



City of Parma Heights  
Council Meeting  
6281 Pearl Road

Monday, October 25, 2021 7:00 PM

The Council will accommodate public comments during the meeting. Anyone may also email comments to the board prior to the meeting at [creason@parmaheights.us](mailto:creason@parmaheights.us)

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **ACTION ON MINUTES**
  - A. October 12, 2021 Council Meeting Minutes
4. **REPORTS FROM MAYOR AND DIRECTORS**
  - A. Recreation Department, Joe Tal
  - B. Economic Development Department, Joe Sebes
  - C. Finance Department, Katie Iaconis
  - D. Service Building Department, Michelle Teresi
  - E. Senior Center, Trish James
  - F. City Engineer, Dan Bender
  - G. Mayor's Report, Mayor Byrne

**LEGISLATION**

5. Consider A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BROWNING – FERRIS INDUSTRIES OF OHIO, INC., FOR RESIDENTIAL WASTE COLLECTION AND RECYCLING SERVICES, AND DECLARING AN EMERGENCY. **THIRD OF THREE READINGS**
6. Consider A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PARMA HEIGHTS, OHIO, TO ENTER INTO A CONTRACT WITH THE GENERAL HEALTH DISTRICT OF CUYAHOGA COUNTY, OHIO, TO PROVIDE HEALTH SERVICE FOR THE CITY OF PARMA HEIGHTS AND DECLARING AN EMERGENCY. **ONE READING ONLY**
7. Consider A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PETROS DEVELOPMENT TO DEVELOP MAPLEWOOD GARDENS [Permanent Parcel # 473 25 029] IN THE WEST 130TH STREET MIXED USE DISTRICT. **ONE READING ONLY**
8. **PUBLIC SESSION**
9. **ADJOURNMENT**

CITY HALL WILL BE OPEN FOR THE COUNCIL MEETING  
MASKS ARE REQUIRED IN CITY HALL

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City of Parma Heights  
*Clerk of Council*                      6281 Pearl Road                      Parma Heights, OH 44130  
440.884.9600 x5658 (phone)              440.884.1802 (fax)                      www.parmaheightsoh.gov

**1. ROLL CALL WAS TAKEN AND THE FOLLOWING MEMBERS WERE PRESENT:**

**A. Members Present**

- Councilmember DeSouza
- Councilmember Everett
- Council President Gallo
- Councilmember Haase
- Councilmember Rounds
- Councilmember Stavole
- Councilmember Walsh

**B. Members Absent**

- None

**C. Also Present**

- Mayor Byrne
- Dan Bender, City Engineer
- Katie Iaconis, Director of Finance
- Trish James, Senior Center Director
- Chrissy Reason, Clerk of Council
- Mark Schneider, Assistant Director of Law
- Joe Sebes, Director of Community & Economic Development
- Joe Tal, Director of Recreation
- Michelle Teresi, Building, Housing, & Recycling Coordinator

**2. PLEDGE OF ALLEGIANCE**

Councilmember Gallo requested a motion that agenda item #3A is removed from the agenda. Councilmember Stavole made a motion to remove item #3A. Councilmember Walsh Seconded.

**Aye:** DeSouza, Gallo, Haase, Rounds, Stavole and Walsh

**Nay:** None

**3. ACTION ON MINUTES**

~~**A.** September 27, 2021 Council Meeting Minutes~~

Item #3A was removed from the agenda at the start of the meeting.

**4. Reports from Mayor and Directors**

**A.** Joe Tal, Director of Recreation

- Tennis courts are still open weather permitting

- 11/21 Christmas Tree Lighting at the gazebo in the Greenbrier Commons at 5PM
- 12/9 Christmas Caroling with the Cub Scouts at the gazebo from 6PM-8PM
- B.** Joe Sebes, Director of Community & Economic Development
  - Veterans Memorial is moving slowly because of COVID and lack of materials, hopefully there will be significant progress by the end of the month.
- C.** Katie Iaconis, Director of Finance
  - Departments are beginning to meet internally in preparation for the 2022 budget.
- D.** Michelle Teresi, Building, Housing, & Recycling Coordinator
  - List of Streets that have been crack sealed:

|                   |                               |
|-------------------|-------------------------------|
| Huffman           | Chesterfield                  |
| Upper Anthony Ln. | Greenheath                    |
| Oakwood           | North Church (Bridge To Ames) |
| Roslyn            | Newland                       |
| Rochelle          | Fordwick                      |
| Halcyon           | Currently on Alderwood        |
  - Have removed over thirty (30) tree lawn trees, had the stumps ground, backfilled and seeded the tree lawns.
  - The Exit Drive by the Library has also been completed.

Councilmember Everett requested that the list of streets be sent out.

