



**City of Parma Heights  
Council Minutes  
March 13, 2023**

PRESENT: Council President Rounds, Council Members Haase, Maruschak, DeSouza, Walsh, Stavole and Clerk of Council Allen

Council President Rounds then asked for a motion to excuse Councilwoman Durichko.

Motion made by Councilman Stavole; seconded by Councilwoman Walsh to excuse Councilwoman Durichko.

Roll Call: Aye: Maruschak, DeSouza, Walsh, Stavole, Haase, Rounds

*Councilwoman Durichko is excused.*

ALSO PRESENT: Mayor Marie Gallo, Director of Law Schneider, Assistant Director of Law O'Malley, Finance Director Iaconis, Director of Service Sepik, Safety Director Heffernan and Recreation Director Bacci.

The meeting was called to order by Council President Rounds at 7:01 p.m.

*Pledge of Allegiance was spoken.*

**COUNCIL MINUTES**

February 27, 2023 Parma Heights City Council Work Session Minutes

Councilwoman Walsh motioned; seconded by Councilwoman Maruschak to approve the Council Work Session Minutes

Aye: DeSouza, Walsh, Stavole, Haase, Maruschak, Rounds  
Nay: None

*Minutes Approved*

February 27, 2023 Parma Heights City Council Minutes

Councilman Stavole motioned; seconded by Councilwoman Walsh to approve the Council Minutes

Aye: Walsh, Stavole, Haase, Maruschak, DeSouza, Rounds  
Nay: None

*Minutes Approved*

## REPORTS FROM MAYOR AND DIRECTORS

Council President Rounds began with Mayor Gallo with the swearing in ceremony of Police Officer Andrew Augustin. Chief Scharschmidt began with thanking his staff for keeping Parma Heights a safe community. I'm introducing Andrew as our newest hire and will be pinned by his fiancé Brianna and continued to provide Andrew's education and employment background. State Representative Sean Brennan attended and provided Mr. Augustin with a ceremonial certificate from the State House in honor of his impending service.

Council President Rounds made a comment on how great it is to begin the meeting with this swearing in. Moving on to Recreation Director Bacci .....

Recreation Director Bacci: To begin we had our second annual Leprechaun Hunt. We had 65 hunters and their families participate, so we had about 120 people in total come and hang out that day. Thank you to Mayor Gallo, Melissa, Mary, Autumn and Lexi. We held an intermediate line dancing class, 25 people attended. We have some ongoing projects starting with the baby pool; we are planning on replacing the filter, pump and the heater and that should avoid all issues that we had last year and we should avoid having to close down the baby pool for any reason. Sports are going well, soccer just closed on Friday with 70 participants that's in addition to the people participating in the fall season. Baseball is still registering we have about 100 people right now. We are getting ready to make the reservoir the new Nathan Hale, and we're putting four soccer fields up there. We ask a lot of the Service Department so we want to thank Director Sepik and Eric for all their help. Easter Egg dying will be in partnership with the Parma's Historical Society on April 6<sup>th</sup> at 6:30 p.m. registration starts on the 15<sup>th</sup>, and our Annual Earth Day in the Commons Saturday, April 29<sup>th</sup> from 1 to 4:00 p.m. we have 15+ environmental organization coming, National Park Service, Nature Center, NEOSD, food trucks and many more.

Council President Rounds: Thank you. Any questions or comments for Director Bacci? Seeing none. Safety Director Heffernan.....

Safety Director Heffernan: This morning the State Attorney General auditor was at the Police Department reviewing their policies, we were found to be in full compliance and a report will come out next month. We are eligible for all grants of that program. Deer culling program is completed. I believe it was a success. Citizens Police Academy starts next Wednesday. We have 22 – 24 people signed up right and it's a good program.

Council President Rounds: Any questions or comments for Director Heffernan? Seeing none. Thank you, Director. Director Sepik...

Service Director Sepik: Thank you Council President. As always, our Bulk collection is the full third week of the month, this week lands on Wednesday, March 22<sup>nd</sup>. Our ice rink demolition project, the building is down, they are hauling the bricks and concrete away, they are going to start the concrete base as soon as Wednesday. We are in receipt of funding from the Cuyahoga County for Regular Maintenance Reimbursement Program, the mayor asked us all to look a little closer into getting more moneys for the city from different grants. After talking with Pete our new City Engineer, even though Euthenics was still on board and did apply on our behalf, we received \$196,000 to do pavement, striping, sealing and concrete replacement of Ridgewood with catch basin repairs.

