



City of Parma Heights Council Meeting

6281 Pearl Road
Tuesday, May 28, 2024
7 :00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

ACTION ON MINUTES: MAY 13, 2024 – CITY COUNCIL MEETING

REPORTS FROM MAYOR AND DIRECTORS

COMMUNICATIONS:

- ROSS FAMILY TRANSPORT & LOGISTICS LLC, DBA MONDOS DRIVE THRU BEVERAGE, 7177 W 130TH STREET, PARMA HEIGHTS, OH 44130

PUBLIC SESSION

LEGISLATION

- Third Reading
1) RESOLUTION NO. 2024 - 33

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO DISPOSE OF OBSOLETE CITY VEHICLES AND EQUIPMENT AT A PUBLIC SALE THROUGH GOVPLANET/IRONPLANET

- 2) ORDINANCE NO. 2024 – 37

AN ORDINANCE ESTABLISHING COMPENSATION PAID TO VARIOUS EMPLOYEES OF THE CITY OF PARMA HEIGHTS, REPEALING ORDINANCE NO. 2024-8.

- First Reading
3) RESOLUTION NO. 2024 – 42

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS, PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS TO PERMIT THE BUSINESS KNOWN AS THE HERTZ CORPORATION TO ALLOW AN AUTOMOBILE RENTAL FACILITY, AND DECLARING AN EMERGENCY

4) RESOLUTION NO. 2024 - 43

A RESOLUTION SUPPORTING THE CITY OF PARMA HEIGHTS CUYAHOGA COUNTY HEALTHY URBAN TREE CANOPY GRANT PROGRAM APPLICATION, AND DECLARING AN EMERGENCY

5) RESOLUTION NO. 2024 - 44

A RESOLUTION EXTENDING THE TEMPORARY MORATORIUM ENACTED BY RESOLUTION 2023 – 87 FOR AN ADDITIONAL SIX (6) MONTHS, ON THE EFFECTIVE DATE OF RECREATIONAL MARIJUANA (STATE ISSUE 2), AND DECLARING AN EMERGENCY

6) ORDINANCE NO. 2024 - 45

AN ORDINANCE AMENDING CHAPTER 1193 ENTITLED “YARD STRUCTURES AND LANDSCAPE FEATURES” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

ADJOURNMENT

RECEIVED
MAY 13 REC'D
COUNCIL OFFICE

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

| | | | |
|----------------|-----|------|---------------------------------------|
| 7533294 | | TRFO | ROSS FAMILY TRANSPORT & LOGISTICS LLC |
| PERMIT NUMBER | | TYPE | DBA MONDOS DRIVE THRU BEVERAGE |
| 01 | 04 | 2024 | 7177 W 130TH ST |
| ISSUE DATE | | | PARMA HGTS OH 44130 |
| 05 | 07 | 2024 | |
| FILING DATE | | | |
| C1 | C2 | D6 | |
| PERMIT CLASSES | | | |
| 18 | 473 | C | F31273 |
| TAX DISTRICT | | | RECEIPT NO. |

FROM 05/09/2024

| | | | |
|----------------|-----|------|-------------------------------|
| 6077593 | | | MONDO BEVERAGE DRIVE THRU LLC |
| PERMIT NUMBER | | TYPE | 7177 W 130TH ST |
| 01 | 04 | 2024 | PARMA HGTS OH 44130 |
| ISSUE DATE | | | |
| 05 | 07 | 2024 | |
| FILING DATE | | | |
| C1 | C2 | D6 | |
| PERMIT CLASSES | | | |
| 18 | 473 | | |
| TAX DISTRICT | | | RECEIPT NO. |



MAILED 05/09/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN.