- E.** Trish James, Director of Senior Center
  - Delivered 436 meals on wheels last week and served 208 congregate meals. Although we are still a little unbalanced with numbers, we are working on increasing congregate participation.
  - Partnering with the Cleveland Sight Center, allowing them to set up a "Pop Up Shop" at the Senior Center which will enable Seniors to check out some 800 items they carry at their store specifically designed to aide people with vision loss.
- F.** Dan Bender, City Engineer
  - NOTABENE DRIVE, LAYOR DRIVE & QUEENS HIGHWAY WATERMAIN REPLACEMENT PROJECT
    - **UPDATE:** Project is on hold. Contractor is looking at a 12/10/21 delivery date for the remaining materials. Now that we know the status of the materials we will move forward with sending out letters to the residents along Queens Highway and Laylor Drive about waterline and resurfacing project. The Project will be postponed to the spring of 2022 with temporary waterlines being used on this project.

Councilmember Stavole asked about the traffic light at Greenleaf and Pearl Road. There had been a complaint about the light not changing for Greenleaf traffic at the last council meeting.

Engineer Bender stated that he tested out the light after the last council meeting. The light had changed for him fairly quickly. It is possible that another resident may have dealt with the same

issue and complained about it and it was subsequently fixed or the resident may not have been sitting on the loop to actuate the signal.

**G. Mike Byrne, Mayor**

- The City will be dedicating our first City mural in conjunction with the Parma Heights Historical Society at the Gazebo on Saturday October 23 at 1PM and immediately following will be the dedication of Robert Verdile Way.
- Trick or Treat Sunday, October 31 from 6-8 PM – Rain or Shine.
- Cassidy Theatre will be presenting “Addams Family Quarantined,” a show originally produced on Broadway, October 22-24.
- A very special thank you to Aiden Baline who constructed little library for our community as his Eagle Scout project. You can find it behind City Hall at the back of the parking lot so stop by and borrow or donate a book.

**LEGISLATION**

- 5. Consider A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BROWNING – FERRIS INDUSTRIES OF OHIO, INC., FOR RESIDENTIAL WASTE COLLECTION AND RECYCLING SERVICES, AND DECLARING AN EMERGENCY. **SECOND OF THREE READINGS****

Councilmember Haase made a motion to read the following Resolution by title only.  
Councilmember Everett Seconded.

**Aye:** DeSouza, Gallo, Haase, Rounds, Stavole and Walsh

**Nay:** None

**RESOLUTION TO BE READ BY TITLE ONLY**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BROWNING – FERRIS INDUSTRIES OF OHIO, INC., FOR RESIDENTIAL WASTE COLLECTION AND RECYCLING SERVICES, AND DECLARING AN EMERGENCY. **SECOND OF THREE READINGS**

**6. 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.

- A. Donna Marchese – 6453 Lawnwood Ave; Had a question regarding the content of the minutes and how the minutes are prepared. She then voiced concerns over funding of the Senior Center and possible missed opportunities**

Mayor Byrne responded that there will be no impact on the senior center and funding will be in place for 2022. The City missed a grant application deadline but there are other grants that are being pursued.

Council President Gallo stated that the minute format is currently being reviewed.

## 7. EXECUTIVE SESSION

- A. Adjourn to executive session to discuss personnel matters.

Councilmember Stavole made a motion to move into executive session. Councilmember Everett Seconded.

**Aye:** DeSouza, Gallo, Haase, Rounds, Stavole and Walsh

**Nay:** None

Council adjourns to executive session at 7:12 PM

Council reconvenes from executive session at 7:40 PM

## 8. ADJOURNMENT

Councilmember Stavole made a motion to adjourn the meeting. Councilmember Everett Seconded.

**Aye:** Desouza, Gallo, Haase, Rounds, Stavole and Walsh

**Nay:** None

**MEETING ADJOURNED AT 7:40 PM**

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Chrissy Reason, CMC  
Clerk of Council

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Marie Gallo  
Council President

**RESOLUTION NO. 2021 - DRAFT**

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF PARMA HEIGHTS, OHIO, TO ENTER INTO A CONTRACT WITH THE GENERAL HEALTH DISTRICT OF CUYAHOGA COUNTY, OHIO, TO PROVIDE HEALTH SERVICE FOR THE CITY OF PARMA HEIGHTS AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Parma Heights as a duly organized and existing City is required to furnish certain health services for its inhabitants; and

**WHEREAS**, said health services can be more properly furnished in conjunction with other municipalities under the auspices of the General Health District of Cuyahoga County, Ohio.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. The Mayor of the Municipality of Parma Heights, Ohio is authorized and directed to execute on behalf of the municipality an agreement with the General Health District of Cuyahoga County for the period beginning January 1, 2022 and ending December 31, 2023 in accordance with Exhibit "A", attached hereto and made a part hereof by reference as if fully rewritten.

