

THE CITY OF PARMA HEIGHTS  
COUNCIL MEETING MINUTES  
OCTOBER 22, 2018

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

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

ABSENT: Councilman McCall and Law Director Pokorny.

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

Pledge of Allegiance

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

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

Nay: None

**COUNCILMAN MCCALL IS EXCUSED FROM THE OCTOBER 22, 2018 COUNCIL MEETING.**

Councilman Koch motioned seconded by Councilwoman Danczak to approve the October 9, 2018 Council meeting minutes.

Aye: Danczak, Gallo, Koch and Verdile

Nay: None

Abstain: Everett and Stavole

**OCTOBER 9, 2018 COUNCIL MEETING MINUTES APPROVED.**

In the absence of Councilman McCall, Councilwoman Gallo presented the report of the Finance Committee with total expenditures for the period of 9/21/18 through 10/17/18 to be \$901,127.41 (detailed report attached).

Joe Sebes, Director of Community and Economic Development

- Acknowledged the great job the new owner, Tony Sane, has done on the building at 6708 Pearl Road, the Party Décor. He has done an extensive remodeling inside and outside. The building will be used for Mr. Sane's wife's catering business. There will be office space, storage and a showroom.

Dan Neff, Engineer

- The Manorford Road Project Phase I will be starting this week.

Councilman Stavole asked if they would be re-routing traffic. Engineer Neff replied there is a detour set-up.

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Dennis Patten, Director of Public Service

- Leaf pick-up will start within the next week. At this time, the Service Department will not be posting signs. When the pick-up is heavier, signs will be posted and the schedule will be posted on the website.

Councilwoman Koch asked what is the progress on the catch basin repairs. Director Patten replied there is a crew out every day, he is not sure that he will complete all of them this year, but will work on them until the weather does not allow.

Councilwoman Everett asked about the pillars that were in front of the gun store on Pearl Road. They were removed during the façade renovation and have not been replaced and Councilwoman Everett asked if they would have to be put back up. Director Patten replied the owner put a gate across the windows inside and the new owner of the building wants to put uniform planters across the front of the building, hopefully by the end of the year.

Terrence Hickey, Director of Finance and Personnel

- No report.

Mayor Michael Byrne

- The Mayor reported the PACT Halloween Hurrah was very successful fundraising event. They collected close to \$2,000 in donations, which will help continue the Youth Group and Senior Coffee with a Cop programs. Parma Heights businesses were extremely generous in donating baskets and items. Donations are still be accepted to the PACT group at the Police Department. The Mayor asked Councilwoman Koch to comment on the event as the Mayor was unable to attend and she was present. Councilwoman Koch stated the event was a great success; the kids loved it as well as the families in general were enjoying the many aspects of the event. Councilwoman Koch commented on the camaraderie between the older and younger children.
- The Mayor commented that the Senior Center received notice from Cuyahoga County that they would receive a \$2,000 increase for congregant meals and an \$8,000 increase for transportation.
- Red Ribbon Week runs from October 23<sup>rd</sup> through October 31<sup>st</sup>. Encourages citizens to wear red ribbons to show support to have a drug free environment.
- The Mayor stated his office received a couple phone calls thanking the Service Department for their quick response to the damage during the storm over the weekend.

LEGISLATION

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

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

**ORDINANCE TO BE READ BY TITLE ONLY.**

Clerk Bohdan read AN ORDINANCE AUTHORIZING AND DIRECTING AN EXPENDITURE FOR PETROLEUM FUELS AND LUBRICANTS, AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR COMPETITIVE BIDS THEREFORE, AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A WRITTEN CONTRACT WITH THE LOWEST AND BEST BIDDER THEREFORE, AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

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

**RULES SUSPENDED.**

Councilwoman Danczak explained this ordinance would authorize the Director of Public Service to advertise for competitive bids for petroleum fuels and lubricants and for the Mayor to enter into a written contract with the lowest and best bidder.

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

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

**ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-44.**

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

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

**ORDINANCE TO BE READ BY TITLE ONLY.**

Clerk Bohdan read AN ORDINANCE CONFIRMING THE REMOVAL OF THE LIEN OF SPECIAL ASSESSMENTS FROM CERTAIN PARCELS OF REAL PROPERTY, KNOWN AS THE CORNERSTONE PROPERTIES, AND THE TRANSFER OF THE LIEN TO THE PROCEEDS OF THE SALE OF THE PROPERTIES, ALL PURSUANT TO COURT ORDER, AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

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

**RULES SUSPENDED.**

Council President Gallo asked if there were any comments regarding this ordinance.

