

THE CITY OF PARMA HEIGHTS
SPECIAL COUNCIL MEETING MINUTES
AUGUST 1, 2018

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

ALSO PRESENT: Mayor Michael Byrne, Law Director Pokorny, and Director of Public Service Patten.

The meeting was called to order by Council President Gallo at 7:04 p.m.

Pledge of Allegiance

Council President Gallo opened the Public Hearing for amending Chapter 1193.01 and enacting Chapter 1190 Medical Marijuana Dispensaries.

Law Director Pokorny explained 1193.01 is the fence ordinance and the Building Department asked for some modifications to the original ordinance.

Director Patten explained that in the past the Building Department would go out and inspect the property pins, the amendment eliminates our inspection. It is the responsibility of the homeowner and they are required to sign off on the location. The homeowner must identify their pins, if they do not have pins they will have to have the property surveyed.

Councilman Stavole asked if the Building Department supplies the resident with a survey company if they do not have one, Director Patten replied yes.

Councilwoman Everett asked if they could just be boundary surveys, Engineer Neff replied yes, most cities put the burden on the property owner.

Kathy Walsh, 11362 Blossom Avenue, asked if you have your title work when you purchase your home and you have an encroachment of a fence and you want to change it, would the City get involved if you have your title work with a boundary survey that already proves the fence is on your property. Director Patten replied it is the property owner's responsibility; the City would not be involved.

Director Pokorny closed the Public Hearing on amending Chapter 1193.01 and opened the Public Hearing on enacting Chapter 1190 Medical Marijuana Dispensaries.

Director Pokorny explained that when the City knew they had sites submitted to the state for approval as a medical marijuana dispensary location, we took a proactive approach and created legislation to regulate zoning of these facilities as well as legislation to regulate the operations of the dispensaries. The City was not awarded a site in the original five locations in Cuyahoga County, but as the program grows one of the sites may be awarded in the future. Director Pokorny further stated that most of the language in this legislation is from the states' statutes. Director Pokorny explained that an application would be required to appear before the Planning Commission because of the issues with zoning.

Director Pokorny closed the Public Hearing on enacting Chapter 1190 Medical Marijuana Dispensaries and continue with the Special Council meeting.

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

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

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read AN ORDINANCE AMENDING PARMA HEIGHTS CODIFIED ORDINANCE CHAPTER 1193.01 AND DECLARING AN EMERGENCY. THIRD OF THREE READINGS.

Councilwoman Danczak explained that this ordinance would detail what is permitted and what is not permitted in regards to yard structures such as fences, trellises, walls and landscape features such as trees and shrubs for the property owners in the City.

Councilwoman Danczak motioned seconded by Councilwoman Everett to adopt this ordinance.

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

ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-33.

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

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

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read AN ORDINANCE ENACTING CHAPTER 1190 OF THE PARMA HEIGHTS CODIFIED ORDINANCES ENTITLED "MEDICAL MARIJUANA DISPENSARIES" AND DECLARING AN EMERGENCY. THIRD OF THREE READINGS.

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

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

ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-34.

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

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

ORDINANCE TO BE READ BY TITLE ONLY.

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Clerk Bohdan read AN ORDINANCE ENACTING CHAPTER 752 OF THE PARMA HEIGHTS CODIFIED ORDINANCES ENTITLED "MEDICAL MARIJUANA OPERATIONS" AND DECLARING AN EMERGENCY. THIRD OF THREE READINGS.

Councilman Stavole motioned seconded by Councilman McCall to adopt this ordinance.

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

ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-35.

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

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

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read AN ORDINANCE AMENDING CHAPTER 777 OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

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

RULES SUSPENDED.

Councilman McCall explained that this ordinance regulates the public right-away for small cell towers.

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

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

ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-36

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

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

ORDINANCE TO BE READ BY TITLE ONLY.