Section 2. This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of said City and for the further reason it is necessary to enter into said contract immediately to provide the necessary health services for the inhabitants of the City effective January 1, 2022; wherefore, this resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL  
MARIE GALLO

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL  
CHRISSY REASON

\_\_\_\_\_  
APPROVED

FILED WITH  
THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR  
MICHAEL BYRNE



**PUBLIC HEALTH SERVICES AGREEMENT**  
(City with a General Health District - Authority--Sec. 3709.08 O.R.C.)

This Agreement is entered into on the **1<sup>st</sup> day of January, 2022** ("Effective Date") by and between the **Cuyahoga County Board of Health** (the "Board"), a separate political subdivision of the State of Ohio organized under the Constitution and Laws of the State of Ohio, and the **City of Parma Heights**, a political subdivision, with its principal office located at 6281 Pearl Rd, Parma Heights, Ohio 44130 (the "City"), for and in consideration of the promises, covenants, and conditions hereinafter set forth.

WHEREAS, Cuyahoga County General Health District is a general health district as defined under Ohio Revised Code (ORC) Section 3709.01 and is endowed with all of the statutory and other authority granted to it by reason of the Ohio Statutes as amended from time to time by the State Legislature; and

WHEREAS, the City has continued to have a city public health district as required by Ohio law; and

WHEREAS, pursuant to ORC Section 3709.01, each city in the State constitutes a health district and each county is a "general health district," and as provided for in ORC Sections 3709.051, 3709.07, and 3709.10, there may be a union of a general health district and a city health district; and

WHEREAS, ORC Section 3709.08 authorizes cities and villages in Cuyahoga County to enter into an Agreement with the Cuyahoga County General Health District on certain terms and conditions; and

WHEREAS, the District Advisory Council of the Cuyahoga County General Health District, created by ORC 3709.03, after giving due notice by publication as required by law, held a public meeting on March 9, 2021 at which by a majority vote of members representing the townships and villages of said county, did vote affirmatively on the question of providing public health services to the cities in Cuyahoga County, and did authorize the Chairman of the District Advisory Council to enter into an Agreement with the Mayor of the City for providing public health services therein; and

WHEREAS, the Board is engaged in the governance of providing public health services as described in this Agreement, has the knowledge, skill, and resources to provide such services, and desires to perform such services for or on behalf of the Board for City; and

WHEREAS, the City is willing to enter into an Agreement with the Board to provide such services in accordance with the terms and conditions of Ohio law and this Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. **EFFECTIVE DATE, TERM AND TERMINATION.**
  - (a) **Effective Date, Term.** This Agreement shall commence on the Effective Date first stated above and shall continue through **December 31, 2023**, unless earlier terminated pursuant to Section 1(b).
  - (b) **Termination.** This Agreement may be terminated upon the occurrence of one of the following events:
    - (i) Failure for any reason of the either party to fulfill its obligations under this Agreement, after written notice is provided by the non-breaching party of such failure providing at least ninety (90) days for the breaching party to correct any such failure, and if such failure is not corrected within said period, the non-breaching party may give written notice of immediate termination;

(ii) Upon nine (9) months written notice, or on or before April 1 of the year prior to termination by either party for any reason.

## 2. THE SERVICES.

- (a) **Scope of Services.** Subject to the terms and conditions contained in this Agreement and its exhibits, the Board will provide to the City and, as applicable, to all persons receiving the direct services provided for herein, the Services that are set forth and described in the Scope of Work (SOW) attached as **Exhibit A**, which Exhibit is incorporated herein.
- (b) Unless otherwise agreed by the Parties in writing, all transactions for Services through Board will be provided in accordance with the provisions of Ohio law and/or this Agreement, including any revisions of the same, as both Parties may from time to time execute to document the addition, revision, or enhancement of Services.
- (c) **Standard of Performance of Services.** The Board will devote such time and will use its best efforts as necessary to perform the Services in a professional manner that: (i) is consistent with the standards of its industry and in a good and workmanlike manner, and (ii) utilizes the care, skill, and diligence normally applied by other similar boards of health in the performance of services similar to the Services.
- (d) The City shall provide suitable space for the Board employees who make regular visits to the City on a daily or weekly basis.