Kathy Walsh, 11362, Blossom Avenue, "Section 3 of the ordinance is the Open Meetings clause, and I'm a little bit confused because, I'm going to read this because I don't want to get my facts wrong. It is my understanding that the Supreme Court declined to hear this case on March 14 and sent it back to the eighth District Court of Appeals on August 15<sup>th</sup>. The Ohio Supreme Court announced and instructed the trial court to determine on remand what amount of interest, if any, that the City is owed, which Terry commented on, and at that point, Home Savings had 10 days to file full reconsideration, which they didn't do. So I read that as on August 25<sup>th</sup> that this was a non-appealable case. It was done; it was not a pending litigation whatsoever. All that was left was settlement talks, that's it. I don't understand why anything was talked about, about this ordinance, in an Executive Session, because it wasn't pending litigation as of August 25<sup>th</sup>, the way I read it as a non-attorney. But the case was out there for everybody to see on August 25<sup>th</sup>. Because of that, I don't believe this ordinance is legal at this point. Because Section 3 states you have an open, it's an Open Meeting clause that this was discussed in an open meetings, which it was not before this evening."

Asst. Law Director Schneider responded, "I can speak to that. At that time even though we had a final decision from the Supreme Court, there were still issues to be hashed out, and not the least of which you have mentioned, was the issue of determination of interest. That was an issue that if it doesn't resolve can result in litigation and even appeal based on that determination. Furthermore, even the process by which they were going to distribute the monies could have been subject to further litigation as well. In fact that was one of the considerations in coming to final settlement to making the determination of the \$2.4 mil being distributed in a lump sum because part of the leverage on behalf of the loan company was to fight it basically indicating that it was a full distribution or none and therefore they were willing to litigate it further, that delay caused by further litigation would have been additional leverage to negotiate against the City. So faced with a number of different further litigations, there was definitely a consideration and reason for an Executive Session."

Ms. Walsh asked, "but that was for the interest, I'm looking at this in two different ways, the Court of Appeals said we were number 1 and the assessment was valid. That's what this is; Terry is removing it because we got paid for it. That's why you're voting to remove it because; in the City's coffer is the assessment. If they wouldn't have given us the money, we wouldn't be here now. So I don't believe that it has anything to do with pending litigation. They said the Court of Appeals was going to stand on their decision. I have a problem with things being discussed in Executive Session that should not be in Executive Session."

Council President Gallo stated, "Mr. Schneider is in an awkward position right now, because there is stuff that's discussed in Executive Session that you really can't talk about out here, so for you to assume things were going on behind closed doors, is just an assumption. And to your

point, Ms. Walsh I have the floor right now, and to your point that this wasn't discussed in an Open Meeting, it was discussed this evening in Caucus. It was on the Mayor's Caucus agenda."

Ms. Walsh asked, "so this was the first time everybody heard about this? Mr. Stavo, can I ask each person when they heard about this?"

Council President Gallo replied, "no you cannot, this is not a back and forth, you put your comments on the record, and I don't want to go back and forth, this is not the forum for that."

Ms. Walsh asked, "so your decision is that it you have discussed it one and only time in this open. So the open clause stands. It's a good ordinance. That's what you are telling me. Correct."

Council President Gallo replied, "what I'm saying was that this ordinance was on the Mayor's Caucus agenda this evening."

Ms. Walsh asked, "and that was the only time it was discussed?"

Council President Gallo replied, "I'm going to be very careful on saying because there was information that was discussed in Executive Session that the public is not privy to and that is the whole point of Executive Session and I do not want to put any of these members in awkward position to answer questions publically, because you are assuming that things were discussed behind closed doors. You put your comments on the record; we are not going to get into a back and forth on something that was discussed in Executive Session."

Ms. Walsh stated, "so I guess you will vote on your consciences then. Thank you."

Councilwoman Koch motioned seconded by Councilman Verdile to adopt this ordinance.

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

Nay: None

**ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-45.**

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

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

Nay: None

**ORDINANCE TO BE READ BY TITLE ONLY.**

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Clerk Bohdan read AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SIBLEY INC. AND BUILDING MAINTENANCE AND PROVIDING FOR PAYMENT FOR SERVICES RENDERED THEREUNDER, AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

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

**RULES SUSPENDED.**

Councilman Stavole explained this ordinance authorizes the Mayor to enter into a contract with Sibley, a certified contractor, to furnish all products and warranties required for the restoration of the Library's roof.

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

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

**ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-46.**

Councilwoman Koch motioned seconded by Councilman Verdile to read the following ordinance by title only.

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

**ORDINANCE TO BE READ BY TITLE ONLY.**

Clerk Bohdan read AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSE AND OTHER EXPENDITURES OF THE CITY OF PARMA HEIGHTS, OHIO DURING THE PERIOD OF JANUARY 1, 2018 TO AND INCLUDING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY. SECOND 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.

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Councilwoman Koch motioned seconded by Councilman Stavole to adjourn the meeting.

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

Nay: None

**Meeting Adjourned at 8:19 p.m.**



Florence A. Bohdan  
Clerk of Council



Marie Gallo  
Council President