Director Iaconis added that this was not a budgeted item, this is unexpected revenue to offset the repairs.

Director Sepik continued that the revenue will go back into the general fund. We are meeting with ODOT tomorrow about the Independence Bridge Project which is slated to begin early May of 2023. Our city events are up on the city's website and updated regularly.

Council President Rounds: Any questions or comments for Director Sepik? Seeing none. Finance Director Iaconis.....

Finance Director Iaconis: Thank you. I have two meetings scheduled with FOP, we may only need one. I'm very hopeful that by the beginning of April we'll have contract for Service and FOP to present to council. I will have amendments to our original budget of 2023 to add in the Nathan Hale, those funds were not appropriated at the time. That should be on for the next council meeting.

Council President Rounds: Any questions or comments for Director Iaconis? Seeing none. Mayor Gallo....

Mayor Gallo: Thank you Mr. President. We are being considered for a new library in the area of where the soon to be former NEO Soccer site is now. The library system has gone out for requests for architect design proposals and I attended the last Planning Commission meeting and informed them of the possibility. If all goes well, that will be coming before Planning as well as lot splits and consolidation to get that project started. They are looking to start as early as this fall. This is big news for the city and super excited to begin the process.

Council President Rounds asked if there were any further questions for the mayor? Seeing none.

### COMMUNICATIONS

Council President Rounds we have no communications at this time.

### EXECUTIVE SESSION

Council President Rounds asked for a motion to move in to Executive Session to discuss a pending or eminent court action. Councilwoman Walsh moved; Councilwoman Maruschak seconded.

Aye: Stavole, Haase, Maruschak, DeSouza, Walsh, Rounds  
Nay: None

Council President stated that they moved into Executive Session at 7:17 p.m. Council returned from Executive Session at 7:42 p.m.

### PUBLIC SESSION

Council President Rounds: If there is any public comment, please stand, state your name and address and please direct all comments to me, it's not a discussion it's just an opportunity for you to share or speak, you are given 3 minutes to speak.

Tammy Sebastian, 6814 Revier. Thank you for the Parma City School updates. I'm very excited that you plan on supporting one High School. I have always been a huge advocate for one High School, but Parma City Schools has been trying to do many different things over the past years. The new housing on Pearl Road looks fantastic, it is great to see something in that location. I applaud Mayor Gallo for the things she has done in the city in just over a year. Kudos to the Service Department. The new stuff the Recreation Department is doing. All positive tonight. Thank you.

Council President Rounds: Seeing no other comment, we will continue on thru the agenda.

## LEGISLATION

### **2023 – 6: ORDINANCE TO BE READ BY TITLE ONLY**

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

Aye: Haase, Maruschak, DeSouza, Walsh, Stavole, Rounds

Nay: None

Clerk Allen read: **ORDINANCE 2023 – 6 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; TO PROVIDE FOR THE PUBLICATION OF SUCH NEW MATTER; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY.**

Council President Rounds: This is items final reading. Any questions or comments? Seeing none.

Councilman Stavole motioned; seconded by Councilwoman Walsh to move for passage.

Aye: Maruschak, DeSouza, Walsh, Stavole, Haase, Rounds

Nay: None

*Ordinance Passes*

### **2023 – 10: ORDINANCE TO BE READ BY TITLE ONLY**

Councilman Haase motioned; seconded by Councilwoman Maruschak to read the following ordinance by title only.

Aye: DeSouza, Walsh, Stavole, Haase, Maruschak, Rounds

Nay: None

Clerk Allen read: **ORDINANCE NO. 2023 – 10 AN ORDINANCE AUTHORIZING AND DIRECTING THE ADMINISTRATION TO ENTER INTO AN AGREEMENT FOR A TRAFFIC ENFORCEMENT PROGRAM WITH SENSYS GATSO USA, INC., AND DECLARING AN EMERGENCY.**

Councilman Haase motioned; seconded by Councilwoman Maruschak to suspend the rules.

Aye: Walsh, Stavole, Haase, Maruschak, DeSouza, Rounds

Nay: None

Council President Rounds: Are there any questions or comments on this item? Seeing none.

Councilman Haase motioned; seconded by Councilwoman DeSouza to move for passage.

Aye: Stavole, Haase, Maruschak, DeSouza, Walsh, Rounds

Nay: None

*Ordinance Passes*

**2023 – 11: ORDINANCE TO BE READ BY TITLE ONLY**

Councilman Haase motioned; seconded by Councilwoman Maruschak to read the following ordinance by title only.