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Clerk Bohdan read AN ORDINANCE AMENDING CHAPTER 1321 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS BY CREATING A NEW SECTION 1321.10 ENTITLED MISCELLANEOUS FEES AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

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

RULES SUSPENDED.

Councilman Verdile explained the new section permits the chief building official to charge a permit fee in the amount of \$50 to assist residents and contractors on smaller projects.

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

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

ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-37.

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

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

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE CITY VEHICLES AND EQUIPMENT AT A PUBLIC SALE THROUGH GOVPLANET/IRONPLANET, AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

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

RULES SUSPENDED.

Councilwoman Danczak motioned seconded by Councilwoman Everett to adopt this ordinance.

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

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ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-38.

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

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

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PARMA HEIGHTS, OHIO, TO ENTER INTO A CONTRACT WITH THE POGGEMEYER DESIGN GROUP TO DEVELOP A BRANDING AND WAYFINDING MASTER PLAN FOR THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

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

RULES SUSPENDED.

Kathy Walsh, 11362 Blossom Avenue, asked if the grant covered 100% of the \$48,590 cost. The Mayor replied the grant was for \$50,000.

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

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

ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-39.

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

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

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INSPECTION AND MAINTENANCE AGREEMENT WITH THE CUYAHOGA COMMUNITY COLLEGE FOR STORM WATER SYSTEM MANAGEMENT AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

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

Nay: None

RULES SUSPENDED.

Councilman McCall explained that this ordinance authorizes the Mayor to enter into an agreement with Cuyahoga Community College for storm water management that the college is installing.

Councilman McCall motioned seconded by Councilman Stavole to adopt this ordinance.

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

Nay: None

ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-40.

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

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

Nay: None

ORDINANCE TO BE READ BY TITLE ONLY.

Clerk Bohdan read AN ORDINANCE AMENDING SECTION 965.11 (SOLID WASTE COLLECTION FEES) OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, TO CERTIFY TO THE COUNTY FISCAL OFFICER THE COSTS DUE TO THE CITY FOR WASTE COLLECTION FEES AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

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

Nay: None

RULES SUSPENDED.

Kathy Walsh, 11362 Blossom Avenue, thanked Council for not raising the fees.

Roger Pekarek, 11661 Appleton, does Waste Management give the City a reduction for the vacant homes throughout the City. Director Patten replied they do not charge for the homes they do not pick up.

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

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

ORDINANCE IS ADOPTED. ORDINANCE NO. 2018-41.

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

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

RESOLUTION TO BE READ BY TITLE ONLY.

Clerk Bohdan read A RESOLUTION ASSESSING THE COST OF ABATING A CERTAIN NUISANCE, AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

Aye: Verdile, 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, Koch and Verdile
Nay: None

RESOLUTION IS ADOPTED. RESOLUTION NO. 2018-12.

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

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

RESOLUTION TO BE READ BY TITLE ONLY.

Clerk Bohdan read A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) AND TO EXECUTE A CONTRACT WITH NOACA IF SELECTED FOR FUNDING, AND DECLARING AN EMERGENCY. ONE READING ONLY.

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

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

RULES SUSPENDED.

Councilman McCall explained that this resolution authorized the Mayor to submit an application with NOACA for a grant to provide a senior bus, the grant would cover 80% of the cost and the City would be responsible for 20%.

Councilman McCall motioned seconded by Councilman Stavole to adopt the resolution.

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

RESOLUTION IS ADOPTED. RESOLUTION NO. 2018-13.

Council President Gallo asked for a motion to adjourn into Executive Session to discuss Personnel Issues related to Compensation of City Employees.

Councilman McCall motioned seconded by Councilman Verdile to adjourn to Executive Session.

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

COUNCIL ADJOURNED INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES RELATED TO COMPENSATION OF CITY EMPLOYEES AT 7:24 P.M.

Council reconvened at 7:45 p.m. from Executive Session.

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

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

Meeting Adjourned at 7:45 p.m.



Florence A. Bohdan
Clerk of Council



Marie Gallo
Council President