06/10/2024

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C TRFO 7533294

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF PARMA HGTS CITY COUNCIL
6281 PEARL RD
PARMA HEIGHTS OHIO 44130



City of Parma Heights, Ohio
Parma Heights Police Department
Office of Chief Tanya Czack



440-253-2878

6184 Pearl Road, Parma Heights Oh 44130

440-885-3889 FAX

May 15, 2024

Mr. Tom Rounds
Council President
City of Parma Heights

6281 Pearl Road
Parma Heights, Ohio 44130

RE: Liquor Permit, From #6077593 to #7533294

Dear Councilman Rounds,

An investigation and records check of the listed stockholder provided by the Ohio Department of Commerce, Division of Liquor Control in regards to a transfer of an existing license, MONDO BEVERAGE DRIVE THRU LLC 7177 W 130th Street, Parma Heights, Ohio 44130 to ROSS FAMILY TRANSPORT & LOGISTICS LLC. DBA MONDOS DRIVE THRU BEVERATE 7177 W 130th Street, Parma Heights, Ohio 44130 has been completed. The Parma Heights Police Department is offering no objections to this application. The name(s) associated with this permit are Yasmine N. Ross. The address is 7177 W 130th Street, Parma Heights, Ohio 44130.

Sincerely,



Tanya Czack
Chief of Police

RESOLUTION 2024 - 33

**A RESOLUTION AUTHORIZING THE ADMINISTRATION TO DISPOSE OF
OBSOLETE CITY VEHICLES AND EQUIPMENT AT A PUBLIC SALE
THROUGH GOVPLANET/IRONPLANET**

WHEREAS, the Council authorized membership in the National Joint Power Alliance [now known as Sourcewell], a purchasing cooperative in Ordinance No. 2017-3; and

WHEREAS, GovPlanet/IronPlanet is a vendor of the National Joint Power Alliance [now known as Sourcewell]; and

WHEREAS, GovPlanet/IronPlanet will provide the City of Parma Heights with auction services for the disposal of obsolete city vehicles and equipment; and

WHEREAS, the Administration recommends that the vehicles and equipment listed on Exhibit “A” be removed from service as a result of their age and mechanical condition.

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

Section 1: The Administration is authorized and directed to dispose of obsolete city vehicles at a public sale through GovPlanet/IronPlanet, a list of which is described in Exhibit “A”, attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions 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 meeting open to the public, in compliance with the law.

Section 3: That this Resolution shall take effect and be in force from and after the earliest date provided for by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

Exhibit A

| | | | |
|------|------|---------------|-------------------|
| 2002 | FORD | ECONOLINE VAN | 1FTNE242X2HB35800 |
| 2003 | FORD | F750 | 3FDXF75B23MB05961 |
| 2004 | FORD | ECONOLINE VAN | 1FTSE34L34HB48778 |
| 2017 | FORD | EXPLORER | 1FM5K8AR6HGB22629 |

ORDINANCE NO. 2024 - 37

AN ORDINANCE ESTABLISHING COMPENSATION PAID TO VARIOUS EMPLOYEES OF THE CITY OF PARMA HEIGHTS, REPEALING ORDINANCE NO. 2024-8.

BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. The Council hereby adopts the amended compensation and benefit schedules for various employees of the City of Parma Heights, attached hereto as Exhibits “A”, “B”, “C”, “D”, “E”, “F”, and “G”, and are made a part of this Ordinance and incorporated herein as though fully rewritten.

Section 2. Ordinance No. 2024-8 is repealed effective immediately.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council; and all deliberations of this 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 4. This Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A TO ORDINANCE 2023-DRAFT

It is the intention of Council to establish a pay ordinance for various employees of the City of Parma Heights, for a period commencing January 1, 2024, and continuing thereafter until enabling legislation is repealed.