Aye: Haase, Maruschak, DeSouza, Walsh, Stavole, Rounds  
Nay: None

Clerk Allen read: **ORDINANCE NO. 2023 – 11 AN ORDINANCE AUTHORIZING AND DIRECTING AN EXPENDITURE FOR THE CASSIDY THEATRE MECHANICAL UPGRADES PROJECT, AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR COMPETITIVE BIDS, AND AUTHORIZING AND DIRECTING THE ADMINISTRATION TO ENTER INTO A WRITTEN CONTRACT WITH THE LOWEST AND BEST BIDDER THEREFORE, AND DECLARING AN EMERGENCY**

Councilman Haase motioned; seconded by Councilwoman Maruschak to suspend the rules.

Aye: Maruschak, DeSouza, Walsh, Stavole, Haase, Rounds  
Nay: None

Council President Rounds: Are there any questions or comments on this item? Seeing none.

Councilman Haase motioned; seconded by Councilwoman DeSouza to move for passage.

Aye: DeSouza, Walsh, Stavole, Haase, Maruschak, Rounds  
Nay: None

*Ordinance Passes*

**2023 - 12: ORDINANCE TO BE READ BY TITLE ONLY**

Councilwoman DeSouza motioned; seconded by Councilwoman Maruschak to read the following resolution by title only.

Aye: Walsh, Stavole, Haase, Maruschak, DeSouza, Rounds  
Nay: None

Clerk Allen read: **ORDINANCE 2023 – 12 AN ORDINANCE AMENDING SECTION 779.04 ENTITLED “GENERAL REQUIREMENTS” OF THE PARMA HEIGHTS CODIFIED ORDINANCES.**

Council President Rounds: And this is the first reading for this item.

**2023 – 13: ORDINANCE TO BE READ BY TITLE ONLY**

Councilwoman Maruschak motioned; seconded by Councilwoman Walsh to read the following ordinance by title only.

Aye: Stavole, Haase, Maruschak, DeSouza, Walsh, Rounds  
Nay: None

Clerk Allen read: **ORDINANCE NO. 2023 – 13 AN ORDINANCE AMENDING SECTION 351.15**

**ENTITLED “RECREATIONAL EQUIPMENT” OF THE PARMA HEIGHTS CODIFIED ORDINANCES.**

Council President Rounds: And this is the first reading for this item.

**2023 – 14: RESOLUTION TO BE READ BY TITLE ONLY**

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

Aye: Haase, Maruschak, DeSouza, Walsh, Stavole, Rounds  
Nay: None

Clerk Allen read: **RESOLUTION NO. 2023 – 14 A RESOLUTION AUTHORIZING THE ADMINISTRATION TO COMPLETE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2023 ENERGIZED COMMUNITY GRANT AND SPONSORSHIP, AND DECLARING AN EMERGENCY**

Councilwoman Walsh motioned; seconded by Councilman Stavole to suspend the rules.

Aye: Maruschak, DeSouza, Walsh, Stavole, Haase, Rounds  
Nay: None

Councilwoman Walsh motioned; seconded by Councilman Stavole to move for passage.

Aye: DeSouza, Walsh, Stavole, Haase, Maruschak, Rounds  
Nay: None

*Resolution Passes*

**2023 – 15: ORDINANCE TO BE READ BY TITLE ONLY**

Councilwoman Maruschak motioned; seconded by Councilwoman DeSouza to read the following ordinance by title only.

Aye: Walsh, Stavole, Haase, Maruschak, DeSouza, Rounds  
Nay: None

Clerk Allen read: **ORDINANCE NO. 2023 – 15 AN ORDINANCE ESTABLISHING AND ENACTING SECTION 648.17 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, ENTITLED, “DOMESTIC POWER TOOLS” TO PROVIDE FOR A NEW SECTION OF THE “PEACE DISTURBANCES” CHAPTER OF THE GENERAL OFFENSES CODE, AND DECLARING AN EMERGENCY**

Council President Rounds: This is the first reading for this item.

**2023 – 16: ORDINANCE TO BE READ BY TITLE ONLY**

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

Aye: Stavole, Haase, Maruschak, DeSouza, Walsh, Rounds  
Nay: None

Clerk Allen read: **ORDINANCE NO. 2023 – 16 AN ORDINANCE AMENDING SECTION 179.03 ENTITLED “EMPLOYEE BENEFITS” OF THE PARMA HEIGHTS CODIFIED ORDINANCES**

Council President Rounds: And this is the first reading for this item.

