

THE CITY OF PARMA HEIGHTS  
COUNCIL MEETING MINUTES  
MARCH 9, 2015

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

ALSO PRESENT: Director of Law Pokorny, Director of Finance & Personnel Hickey, Director of Public Service Patten, City Engineer Neff, Director of Community and Economic Development Sebes, Director of the Senior Center McLaughlin and Director of Recreation Moran.

ABSENT: Mayor Michael Byrne and Director of Public Safety Collins

Council President Gallo called the meeting to order at 8:01 p.m.

Pledge of Allegiance.

Councilwoman DeSouza motioned seconded by Councilwoman Koch to approve the minutes from the February 23, 2015 Council meeting.

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

Nay: None

**FEBRUARY 23, 2015 COUNCIL MEETING MINUTES APPROVED.**

Councilman Verdile presented the report of the Finance Committee with total expenditures for the period of 2/18/2015 through 3/5/2015 to be \$495,002.12. (detailed report attached)

Councilman Stavole presented the report of the Ad-Hoc Committee regarding the Moral Claims Commission. The Ad-Hoc Committee recommended that Council repeal the ordinance providing for the Moral Claims Commission. (detailed report attached) Councilman Stavole recommended that the ordinance be introduced at the March 23, 2015 Council meeting and the rules be suspended. There were no objections from Council.

Council President Gallo stated since there was no additional work needed from the Ad-Hoc Committee it is disbanded. She also thanked Chairman Stavole, Councilwomen Everett and Koch for their work on this issue.

Thomas Moran, Director of Recreation

- Valley Forge Pool is open to the public on Tuesday evenings from 7 p.m. until 9 p.m. through April 28<sup>th</sup>.
- Cassidy Theatre will be presenting "Southern Hospitality" from April 10, 2015 to April 26, 2015.
- Baseball sign-ups will be on Saturday, March 14, 2015 from 9 a.m. until 11 a.m. at Yorktown Lanes Party Room. The City would like to thank the Cottrell family for the use of the Party Room at Yorktown Lanes for the sign-ups.
- Yoga sessions are completely full for the class going on now plus the next session. The Recreation Department is looking at adding an additional yoga class to the schedule.

Councilman Stavole asked Director Moran how the turnout was for the baseball sign-ups because of the change in location to Yorktown Lanes Party Room. Director Moran replied that turnout was light but he felt that it was due to the weather. People are not thinking baseball when it is cold and there is snow on the ground.

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Councilwoman Koch asked Director Moran how the sponsorship for baseball teams was going. He replied that response has been good.

Brent Collins, Director of Public Safety

- No report in the absence of Mr. Collins

Judy McLaughlin, Director of the Senior Center

- On March 17, 2015, Greenbrier Assisted Living will be hosting a St. Patrick's Day Party at the Senior Center. They will provide lunch and entertainment for the seniors.
- Saturday, March 14, 2015 the seniors will be traveling to Hale Farm & Village for the Maple Sugar Festival. Bob Evan's will be providing pancakes for \$5.

Joe Sebes, Director of Community and Economic Development

- Director Sebes and Mayor Byrne recently met with State Representative Marty Sweeney regarding the three (3) contaminated sites in Parma Heights to see if on behalf of the City of Parma Heights, he could contact the Department of Commerce, Bureau of Underground Tanks, for help with cleaning up these sites. A local business owner is interested in the site at Huffman and Stumph Road.
- The Ackley Road project can proceed because the federal funds for the Block Grant have been released.

Councilwoman Koch asked Director Sebes if there would be grant money for the Greenleaf/Beresford area. Director Sebes explained that there could be money now that it is an approved target area. Councilwoman Koch asked Director Sebes if there were any other Ward 3 areas approved. He recommends that she come to the office so he can show her the maps.

Dan Neff, City Engineer

- Engineer Neff is preparing the Ackley Road project to go out for bids.

Dennis Patten, Director of Public Service

- The Service Department continues to maintain the roads. There are two crews out daily trying to keep up with filling potholes.

Councilwoman Koch stated that she had received calls from residents regarding the shoveling of sidewalks and whose responsibility it is. They were concerned that some homeowners were not shoveling and the children were walking to school in the streets. The residents understand that there is an ordinance regarding homeowner's responsibility to shovel their sidewalks but it does not seem to be enforced. Director Patten commented that he did not know how the City could enforce this legislation. He feels there needs to be a discussion on how to communicate to the residents that this is their responsibility. It was suggested by Councilwoman Koch that it should be reinforced in the newsletter and possibly a CodeRed message.

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Councilman Verdile asked Director Pokorny if the schools were responsible for clearing the sidewalks in front of the schools. Director Pokorny replied that they were.

Terrence Hickey, Director of Finance and Personnel

- A summary of Mayor's Court activity for February was reported. The total amount transferred into the City's general checking account from court activity was \$26,190.42. (detailed report attached)

Mayor Michael Byrne

- No report in absence of Mayor Byrne

**LEGISLATION**

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

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

**RESOLUTION TO BE READ BY TITLE ONLY**

Councilwoman Koch read A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) COOPERATIVE PURCHASING PROGRAM FOR 2015-2016 WINTER SEASON. ONE READING ONLY.