Section 1. Effective January 1, 2024 the compensation of the following classifications and positions within each classification of non-aligned City employees shall be as follows:

| CLASSIFICATION | EFFECTIVE DATE | COMPENSATION BAND: | |
|---------------------------------|-----------------------|---------------------------|--------------|
| | | From | To |
| FULL TIME: | | | |
| Clerk of Council | 01/01/2024 | \$35,350.00 | \$ 56,000.00 |
| Executive Assistant | 01/01/2024 | \$38,170.00 | \$ 58,478.00 |
| Service Dept. Assistant | 01/01/2024 | \$34,200.00 | \$ 52,440.00 |
| Accounting Clerk I | 01/01/2024 | \$32,340.00 | \$ 62,000.00 |
| Receptionist | 01/01/2024 | \$29,150.00 | \$ 47,829.00 |
| Legal Assistant/Paralegal | 01/01/2024 | \$40,000.00 | \$ 60,000.00 |
| PART-TIME (Hourly Rate): | | | |
| Clerk of Council | 01/01/2024 | \$ 20.00 | \$ 30.00 |
| Executive Assistant | 01/01/2024 | \$ 18.25 | \$ 26.10 |
| Assistant | 01/01/2024 | \$ 16.45 | \$ 23.50 |
| Accounting Clerk | 01/01/2024 | \$ 14.50 | \$ 20.75 |
| Finance Assistant | 01/01/2024 | \$ 20.00 | \$ 35.00 |
| Clerk of Commissions | 01/01/2024 | \$ 20.00 | \$ 30.00 |
| SENIOR CENTER: | | | |
| Asst. Site Coordinator | 01/01/2024 | \$25,000.00 | \$ 50,000.00 |
| Outreach Assistant | 01/01/2024 | \$22,500.00 | \$ 35,000.00 |
| Office/Clerical (PT/Hrly) | 01/01/2024 | \$ 10.45 | \$ 18.00 |
| Kitchen Aides (PT/Hrly) | 01/01/2024 | \$ 10.45 | \$ 18.00 |
| Vehicle Drivers (PT/Hrly) | 01/01/2024 | \$ 10.45 | \$ 18.00 |
| OTHER SUPPORT STAFF: | | | |
| Custodian-City Hall | 01/01/2024 | \$ 10.45 | \$ 20.00 |

Annual salaries detailed above shall be paid in bi-weekly substantially equal installments per year. Compensation for overtime for full-time employees at City Hall shall be paid in accordance with Section 179.07 of the Codified Ordinances of the City of Parma Heights.

Section 2. Effective January 1, 2024, and continuing thereafter until repealed, the Sections of Chapter 179 of the Codified Ordinances of Parma Heights pertaining to employee compensation and benefits, are incorporated herein, as if fully rewritten.

EXHIBIT B TO ORDINANCE 2023-DRAFT

It is the intention of Council to establish a pay ordinance for the Recreation Department of the City of Parma Heights, for a period commencing January 1, 2024, and continuing thereafter until enabling legislation is repealed.

Section 1. Effective January 1, 2024 the compensation of the following classifications and positions within each classification in the Recreation Department shall be as follows:

| CLASSIFICATION | EFFECTIVE DATE | COMPENSATION BAND: | |
|-----------------------------------|-----------------------|---------------------------|--------------|
| | | From | To |
| FULL TIME: | | | |
| Recreation Maint. Supervisor | 01/01/2024 | \$ 41,100.00 | \$ 58,720.00 |
| Recreation Maint. Foreman | 01/01/2024 | \$ 29,125.00 | \$ 41,580.00 |
| Recreation Dept. Secretary | 01/01/2024 | \$ 26,000.00 | \$ 37,145.00 |
| PART-TIME (Hourly Rate): | | | |
| Pool Manager | 01/01/2024 | \$ 10.45 | \$ 20.00 |
| Asst. Pool Manager | 01/01/2024 | \$ 10.45 | \$ 18.00 |
| Pool Cashiers | 01/01/2024 | \$ 10.45 | \$ 16.00 |
| Pool Lifeguards | 01/01/2024 | \$ 10.45 | \$ 16.00 |
| Gatehouse Attendant | 01/01/2024 | \$ 10.45 | \$ 11.00 |
| Pool Maintenance Crew | 01/01/2024 | \$ 10.45 | \$ 11.00 |
| Recreation Instructors | 01/01/2024 | \$ 10.45 | \$ 14.00 |
| Attendants - Various | 01/01/2024 | \$ 10.45 | \$ 12.00 |
| Recreation Secretary | 01/01/2024 | \$ 11.00 | \$ 15.00 |
| BASEBALL/SOCCER/FOOTBALL: | | | |
| Rate per Season/Year - | | | |
| Baseball Deputy Directors | 01/01/2024 | \$ 1,750.00 | \$ 2,500.00 |
| Supervisor of Umpires | 01/01/2024 | \$ 1,100.00 | \$ 1,560.00 |
| Asst. Supervisor of Umpires | 01/01/2024 | \$ 910.00 | \$ 1,300.00 |
| Baseball League Directors | 01/01/2024 | \$ 560.00 | \$ 800.00 |
| Statistician | 01/01/2024 | \$ 350.00 | \$ 475.00 |
| Tennis Deputy Director | 01/01/2024 | \$ 725.00 | \$ 1,040.00 |
| Golf Deputy Director | 01/01/2024 | \$ 575.00 | \$ 832.00 |
| Basketball Deputy Director | 01/01/2024 | \$ 575.00 | \$ 832.00 |
| Flag Football Deputy Director | 01/01/2024 | \$ 600.00 | \$ 910.00 |
| Soccer Deputy Director (Yearly) | 01/01/2024 | \$ 1,275.00 | \$ 1,820.00 |
| Soccer League Supervisor (Yearly) | 01/01/2024 | \$ 520.00 | \$ 740.00 |
| UMPIRES/REFEREES: | | | |
| Rates Per Game - | | | |
| T-ball/Coach Pitch Umpire | 01/01/2024 | \$ 10.90 | \$ 15.60 |
| Class E Plate Umpire | 01/01/2024 | \$ 28.75 | \$ 40.90 |
| Umpires All Other Leagues | 01/01/2024 | \$ 10.45 | \$ 28.30 |

| | | | |
|------------------------|------------|----------|----------|
| Flag Football Referees | 01/01/2024 | \$ 10.45 | \$ 15.60 |
| Soccer Referees | 01/01/2024 | \$ 10.45 | \$ 15.60 |

Annual salaries as detailed above shall be paid bi-weekly in substantially equal installments per year. Compensation for overtime for full-time employees shall be paid in accordance with Section 179.07 of the Codified Ordinances of the City of Parma Heights.

Section 2. Effective January 1, 2024, and continuing thereafter until repealed, the Sections of Chapter 179 of the Codified Ordinances of the City of Parma Heights pertaining to employee compensation and benefits, are incorporated herein, as if fully rewritten.

EXHIBIT C TO ORDINANCE 2023-DRAFT

It is the intention of Council to establish a pay ordinance for Administrative Positions of the City of Parma Heights, for a period commencing January 1, 2024, and continuing thereafter until enabling legislation is repealed.

Section 1. Effective January 1, 2024 the compensation of the following classifications and positions within each classification of non-aligned City employees shall be as follows:

| CLASSIFICATION | EFFECTIVE DATE | COMPENSATION BAND: | |
|----------------------------------|----------------|--------------------|---------------|
| | | From | To |
| Director of Public Service | 01/01/2024 | \$ 65,072.00 | \$ 106,904.00 |
| Public Works Coordinator | 01/01/2024 | \$ 50,000.00 | \$ 72,500.00 |
| Director of Finance | 01/01/2024 | \$ 61,115.00 | \$ 100,404.00 |
| Assistant to Finance Director | 01/01/2024 | \$ 50,000.00 | \$ 89,000.00 |
| Director of Law | 01/01/2024 | \$ 45,000.00 | \$ 89,086.00 |
| Assistant Director of Law | 01/01/2024 | \$ 25,000.00 | \$ 67,396.00 |
| Prosecutor | 01/01/2024 | \$ 25,000.00 | \$ 67,396.00 |
| Mayor's Court Magistrate | 01/01/2024 | \$ 25,000.00 | \$ 62,577.00 |
| Director of Human Resources | 01/01/2024 | \$ 55,640.00 | \$ 91,410.00 |
| Director of Safety | 01/01/2024 | \$ 24,500.00 | \$ 64,449.00 |
| Dir. of Recreation (Part-time) | 01/01/2024 | \$ 20,000.00 | \$ 51,750.00 |
| Dir. of Recreation (Full-time) | 01/01/2024 | \$ 53,100.00 | \$ 87,249.00 |
| Economic Development Coordinator | 01/01/2024 | \$ 54,525.00 | \$ 89,579.00 |
| Senior Services Administrator | 01/01/2024 | \$ 42,000.00 | \$ 69,000.00 |
| Special Assistant to the Mayor | 01/01/2024 | \$ 50,000.00 | \$ 70,000.00 |
| Grant Writer | 01/01/2024 | \$ 45,000.00 | \$ 67,500.00 |
| Clerk of Mayor's Court | 01/01/2024 | \$ 35,000.00 | \$ 57,500.00 |