**2023 – 17: ORDINANCE TO BE READ BY TITLE ONLY**

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

Aye: Haase, Maruschak, DeSouza, Walsh, Stavole, Rounds

Nay: None

Clerk Allen read: **ORDINANCE NO. 2023 – 17 AN ORDINANCE TO REPEAL SECTION 141.03 ENTITLED “TERMINATION OF EMPLOYEES WHO ATTAIN SEVENTY YEARS OF AGE” OF THE PARMA HEIGHTS CODIFIED ORDINANCES**

Council President Rounds: And this is the first reading for this item.

**MISCELLANEOUS BUSINESS**

In consideration of bids for the Nathan Hale Park Stormwater Basin project, I'd like to ask our City Engineer to give us an update please.

City Engineer - Peitro DiFranco: Mr. President and members of council. Thank you for the opportunity to report on the bids received for the Nathan Hale Storm Basin project. This is a very important, and expensive project, that will not only benefit Parma Heights residents, but also residents from the neighboring City of Parma, including Tri-C. Partial funding will be provided by the NEORS who have identified this as an improvement to the regional drainage system. Bids were received on February 2, 2023. This was the second bidding of this project. The first bidding occurred on July 12, 2022; however, bids were rejected due to exceeding the engineer's estimate by more than 10%. The second bidding was authorized by council ordinance 2022-31, which explicitly requires award of a contract to the 'lowest and best bidder' in accordance with Charter Article V, Section 6. The City Council is vested with broad discretionary authority by Charter and Ordinance to determine the 'lowest and best' bidder on the project. The contract should not be awarded strictly on the basis of 'lowest bid' but rather due consideration of both 'lowest and best' bid. It is within your authority to decide what is best for your community. In general, there are 2 standards for evaluating public bids, either 'lowest responsible bidder' or 'lowest and best bidder'. I'd like to clarify the differences here. Lowest Responsible Bidder is a minimum threshold. It is the bidder who has the lowest price conforming to the contract specifications and who is financially able and competent to complete the work, as shown by the bidder's prior performance. Generally, a 'responsible bidder' meets the experience, personnel, equipment, and financial thresholds established by the Owner to perform the requirements of the contract. The requirements to be a 'responsible bidder' vary from owner to owner, and project to project. As an example, some owners may require a bidder to have 10 years of related experience, while other owners are satisfied with 5 years. Lowest & Best Bidder is a higher standard. It allows the owner to not only compare price, but also factors including but not limited to a bidders' skill, capacity, reputation in dealing fairly and honestly with governments, facilities, safety program, quality control practices, and any other factors as to which a bidder may offer greater advantages than another. Applying the 'lowest and best' standard allows government greater discretion to award contracts that result in the best value for its citizens. After careful review of bids received on February 2nd, as well as supplemental information received from the lowest 3 bidders on February 8th,