## 3. PAYMENT.

- (a) **Compensation.** Compensation is based on the ten (10) year census population estimate for the City and a per capita rate established by the Board. The per capita rate is the same rate applied to all Villages, Townships in the general health district as well as for all cities that enter into a Public Health Services Agreement with the Board. The most recent ten (10) year census for population in the City dated September, 2021 is 20,863 residents. The current per capita rate established by the Board is \$6.00 per capita for calendar year 2022 and \$6.60 per capita for calendar year 2023. The total amount due based on the per capita rate will be One Hundred Twenty Five Thousand One Hundred Seventy Eight Dollars and No Cents (\$125,178.00) for calendar year 2022 and be One Hundred Thirty Seven Thousand Six Hundred Ninety Six Dollars and No Cents (\$137,696.00) for calendar year 2023. The Board reserves the right to change its per capita rate, as considered on an annual basis, based on current economic conditions and public health needs. In the event that the Board votes to make a change in the per capita rate, said change shall be limited to annual rates effective on January 1 for the following calendar year. The Board shall provide notice of the change in the per capita rate for the coming calendar year on or before October 31st of the current calendar year.
- (b) In consideration for the health services described in Exhibit A, which will be provided by the Board to and within the City, the City shall pay to the Board the total annual sum of One Hundred Twenty Five Thousand One Hundred Seventy Eight Dollars and No Cents (**\$125,178.00**) for calendar year 2022 and the total annual sum of One Hundred Thirty Seven Thousand Six Hundred Ninety Six Dollars and No Cents (**\$137,696.00**) for calendar year 2023. The City hereby directs the Fiscal Officer of Cuyahoga County to place to the credit of the Board and the Fiscal Office of Cuyahoga County is hereby authorized and directed to deduct the sum stated above in equal, semi-annual installments of Sixty Two Thousand Five Hundred Eighty Nine Dollars and No Cents (**\$62,589.00**) from the regular property tax settlement to be made for said City for calendar year 2022 and Sixty Eight Thousand Eight Hundred Forty Eight Dollars and No Cents (**\$68,848.00**) from the regular property tax settlement to be made for said City for calendar year 2023.



#### 4. RECORDS.

- (a) The Board shall maintain copies of all records created or received by the Board in the performance of the work under this Agreement as required by Ohio's public records law. Any records created or received as a part of this Agreement shall be made available to the City upon request subject to exceptions listed below.
- (b) Any non-private health information in confidential records or information in the records created by the Board or that come into the possession of the Board under this Agreement shall, if provided to the City, be kept confidential by the City.
- (c) The Board is prohibited by State and Federal law from sharing protected health information and said records will not be shared with the City unless there is compliance with the proper method for release of said information.

#### 5. REPORTS.

The Board shall provide semi-annual written reports to the City regarding the work conducted and services provided on behalf of the City under this Agreement. Such Reports shall be in a form as is provided to all political subdivisions for which the Board provides Agreement services.

#### 6. NO ASSIGNMENT, TRANSFER, OR SUBAGREEMENT.

In performing the services specified under the terms of this Agreement, the Board shall not assign, transfer, or delegate any of the work or services, nor subcontract the work out to any other entity, nor shall any subcontractor commence performance of any part of the work or services included in this Agreement, unless such subcontracting is specified in this Agreement or its Exhibits, or unless prior written consent is provided by the City.

#### 7. INDEPENDENT AGREEMENTOR.

- (a) The Board hereby acknowledges that it is an independent contractor and neither it nor its employees or agents are employees of the City. The Board shall be responsible for the payment or withholding of any federal, state or local taxes, including, but not limited to, income, unemployment, and workers' compensation for its employees, and the City will not provide, or contribute to any plan which provides for benefits, including but not limited to unemployment insurance, workers' compensation, retirement benefits, liability insurance or health insurance. All individuals employed by the Board provide personal services to the City are not public employees of the City under Ohio state law.
- (b) No agency, employment, joint venture or partnership has been or will be created between the parties pursuant to the terms and conditions of this Agreement. Inasmuch as the City is interested in the Board's end product, the City does not control the manner in which the Board performs this Agreement.

#### 8. NOTICES.

All notices, invoices and correspondence which may be necessary or proper for either party shall be addressed as follows:

**TO THE BOARD:**

Cuyahoga County Board of Health  
Attention: Terry Allan, Health Commissioner  
5550 Venture Drive  
Parma Ohio 44130

**TO THE CITY:**

City of Parma Heights  
Attention: Mayor Michael P. Byrne  
6281 Pearl Rd  
Parma Heights, Ohio 44130

And

City of Parma Heights  
Attention: Director of Law  
6281 Pearl Rd  
Parma Heights, Ohio 44130

**9. EFFECT OF ELECTRONIC SIGNATURE**

By entering into this Agreement, the parties agree that this transaction may be conducted by electronic means, including, without limitation, that all documents requiring signatures by the parties may be executed by electronic means, and that the electronic signatures affixed by the authorized representatives of the parties shall have the same legal effect as if the signatures were manually affixed to a paper version of the documents. The parties also agree to be bound by the provisions of Chapter 1306 of the Ohio Revised Code as it pertains to electronic transactions.

**10. APPLICABLE LAW AND VENUE**

Any and all matters of dispute between the Parties to this Agreement whether arising from the Agreement itself or arising from alleged extra contractual facts prior to, during, or subsequent to the Agreement, including without limitation, fraud, misrepresentation, negligence, or any other alleged tort or violation of the Agreement, will be governed by, construed, and enforced in accordance with the Laws of the State of Ohio, without regard to the conflict of laws or the legal theory upon which such matter is asserted.

**11. SEVERABILITY.**

If any provision hereof shall be determined to be invalid or unenforceable, such determination shall not affect the validity of the other provisions of this Agreement. Moreover, any provisions that should survive the expiration or termination will survive the expiration or termination of this Agreement.