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

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

**RULES SUSPENDED.**

Councilwoman Koch explained that the resolution would allow the Service Director to purchase salt for next year.

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

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

**RESOLUTION IS ADOPTED. RESOLUTION IS 2015-2**

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

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

**ORDINANCE TO READ BY TITLE ONLY.**

Councilwoman DeSouza read AN ORDINANCE AMENDING CHAPTER 315 AUTOMATED TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM AND DECLARING AN EMERGENCY. SECOND OF TWO READINGS.

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

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

**RULES SUSPENDED.**

Councilwoman DeSouza explained that because of changes in the state law, Senate Bill #342, regarding the traffic photographic monitoring device law, which will take effect in 2015, Parma Heights Codified Ordinance, Chapter 315, needed to be amended to comply with state law.

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

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

**ORDINANCE IS ADOPTED. ORDINANCE IS 2015-10.**

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

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

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

Councilman McCall read AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE UPDATE OF THE INTERNET CODE OF ORDINANCES WITH AMERICAN LEGAL PUBLISHING, AND DECLARING AN EMERGENCY. SECOND OF THREE READINGS.

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

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

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

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Councilman Stavole read AN ORDINANCE AMENDING PARMA HEIGHTS CODIFIED ORDINANCE SECTION 931.15 SANITARY TAP-IN FEES AND DECLARING AN EMERGENCY. FIRST OF THREE READINGS.

Council President Gallo stated for the record for Item #11 she is in receipt of the Fiscal Officer's Certificate.

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

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

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

Councilwoman Koch read AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$700,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF RECONSTRUCTING STUMPH ROAD FROM SNOW ROAD TO PEARL ROAD, INCLUDING BY INSTALLING SANITARY AND STORM SEWER LINES AND STORM DRAINAGE FACILITIES, WHERE NECESSARY, AND MAKING ALL RELATED IMPROVEMENTS, AND DECLARING AN EMERGENCY. FIRST OF THREE READINGS.

**PUBLIC SESSION**

Council President Gallo reminded the audience if they have a question or concern to stand, state their name, address, and city if they live outside of Parma Heights and direct their concerns to her.

Bruce Edwards, 6348 Big Creek Parkway, stated that he was the President of the Republican Club in the City. He had a question regarding Item #11 on the agenda. He asked if we were rebuilding Stumph Road again.

City Engineer Neff responded that this was still the note to do our portion of the work on that project and we are just extending the bill.

Dale Maxwell, 6835 Beresford Avenue, asked if Qwestcom Graphics, the company that printed the Recreation brochure, was a local printer and if they are not, why are we not using someone local.

Council President Gallo explained that the Mayor would need to answer her question and she would forward it to him.

Councilman McCall motioned seconded by Councilwoman DeSouza to adjourn.

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

**MEETING ADJOURNED AT 8:28 P.M.**



Florence A. Bohdan  
Clerk of Council



Marie Gallo  
Council President

THE CITY OF PARMA HEIGHTS  
AD-HOC COMMITTEE MEETING MINUTES  
FEBRUARY 23, 2015

PRESENT: Chairman Stavole, Councilwomen Koch and Everett and Clerk of Council Bohdan

ALSO PRESENT: Tom Kelly, City Prosecutor, Director of Finance and Personnel Hickey and Director of Public Service Patten

Chairman Stavole called the meeting to order at 7:04 p.m.

Chairman Stavole stated the meeting was a follow-up to the January 12, 2015 Ad-Hoc Committee meeting regarding the Moral Claims Commission.

Chairman Stavole reviewed the minutes from the January 12, 2015 meeting.

Chairman Stavole stated that he spoke to the previous city prosecutor, Andy Lukcso who explained that the commission originated in the 60's with the intent of paying claims to those who were hurt while playing baseball and to the spectators at the baseball games. Mr. Lukcso said that sometime in the 70's it moved to taking care of car issues. He also stated that there were procedures in place, which required the claimants to fill out paperwork that was forwarded to the commission.

An issue that was a concern of the committee was what the impact would be to our insurance premiums if we forwarded claims for review by the insurance company. Chairman Stavole stated the Law Department inquired about the concern and were informed that there would be no increase in premiums if the claims were submitted to them.

Councilwoman Everett's concern is that there may not be an impact now to our premiums but what if there is a significant increase in the number of claims submitted in the future.

Prosecutor Kelly explained that since he has been the city prosecutor the average claims per year were approximately eight (8). The only time there was a significant increase was during the Stumph Road project.

Prosecutor Kelly also informed the committee that on February 12, 2015 Law Director Pokorny wrote a memo to him indicating that sending the claims to the insurance company would have no impact on our premiums. He also attached an e-mail the Law Department received from Lindsey Rhodes, a claims specialist with Wichert Insurance explaining the information they would need from the claimant to process a claim as well as reiterating the fact that there would be no increase to our premiums if we choose to forward the claims to them.