and interviews with the two lowest bidders on February 17<sup>th</sup>, which were REDCON and Independence Excavating. The following factors were considered in evaluating the 'lowest and best' bidder: Before I go through these factors, I think it's important to remember that although REDCON and their sub-contractor Mr. Excavator may have the same owners, they are separate entities. This Bid was submitted by REDCON. The bid bond was provided by REDCON. Bid bonds are an indicator of a bidder's capacity to comply with the contract requirements. Mr. Excavator would be performing more than 50% of the work, but it's unknown whether they have the capacity to complete this project because Mr. Excavator didn't provide this bond. If Mr. Excavator gets busy with other work, or simply walks away for any other reasons, the city is only contractually tied to REDCON, not Mr. Excavator. Of course the city would hold REDCON and their bonding company accountable, but it could result in significant delays. Therefore, these are the factors we considered: First was experience. REDCON project experience is limited to only four (4) projects since being formed in October 2021. All of REDCON's past project contracts were for a value less than the project Nathan Hale, and their largest projects involved primarily installation of perimeter fencing. To me that doesn't represent projects of similar scope and size. On the other hand, Independence Excavating was formed 65 years ago and demonstrated five (5) local projects of similar and greater scope and contract value. We also looked at financial condition: REDCON is a smaller company with fewer assets while Independence Excavating is a bigger company with greater assets. In 2022, Engineering News Record magazine ranked Independence Excavating, nationwide in terms of revenue, as #15 in excavation, #8 in demolition, and #134 overall among specialty contractors. Again, that's nationwide. Conduct and Performance on Previous Contracts was another factor: REDCON lacks comparable and relevant previous contract experience. Independence Excavating has substantial comparable and relevant previous contract experience as well as excellent performance reports. The 4<sup>th</sup> factor was facilities: REDCON does not own any facilities or equipment. Independence Excavating owns several yards & facilities throughout the USA, including headquarters in Cleveland, as well as over 500 major pieces of demolition and excavation equipment. The 5<sup>th</sup> factor was management skills: REDCON only has two (2) employees. As discussed in the 2/17/23 interview, many management & administrative tasks, such as processing certified payroll reports, handling RFI's and submittals, are performed by consultants or sub-contractors. While their proposed project manager may have experience working with other contractors in their established management system, he has none with REDCON, a company formed just last year. It's unknown how he will perform with little to no support, no equipment, software, or other systems and procedures in place whereas, Independence Excavating has over 800 employees including a full administrative staff. The 6<sup>th</sup> factor was the ability to execute the contract properly: REDCON is dependent on sub-contractors to perform 100% of the scope. At least four (4) of their proposed eight (8) sub-contractors were still being selected. In accordance with the instructions to bidders item #41, 'The Contractor shall not sublet any part of the work included in this contract without the previous written consent of the City'. Independence Excavating is proposing to self-perform 81.9% of the scope of work, and only sub-contracting 18.1%. All five (5) of the proposed sub-contractors Independence is proposing, have previous experience working with Independence and were evaluated by them through a formal pre-qualification process. Based on those factors, and after careful comparison of the bids received for this project, Independence Excavating is clearly the lowest and best bidder. In addition to those factors we anticipate Independence providing added value to the project and I'm going to go through 5 examples. Independence Excavating proposes a dump site approximately six (6) miles away from the Nathan Hale project, which will result in faster round trips therefore fewer trucks needed. This is expected to require fewer independent haulers, and a shorter construction schedule. Independence Excavating also provided a thoughtful plan for utilizing Sesquicentennial Park Road that would segregate truck traffic from park visitor traffic by installing a temporary aggregate drive with cones or barrels. They would also protect portions of the asphalt pavement with plates or aggregate overlay, and make repairs during and after use. They also anticipate providing a police officer, if needed, to allow the anticipated 10,000 truckloads of traffic to enter Pleasant Valley Road safely and efficiently. This is expected to reduce complaints from park visitors and the city's pavement restoration costs after the project. Independence Excavating



provided a thoughtful sequence of construction plans and overall project schedule intended to minimize tracking of mud and dust control, by limiting heavy excavation to drier months and maintaining a water truck and street sweeper on-site. They are proposing a project duration of 7 months rather than the goal of 9 months stated in the specifications. This is expected to reduce neighbor complaints. Independence Excavating employs a regional safety manager to assist the full-time superintendent, who is responsible for day-to-day safety and stormwater management compliance. This is expected to maintain a safe, clean & organized construction site, including redundancy and multiple layers of supervision. And finally, Independence Excavating utilizes Viewpoint Construction Management software to track project documents, as well as Primavera and MS Project for scheduling. This is expected to result in improved efficiency, data management and record keeping. Primavera is specifically required for scheduling by Item #56 of the instruction to bidders, however when asked during the interview, REDCON stated they do not use dedicated construction software. As previously mentioned, City Council is vested with broad discretionary authority by Charter and Ordinance to determine the lowest and best bidder on the Project. The contract should not be awarded strictly on the basis of lowest bid but rather upon due consideration of both lowest and best bid. It is my firm recommendation that the City Council award the project to Independence Excavating as the lowest and best bidder. Thank you and I'm open to questions.

Council President thanked Mr. DiFranco. Do any councilmembers have any questions? Seeing none. Thank you again sir. Then if I may have a motion to accept the City Engineers recommendation and award the contract to Independence Excavating as the lowest and best bidder and return the bid bonds to the unsuccessful bidders, please.

Councilman Stavole motioned; seconded by Councilwoman Walsh to accept the City Engineers recommendation and award the contract to Independence Excavating as the lowest and best bidder and return the bid bonds to the unsuccessful bidders.

Aye: Maruschak, DeSouza, Walsh, Stavole, Haase, Rounds  
Nay: None

*Motion Carried*

#### ADJOURNMENT

Council President Rounds: Can I have a motion to adjournment.

Councilwoman DeSouza motioned; seconded by Councilwoman Maruschak to adjourn the meeting.

Aye: DeSouza, Walsh, Stavole, Haase, Maruschak, Rounds  
Nay: None

**Meeting adjourned at 8:07 p.m.**

  
\_\_\_\_\_  
Barbara Allen  
Clerk of Council

  
\_\_\_\_\_  
Tom Rounds  
President of Council