Annual salaries as detailed above shall be paid in bi-weekly substantially equal installments per year.

Compensation for overtime for non-exempt full-time employees at City Hall shall be paid in accordance with Section 179.07 of the Codified Ordinances.

Section 2. Effective January 1, 2024, and continuing thereafter until repealed, the Sections of Chapter 179 of the Codified Ordinances of the City of Parma Heights pertaining to employee compensation and benefits are incorporated herein, as if fully rewritten.

EXHIBIT D TO ORDINANCE 2023-DRAFT

It is the intention of Council to establish a pay ordinance for supervisory and certain non-aligned employees in the Service Department of the City of Parma Heights, for a period commencing January 1, 2024, and continuing thereafter until enabling legislation is repealed.

Section 1. Effective January 1, 2024, the compensation of certain non-aligned supervisory and hourly rated employees of the department of Public Service shall be in accordance with the following schedule for hours worked:

| CLASSIFICATION | EFFECTIVE DATE | COMPENSATION BAND: | |
|---|----------------|--------------------|---|
| | | From | To |
| FULL TIME: | | | |
| Foreman | 01/01/2024 | \$ 21.30 | \$ 33.50 |
| Serviceman Grade IV (Seasonal/ Temporary, Part-time) | 01/01/2024 | \$ 11.00 | \$ 18.00 |
| BUILDING DEPARTMENT: | | | |
| Construction Consultant | 01/01/2024 | | \$ 28,035.00 |
| Building Inspectors | 01/01/2024 | | \$ 385.00 per month (Plus \$20.00/Inspect.) |
| Property Maint. Inspectors | 01/01/2024 | \$ 14.75 | \$ 22.00 |
| Property Maint. (Full Time) | 01/01/2024 | \$ 29,325.00 | \$ 41,870.00 |
| City Engineer | 01/01/2024 | \$ 30,000.00 | \$ 30,000.00 (per contract) |
| Assistant City Engineer | 01/01/2024 | \$ 15,000.00 | \$ 15,000.00 (per contract) |

Section 2. That compensation for overtime worked shall be in compliance with Section 147.11 and Section 147.12 of the Codified Ordinances of the City of Parma Heights.

Section 3. Effective January 1, 2024, and continuing thereafter until repealed, the Sections of Chapter 147 and Chapter 179 of the Codified Ordinances of the City of Parma Heights pertaining to employee compensation and benefits are incorporated herein, as if fully rewritten.

EXHIBIT E TO ORDINANCE 2023-DRAFT

It is the intention of Council to establish compensation and employee benefit provisions for non-aligned members of the Police Department.

