sidewalks?"

Director Patten, "they are part-time, they went over into your area, before you called actually when I talked to you about the walks originally and Dan Neff had met with you. We fixed those walks and Dan marked some and we had others marked and people are being notified."

Ms. Cox, "how many streets?"

Director Patten, "they went through the whole area, I can get you that but I don't have it with me."

Ms. Cox, "I would like to know how many problems, I don't care the names, I would like to know how many homes,"

Director Patten, "I can do that"

Ms. Cox, "I asked Mr. Neff twice"

Director Patten, "OK, I will get you that."

Ms. Cox, "how many streets did you inspect besides the ones you marked? He ran"

Director Patten, "he ran out of paint, he told me."

Ms. Cox, "we didn't even do two streets, we did one down Mandalay turned onto Roslyn and went up another street and we didn't get up that street."

Director Patten, "I agree and I know talking to one inspector he told me there are some areas that are really, really bad. He did mark them and letters were sent. I can get you that number I just don't have it right now."

Ms. Cox, "did the inspectors go past Mandalay? Beverly? Anita?"

Director Patten, "oh yea, absolutely."

Ms. Cox, "they did that entire area, all the way to 130th because I go all the way to the park, Kurtz Park."

Director Patten, "I believe I believe they also came down further down Snow Road to this other area, there were some other streets that were real bad as well. I just don't have that number with me I can get it to you tomorrow, no problem."

Ms. Cox, "OK, because this has been going on since September 10th that I have brought this up. I have pictures, more than welcome to show you what these sidewalks look like. I have videos me trying to get over these sidewalks, that's not right that's fair to me as a resident to be confined to my home when I have the right to go to Kurtz Park and enjoy that. I have the right, which now I can't go across Big Creek and Mandalay, has a sidewalk down actually, perfect one, has a sidewalk marked going across the street, I can go down into the park that way towards Stumph/York, whatever that is, but let's go past Mandalay there are other corners that need repair. You only did what six?"

Director Patten, "we are aware of it and as I know the engineer explained it to you, it's just like these roads, all the intersections, all the walkways that are existing are all grandfathered. So we do the best we can changing them as we can, but it is all driven by money, by dollars. If I don't have the money that I can put it in there, I have to wait until I can get it placed into a place where I can make the repairs."

Ms. Cox, "I understand that, now take it away from the streets help fix, not just my ward, all the wards need repair, even hers, the whole City. It's going into Parma's area, Brook Park area, what it's turning into. We didn't move into this City to live in Parma any more, we left Parma to come to this City. We would like it to stay nice. I know for a fact we've been here three years these sidewalks have been probably eight years or longer, I will show you pictures. Some of them have a gap, I can't get over in my wheelchair, either I have to go into the street and go around or go onto someone's lawn to get through, that's not right. Now I know of two people that have fixed their sidewalks, actually complete sidewalks. I am so grateful to them but before and after it I can't get through. Mr. Neff walked with me, he knows exactly what I went through in this wheelchair and that's not right. I need my wheelchair to go out and about, I need this, this is my lifeline now. I cannot walk the City without the wheelchair, so to me why did they only do so many of the corners when there are so many more that need to be done. There's lifts from the street into the sidewalk this big. They eliminated one in someone's driveway; the walkways go into people's driveways. They eliminated the one, only the one, now we are talking about 10 more."

Council President Gallo, "like Director Patten said, they are on it, they have so many employees but there has been some improvements over there, so which are very drastic improvements."

Ms. Cox, "I know you live on Mandalay and you seen it"

Council President Gallo, "that was the corner that we were told about by several people that was so bad that people were falling out of their wheelchairs getting over that bump."

Ms. Cox, "granted I know there are other people in wheelchairs, I know that there's, I believe, four or five ramps in those areas."

Council President Gallo, "they were bad"

Ms. Cox, "19 people go along Big Creek Parkway in their wheelchairs. One gentleman has his two little dogs in a basket, which is cute. But I don't understand how did the City allow this to become so desperate, I'm desperate, and you should be desperate, why did the City allow this to become so bad."

Dale Cox, 6516 Big Creek Parkway, "now I want to say a couple things, we must not have been inspecting and somebody in the City, I don't know who it was, made a comment well that might be a hardship, she is on a fixed income, we saved for three years and we paid and had our sidewalks repaired."

Council President Gallo, "in that area that they got the most complaints about, that section was taken care of, so it takes some time."

Mr. Cox, "I'm thinking this should be citywide"

Council President Gallo, "we know that, Director Patten"

Director Patten, "just so you know some of these people, we will have to go into the records to see, could have been notified several times and they just don't want to do it."

Mr. Cox, "I think we need to get the Law Department and bring them in."

Ms. Cox, "if they have been notified, why haven't we"

Director Patten, "I will have to see where we are at but I'm just telling you the inspectors are part-time, they go out, they do a pretty good job, they went back out there and I know they marked after Dan. So I'm just telling you and the letters were sent out. I will get what it was, I don't know I wasn't here but I know it happened because I talked to Dan. I have met with everybody before I left; we laid out where the sidewalks were going to be replaced. Like I was explaining to you, there is only so much money in this budget, if I don't have the money, I can't pull walks out."

Ms. Cox, "now what are you going to do with the Trick-or-Treaters at the end of the month. Not like it's just this year, there is no light for these trick-or-treaters, there's got to be trick-or-treaters in this area. We've never had any on our corner, there's no lights for them to be trick-or-treating."

Council President Gallo, "the Director will get you the information and then I will take a look at the pictures with you after the meeting is over with, OK?"

Ms. Cox, "OK, I have films, many videos, I would love for all of you to see how I have to deal with these sidewalks and I don't understand why it became that way."

Council President Gallo, "OK, thank you."

Mr. Cox, "throughout the whole city we need to start bringing these residents in and say no you got to fix it! We'll do the forms, resident got to fix it."

Ms. Cox, "they know there is a hardship"

Mr. Cox, "as far as streets, I heard about the streets, I guess Parma's got something on the ballot now for money, \$50/year that its going to cost and they are only going to use that money for streets, I don't know, us as a city, are we to that point that we can look at that, we want our city to be the best we can be. \$50 bucks, I'll pay \$50 bucks."

Council President Gallo, "we have a committee that is going to discuss some options regarding the streets."

Ms. Cox, "the only other thing that I would love"

Council President Gallo, "Ms. Cox you are only allowed to speak for three minutes per our rules and I let you go way over, can I have a motion from Council to extend the time by one minutes?"

Councilman McCall motioned seconded by Councilman Stavole to extend Ms. Cox time by one minute.

Aye: Stavole, Everett, McCall, Danczak, Gallo and Koch

Nay: None

MS. COX'S PUBLIC SESSION SPEAKING TIME EXTENDED BY ONE MINUTE.

Council President Gallo, "you have one more minute."

Ms. Cox, "I would like to become the City of Parma Heights advocate for disabled people. I will go around with whomever that needs to and if I can't make it these other residents shouldn't have to deal with it. They have to get to the Parkway, in the middle of the Parkway somehow. Up the side street somehow, it's not just me dealing with unkempt things.

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Council President Gallo, "Thank you."

Councilman McCall commented that some present were Valley Forge graduates and that today the 8th graders completed their season with a perfect 8-0 season.

Councilwoman Koch motioned seconded by Councilwoman Everett to adjourn.

Aye: Stavole, Everett, McCall, Danczak, Gallo and Koch

Nay: None

Meeting Adjourned at 8:38 p.m.



Florence A. Bohdan
Clerk of Council



Marie Gallo
Council President