**12. AMENDMENT**

This Agreement shall not be modified except by the express written consent by both parties hereto.

**13. WAIVER.**

Waiver by either party or the failure by either party to claim a breach of any provision of this Agreement shall not be deemed to constitute a waiver or estoppel with respect to any subsequent breach of any provision hereof.

**14. FORCE MAJEURE.**

Neither party shall be liable for any delay or failure to perform any duty or obligation it may have pursuant to this Agreement where such delay or failure has been occasioned by any act of God, fire, strike, inevitable accident, war or any cause outside the party's reasonable control.

**15. COUNTERPARTS**

This Agreement may be executed in several counterparts, each of which shall be deemed to be an original copy, and all of which together shall constitute one Agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart.

**16. ENTIRE AGREEMENT.**

This Agreement constitutes the entire agreement of the parties with respect to its subject matter, and supersedes all prior and contemporaneous agreements, representations or understandings, whether written or oral, as to the same.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized representative to be effective as of the Effective Date as specified in Section 1 of this Agreement.

**FOR THE BOARD:**

Approved as to form.  
Cuyahoga County Board of Health  
Office of General Counsel

\_\_\_\_\_  
Mayor David Smith, President District  
Advisory Council

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR THE CITY:**

Approved as to form.

\_\_\_\_\_  
Mayor Michael P. Byrne

By: \_\_\_\_\_  
Director of Law

Date: \_\_\_\_\_

Date: \_\_\_\_\_



## EXHIBIT A

### SCOPE OF WORK

The General Health District of Cuyahoga County, Ohio, hereby agrees to provide health services for the **City of Parma Heights** for the calendar years 2022 and 2023 as set forth below (“Services”).

- The Board shall have full authority to be and act as the public health authority for the City.
- The Services described in the schedule listed below in this Exhibit will be provided by the District Board of Health of Cuyahoga County (“Board”) to the City.
- The Services will include all necessary medical, nursing, sanitary, laboratory and such other health services as are required by the Statutes of the State of Ohio.
- Air pollution enforcement services, as described in Chapter 3704 of the Ohio Revised Code (“ORC”), will be conducted through the designated agent, the Cleveland Division of Air Pollution Control, not by the Board. This authorization is contingent upon renewal of the Agreement between the Ohio EPA and the City of Cleveland and satisfactory performance of the Agreement terms and conditions regarding air pollution control in Cuyahoga County. The Board of Health reserves the right to alter, modify or amend this Agreement provision with notice to the City.
- The following specific services shall be a part of the Services provided under this Agreement:

#### List of Functions, Programs and Services

|   |
|---|
| <b>Animal Control and Shelter:</b>  |
| Rabies Surveillance – Animal bite follow up                                   |
| <b>Environmental Health - State Programs:</b>                                 |
| Food Service Operation Licensing/ Inspection/Education                        |
| Retail Food Establishment Licensing & Inspection.                             |
| School Facilities Inspection  |
| Smoke Free Workplace Enforcement  |
| Public Swimming Pool & Spa Licensing & Inspection                             |
| Tattoo & Body Piercing Enforcement  |
| Temporary Park Camp Licensing/Inspection/Enforcement                          |
| Clean Indoor Air Regulation - complaint based response                        |
| Home Day Care Inspections - USDA Inspections Only/Fee for Service             |
| Nuisance & Vector Control   |
| Residential Housing/Commercial Building Inspection - complaint based response |
| Solid Waste Enforcement   |
| West Nile Virus Prevention/Mosquito Control                                   |
| Animal Venue Licensing/Inspection/Enforcement                                 |
| <b>Emergency Preparedness:</b>  |
| Public Health Emergency Preparedness (PHEP)                                   |
| Planning and Cities' Readiness Initiative activities                          |
| Emergency Management Committee - participation                                |



|   |
|---|
| Development of Local Emergency Response Plan - participation  |
| Community Outreach and Education  |
| Northeast Ohio Regional Public Health Partnership - participation   |
| <b>Epidemiology, Surveillance, Investigation Services:</b>  |
| Reportable Infectious Disease investigation and follow-up (excluding HIV/AIDS; STD; TB)   |
| Disease Outbreak Management   |
| Regional Infection Control Committee – participation  |
| NEO Regional. Epidemiology Response Team – participation  |
| Nursing Services:   |
| <b>Health Promotion:</b>  |
| First Aid/Communicable disease classes – fee for service  |
| Cleveland Safe Kids Coalition - participation   |
| <b>Immunization Program:</b>  |
| Childhood and Adult Vaccine Administration Services - Fee for Service. Most insurance accepted, by appointment. Charges may be waived for inability to pay. |
| Seasonal Influenza vaccine clinics - Fee for Service, most insurance accepted.  |
| Immunize Ohio- participation  |
| <b>Jail Inmate Health Services:</b>   |
| Jail Inspection - provided once annually  |
| <b>Lead Poisoning Prevention:</b>   |
| Pediatric blood lead testing - Fee for Service. Charges may be waived for inability to pay  |
| Case management   |
| Environmental Assessment - Limited fee for service  |
| Community Education and Outreach  |
| Greater Cleveland Healthy Homes Advisory Council  |
| <b>Occupational Health:</b>   |
| Immunizations and Tuberculosis screenings - Fee for Service   |
| Bureau for Children with Medical Handicaps (BCMh) Public Health Nursing Services  |
| <b>Administrative Services:</b>   |
| Administration  |
| Grant Writing & Management  |
| Budget  |
| Records Management  |
| Accounts Payable, Accounts Receivable   |
| Data Entry & Program Management   |
| Reports - Financial & Statistical   |
| Payroll   |