Director Hickey stated that he contacted Tom Wichert from Wichert Insurance. He is the agent to the city's insurance package. In Mr. Wichert's experience dealing with Moral Claims Commissions there are two types of claims paid, 1) claims that the city is not liable for because of immunity but feel a moral obligation and 2) claims where the city is not negligent but feel an obligation to pay. Mr. Wichert said that the insurance company can and will pay the claims if that is what the city wants. Director Hickey explained that they would fall under General Liability unless the claim is law enforcement related. Under General Liability, the city has no deductible so there will be no-out-of-pocket cost to the city. He felt the only way our premiums would be impacted would be if the volume increased. Director Hickey felt there might be some indirect cost and time if the insurance company requires a police investigation.

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Prosecutor Kelly felt that the nature of most claims would only require a filing report that puts the city on notice. He said the majority of claims were related to pothole damage and rarely is the claimant in a position to demonstrate that the city was on notice.

Prosecutor Kelly made the point again that there was no consistency on how the claims were handled in the past.

Director Hickey felt the insurance company would not be paying out that much because they will put it to the test of whether the city has immunity or whether there was negligence. The determination of the claim will fall on the insurance company and the claimants are probably not going to get any more satisfaction from them, they just would not hear it from their fellow residents.

Councilwoman Koch stated that when she served on the Commission rarely did people file a claim with their own insurance company; they were just trying to find a way not to pay a premium. She feels in the beginning the Moral Claims Commission had good intentions but now it has become an exercise in futility.

Councilwoman Everett agrees with Councilwoman Koch's statement and she feels that the Commission needs to be abolished.

Chairman Stavole agrees that the concept of the commission has changed dramatically over the last few years in many aspects such as the Commission members' expertise to the nature of roads and automobiles today. Chairman Stavole feels that the city has an obligation to maintain the roads and if they were not maintained, the insurance company then would come back to the city.

Director Patten explained that if the Service Department is notified of a road issue, they are obligated to make the repair within 24 hours. As long as the issue has been taken care of, the city does not have any further obligations.

Chairman Stavole asked the Committee to take a vote to recommend to Council to abolish the Moral Claims Commission.

Aye: Everett, Koch and Stavole

Nay: None

The Ad-Hoc Committee recommends that council repeal the ordinance providing for the Moral Claims Commission.

**Meeting Adjourned at 7:21 p.m.**

**REPORT OF COUNCIL FINANCE COMMITTEE**  
(Review of City Expenditures)

<b>COUNCIL MEETING:</b>	
3/9/15	
<b>REVIEW PERIOD:</b>	
2/18/15 - 3/5/15	
<b>EXPENDITURE TOTAL:</b>	\$495,002.12
<b>RE-CAP OF MAJOR EXPENDITURES:</b>	
	<b>AMOUNT:</b>
2/20/15 PAYROLL	\$359,423.60
CARGILL - Road Salt	\$15,292.23
CARGILL - Road Salt	\$15,049.96
SW COUNCIL OF GOVTS. - Annual Membership ( Police and Fire Specialized	
Mutual Aid Services	\$15,000.00
CEI - Street and Traffic Lighting	\$9,859.26
TREASURER, STATE OF OHIO - Partial Payment North Church Bridge Project	\$8,307.33
ACTION DOOR SERVICE - Replacing 2 Overhead Doors at Service Garage	\$8,014.00
UNIVERSAL OIL - Vehicle Fuel	\$6,375.75
CEI - Electrical Service City Facilities	\$4,981.09
HATCH, MOTT, McDONALD - Progress Payment for TLCI Consulting Project	\$4,666.67
D J NEFF ENTERPRISES - City Engineer, Contract Retainer	\$4,400.00
QWESTCOM GRAPHICS - Printing Annual Recreation Brochure	\$3,880.00

CITY OF PARMA HEIGHTS MAYOR'S COURT  
MONTHLY REVENUE SUMMARY

**SUMMARY OF MAYOR'S COURT ACTIVITY :**

**Period: Feb. 2015**

* Mayor's Court Account Revenue ( Court Fines & Costs)	\$34,135.00
Less: Portion of Court Costs Transferred to:	
* State of Ohio	-6,486.50
* Alcohol Treatment Fund to Parma Muni	-157.50
* Parma Municipal Court	-25.00
* Cuyahoga County(C.R.I.S.)	<u>-590.00</u>
 Subtotal	 \$26,876.00
 Less: Monthly Bank Fees/Charges/NSF Checks	 -510.18
Forfeited Bonds	-760.00
Bond Administration Fee	<u>-319.00</u>
 <b>Amount Transferred from Court Account to General Account</b>	 <b>\$25,286.82</b>
 * Mayor's Court Bond Account Activity	
Forfeited Bonds	760.00
Bond Admin Fee (Net of Bond Account Bank Fees)	<u>143.60</u>
 <b>Amount Transferred from Bond Account to General Account</b>	 <b>\$903.60</b>
 <b>Total Amount of Mayor's Court Activity Transferred to City's General Checking Account and Posted As A General Fund Revenue</b>	  <b>\$26,190.42</b>

Submitted By:

  
Terrence B. Hickey, Director of Finance/Personnel