The Board maintains a range of grant funded programs for citizens throughout the County who are income qualified.

**THE BOARD RESERVES THE RIGHT TO AMEND THIS EXHIBIT AT ANYTIME PRIOR TO AUTHORIZATION OF THE CITY COUNCIL AND THE BOARD OF HEALTH ANNUALLY.**

**RESOLUTION 2021 – DRAFT**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PETROS DEVELOPMENT TO DEVELOP MAPLEWOOD GARDENS [Permanent Parcel # 473 25 029] IN THE WEST 130<sup>TH</sup> STREET MIXED USE DISTRICT.**

**WHEREAS**, at its meeting on October 4, 2021 the Planning Commission conducted a public hearing regarding the approval of the Conditional Use Permit for Petros Development to Develop Maplewood Gardens [Permanent Parcel # 473 25 029] in the West 130<sup>th</sup> Street Mixed Use District; and

**WHEREAS**, at its meeting on October 18, 2021 to Planning Commission recommended to the City Council that the Conditional Use Permit to Petros Development to develop Maplewood Gardens [Permanent Parcel # 473 25 029] in the West 130<sup>th</sup> Street Mixed Use District, with certain conditions be approved; and

**WHEREAS**, pursuant to Section 1135.06 (c) of the Codified Ordinances of the City of Parma Heights, a Conditional Use Permit shall be subject to the approval of the Council of the City of Parma Heights; and

**WHEREAS**, the Conditional Use Permit is approved subject to the conditions that are set forth in Exhibit A, which is attached to this Resolution, and incorporated as if full rewritten herein.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Parma Heights, State of Ohio:

Section 1. This Council adopts the recommendation of the Planning Commission and grants a Conditional Use Permit to Petros Development to develop Maplewood Gardens [Permanent Parcel # 473 25 029] in the West 130<sup>th</sup> Street Mixed Use District, with certain conditions be approved.

Section 2. The Conditional Use recommended by the Planning Commission is approved subject to the General Criteria set forth in Section 1135.07 of the Codified Ordinance of the City of Parma Heights.

Section 3. The Conditional Use recommended by the Planning Commission is also subject to the additional conditions recommended by the Planning Commission which are set forth in Exhibit A, which is attached to and is a part of the Resolution, as if fully rewritten.

Section 4. The approval of this Conditional Use Permit shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard or requirement shall constitute a violation of the Planning and Zoning Code and the conditional use permit may be revoked if the established conditions for approval are violated.

Section 5. This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 6. This Resolution shall be in effect from and after the earliest period provided by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL  
MARIE GALLO

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL  
CHRISSY REASON

\_\_\_\_\_  
APPROVED

FILED WITH  
THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR  
MICHAEL BYRNE

October 18, 2021

**EXHIBIT A**

**IN THE MATTER OF:**

APPLICATION OF PETROS DEVELOPMENT FOR A CONDITIONAL USE PERMIT TO DEVELOP MAPLEWOOD GARDENS [Permanent Parcel # 473 25 029] IN THE WEST 130<sup>TH</sup> STREET MIXED USE DISTRICT.

1. Petros Development is authorized to conduct business in the State of Ohio with its principal place of business located at 10474 Broadview Road, Broadview Heights, Ohio.
2. The City of Parma Heights Planning Commission (the "Planning Commission") is the duly organized Planning Commission for the City of Parma Heights (the "City") operating pursuant to its Charter and the laws of the State of Ohio.
3. The aforementioned property is located within the West 130<sup>th</sup> Street Mixed Use District.
4. On August 12, 2021, Petros Development submitted an Application for a Conditional Use Permit to the Planning Commission requesting approval for a Conditional Use Permit to develop a residential housing project known as Maplewood Gardens [Permanent Parcel # 473 25 029] in the West 130<sup>th</sup> Street Mixed Use District.
5. At its September 15, 2021 Regular Meeting, the Planning Commission heard presentations from both the Applicant and city representatives regarding the application for a conditional use permit to develop a residential housing project known as Maplewood Gardens [Permanent Parcel # 473 25 029] in the West 130<sup>th</sup> Street Mixed Use District.  
As a result of that meeting a public hearing was scheduled on the Applicant's Conditional Use Permit for October 4, 2021.
6. Notice of the Public Hearing was published in the Sun Post on September 16, 2021 and also posted on the city website and at city hall and notices of the public hearing were mailed to the contiguous property owners.
7. A public hearing was held on October 4, 2021 and the Planning Commission heard from the Applicant and from city representatives regarding the application for a conditional use permit submitted by Petros Development to develop a residential housing project known as Maplewood Gardens [Permanent Parcel # 473 25 029] in the West 130<sup>th</sup> Street Mixed Use District.
8. Based upon the presentations of both parties at the public hearing the Planning Commission recommends approval of the Conditional Use Permit for Petros Development to develop a residential housing project known as Maplewood Gardens [Permanent Parcel # 473 25 029] in the West 130<sup>th</sup> Street Mixed Use District.



9. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1135.07 of the Codified Ordinance of the City of Parma Heights. [Ex. A].
10. The Conditional Use requested is also subject to the additional conditions recommended by the Director of Public Service which are set forth in Exhibit B, which is attached to this recommendation and which is incorporated herein, as if fully rewritten.
11. The Conditional Use requested is also subject to the additional conditions recommended by the Landscape Architect which are set forth in Exhibit C, which is attached to this recommendation and which is incorporated herein, as if fully rewritten.
12. The Conditional Use requested is also subject to the additional conditions recommended by the City Engineer which are set forth in Exhibit D, which is attached to this recommendation and which is incorporated herein, as if fully rewritten.
13. This recommended approval shall be valid only for the use and the operation of the use specified and the breach of any condition, safeguard or requirement shall constitute a violation of the Planning and Zoning Code and the conditional use permit may be revoked if the established conditions for approval are violated.
14. This recommended approval is not final and is subject to the confirmation of the city council and if approved all conditions shall be set forth expressly in a resolution of the Council granting the conditional use permit.
15. In the event that a permit for a conditional use is granted by the Council subject to conditions, the grantee shall, in writing within ten days following such Council action, acknowledge such approval and unconditionally accept and agree to such conditions.

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Rick Schwachenwald, Chairman

\_\_\_\_\_  
Anthony Stavole – Council Representative

\_\_\_\_\_  
Jim McCall

\_\_\_\_\_  
William Litten

\_\_\_\_\_  
Michael Kelly

1135.07 GENERAL CRITERIA FOR CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following criteria. Furthermore, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

- (a) The conditional use in the proposed location will be harmonious and in accordance with the purpose, intent and basic planning objectives of this Planning and Zoning Code and with the objectives for the district in which located;
- (b) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- (c) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- (d) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the Planning Commission to be of significant natural, scenic, or historic importance;
- (e) The hours of operation of the proposed use are similar to a use permitted in the district;
- (f) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- (g) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (h) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (i) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;

(j) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

(k) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible;

(l) The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the regulations set forth in Chapter 1191.





# Parma Heights, Ohio

6281 Pearl Road

Parma Heights, Ohio 44130

440-884-9602

## MEMORANDUM

Date: August 25, 2021

TO: Planning Commission Members

FROM: Dennis Patten, Director of Public Service  
Martin Surella, Chief Building Official

Re: Conditional Use Permit Application for Petros Development Group, PP#473-25-029

In addition to the requirements of Chapter 1135.07, we are also providing a list of additional recommendations that we suggest the city require of the applicant. The goal of these requirements is to prevent any misunderstanding regarding the city's intent to ensure that the high standards required of all Parma Heights businesses continues to be maintained. These recommendations are as follows:

1. The parcel is zoned West 130<sup>th</sup> Street, Mixed Use Development.
2. This zone requires a conditional use permit.
3. This is a private development and all roadways and utilities will be the responsibility of the Developer.
4. A traffic study shall be conducted to see the impact of increased volume on Maplewood Road.
5. All units along Maplewood shall be buffered from existing homes by the Developer.
6. Storm water management shall be submitted to the City for review by the City Engineer.
7. Snow removal, trash pick-up, grass cutting and general maintenance will be the responsibility of the Developer/Owner.
8. All rental units shall comply with the City of Parma Heights Rental Maintenance, which is Chapter 1394 of the Codified Ordinances.
9. Any variances needed after final site plan submission shall be considered by the Board of Zoning Appeals.



**PRIEST - LONG • • ASSOCIATES, LLC.**

**LANDSCAPE ARCHITECTS**

14837 Detroit Avenue #308

8076 Walnut Street S.W.

TEL 216.978.2466

**SITE PLANNERS**

Lakewood, Ohio 44107

Sherrodsville, Ohio 44675

EMAIL slong@priestlongassoc.com

**EXHIBIT C**

September 30, 2021

Mr. Dennis P. Patten, Director of Public Service  
City of Parma Heights  
6281 Pearl Road  
Parma Heights, Ohio 44130

RE: Landscape Review of Preliminary Plan for Maplewood Garden Townhome Complex

Dear Mr. Patten:

This letter is our formal review of the aforementioned Preliminary Plan. Since the commercial outlot has no formal user, our comments will be limited to the apartment complex only. A separate preliminary landscape plan should be submitted for the commercial lot once a user is determined.

- 1) A final landscape plan along with all associated details and specification shall be prepared by a Registered Landscape Architect licensed in the state of Ohio.
- 2) Additional large shade trees should be located along the access roads. There are large areas of pavement in front of the apartments with no softened or visual breaks.
- 3) Detailed foundation plants should be shown in and around the units.
- 4) The landscaping in the backyards of the center units and along Maplewood Road should be grouped together in mulch beds and/or raised beds to provide ease of maintenance and present a less hap-hazard appearance. Also, large plants/trees should be grouped together in odd numbers, i.e. 5, 7, 11, 13, etc.
- 5) If there is any perimeter fencing proposed, then landscaping shall be placed periodically in front of the fence run.
- 6) Landscaping should be added to the edge of the storm water basin to help soften its impact.

In closing, if you have any questions and or concerns, please call me at (216) 978-2466 at your earliest convenience.

Sincerely,



Stephen T. Long, RLA, CLARB  
Priest - Long Associates, LLC.

Cc: Michelle Teresi, Parma Heights  
Raymond Priest, Priest-Long Associates, LLC  
File



**MEMO**

TO: Dennis Patten, Director of Public Service

FROM: Edward R. Piatak, P.E., Consulting City Engineer (Assistant)

DATE: September 30, 2021

SUBJECT: Maplewood Gardens, Parma Heights (PPN 473-24-014) - Preliminary Plan

CC: Marty Surella, Building Commissioner

Mr. Patten:

I have reviewed the Preliminary Plan for Maplewood Gardens dated September 25, 2021 (PPN 473-24-014) and offer the following comments:

1. Parcel zoned as Class "W130-MUD" mixed use.
2. No objections to the proposed residential type use of the property.
3. Plan indicates a 0.85 Ac. Outlot fronting Pearl Road (no use of this area has been indicated).
4. My understanding of the proposed residential Project:
  - 78 Residential units will be leased, no fee simple ownership
  - All utilities (storm/sanitary/water/etc.) will be private (must be designed/installed to municipal standards).
  - Roadways will be private (must be designed/installed to municipal standards).
5. Access to the proposed development is via Maplewood Road. Increased traffic volume may have an adverse impact on Maplewood residents. Recommend traffic impact study for West Pleasant Valley Road and Pearl Road intersections be prepared and submitted to the City for consideration.
6. "Sanibel" units along Maplewood shall be buffered from the existing residential homes and/or have frontages (along Maplewood) that complement the existing neighborhood.
7. The Preliminary Plan is subject to revision based on detailed engineering design and conformance with the requirements of the City as included in the Parma Heights Codified Ordinances.

**OFFICERS**

A. R. PIATAK, PE, PRESIDENT • E. R. PIATAK, PE, VICE PRESIDENT, TREASURER • D. T. BENDER, PE, VICE PRESIDENT • M. M. PILAT, PE, SECRETARY • A. N. CHUCRAY, PE

**ASSOCIATES**

R. A. BENDER • R. S. WASOSKY, PE, PS • M. E. KIMBERLIN, PE, PS • M. R. COSGRIFF, PE • L. A. BAKER, PE • A. J. MALINAK, PE • B. P. SOPKO, PE • J. M. ZARANEC, PS

Mr. Dennis Patten  
September 30, 2021  
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8. A storm water management facility is indicated directly to the south of PPN 473-25-003 (Burger King) and the proposed 0.85 Ac. Outlot. Site is subject to the storm water management regulations of the City. Calculations shall be provided with the Final Improvement Plans.
9. Final Site Plan shall adhere to Section 1185 of the Codified Ordinances. Variances can be requested but approvals thereof are not guaranteed.
10. Recommend the storm water management facility be discharged to the existing storm sewer on Pearl Road.
11. Recommend investigating the installation of an access drive through the indicated 0.85 Ac. outlot to Pearl Road opposite the Lawnwood Ave. intersection in-lieu of the access off of Maplewood Road.
12. Hydraulic loading capacity analysis of the existing sanitary sewer system is to be completed to confirm there is sufficient capacity in the existing system to accommodate the flow that is to be generated from the proposed 78 residential development.
13. 16 "Guest Parking" spaces are indicated on the plan, confirm this is adequate for a 78 unit development.

The comments offered above are based on my review of the information provided. Please call me if you have any questions or require additional information.

EUTHENICS, INC.



Edward R. Piatak, P.E.  
Assistant Consulting City Engineer

cc: Daniel T. Bender, P.E., Consulting City Engineer

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