Section 1. Effective January 1, 2024, the compensation of the following classifications and positions within each classification of non-aligned City employees shall be as follows:

| CLASSIFICATION | EFFECTIVE DATE | COMPENSATION BAND: | |
|-----------------------------|-----------------------|---------------------------|---------------|
| | | From | To |
| FULL-TIME: | | | |
| Chief of Police | 01/01/2024 | \$ 85,000.00 | \$ 130,000.00 |
| Acting Chief of Police | 01/01/2024 | \$ 85,000.00 | \$ 130,000.00 |
| Assistant Chief of Police | 01/01/2024 | \$ 66,875.00 | \$ 87,600.00 |
| Police Chief's Assistant | 01/01/2024 | \$ 34,950.00 | \$ 60,000.00 |
| Civilian Clerk/Case Manager | 01/01/2024 | \$ 31,316.00 | \$ 60,000.00 |
| Custodian | 01/01/2024 | \$ 29,125.00 | \$ 41,582.00 |
| PART-TIME: | | | |
| Civilian Clerk/Case Manager | 01/01/2024 | \$ 15.30 | \$ 23.00 |
| Civilian Clerk/Receptionist | 01/01/2024 | \$ 13.50 | \$ 22.00 |
| School Crossing Guards | 01/01/2024 | \$ 10.45 | \$ 12.75 |

Annual salaries as detailed above shall be paid in bi-weekly substantially equal installments per year.

Section 2. Effective January 1, 2024, and continuing thereafter until repealed, the Sections of Chapter 151 and Chapter 179 of the Codified Ordinances of the City of Parma Heights pertaining to employee compensation and benefits are incorporated herein, as if fully rewritten.

EXHIBIT F TO ORDINANCE 2023-DRAFT

It is the intention of Council to establish compensation and employee benefit provisions for non-aligned members of the Fire Department.

Section 1. Effective January 1, 2024, the compensation of the following classifications and positions within each classification of non-aligned City employees shall be as follows:

| CLASSIFICATION | EFFECTIVE DATE | COMPENSATION BAND: | |
|------------------------------|---------------------------|---------------------------|---------------|
| | | From | To |
| FULL-TIME: | | | |
| Fire Chief | 01/01/2024 | \$ 90,000.00 | \$ 130,000.00 |
| Captain/Assistant Fire Chief | 01/01/2024 | \$ 80,000.00 | \$ 115,000.00 |
| Fire Chief's Secretary | 01/01/2024 | \$ 32,767.00 | \$ 46,810.00 |

Annual salaries as detailed above shall be paid in bi-weekly substantially equal installments per year.

Section 2. Effective January 1, 2024, and continuing thereafter until repealed, the Sections of Chapter 153 and Chapter 179 of the Codified Ordinances of the City of Parma Heights pertaining to employee compensation and benefits are incorporated herein, as if fully rewritten.

EXHIBIT G TO ORDINANCE 2023-DRAFT

It is the intention of Council to establish a pay ordinance for the Office of Mayor and for Members of City Council for time periods as stipulated below, which will reflect the impact of percentage increases extended to City employees during that time period from January 1, 2022 ~~January 1, 2013~~, and continuing thereafter.

Section 1. For purposes of calculating the impact of percentage increases to be extended to the following elective positions based on the percentage of wage increase granted to other city employees; the following salaries for terms beginning January 1, 2022 shall be considered the base rate:

| CLASSIFICATION | EFFECTIVE DATE | COMPENSATION |
|-----------------------|-----------------------|---------------------|
| Mayor | 01/01/2024 | \$ 70,917.14 |
| Council Member | 01/01/2024 | \$ 11,598.06 |
| President of Council | 01/01/2024 | \$ 13,383.36 |

Section 2. Effective January 1, ~~2022~~ 2014 and continuing thereafter; compensation for the Office of Mayor, City Council Member and City Council President shall be determined by applying the annual percentage wage increase adopted for non-aligned City employees to the compensation in effect for the office of Mayor, City Council Member and City Council President at the time such annual percentage wage increase becomes effective.

Section 3. Due to City Charter provisions prohibiting elected City Officials from receiving pay increase in-term; such accumulative percentage increases referred to in Sections 2 and 4 of this exhibit shall be applied to the rate of pay for the respective position at the beginning of the next term of office.

Section 4. For purposes of calculating the impact of percentage increases to be extended to the following elective positions based on the percentage of wage increase granted to other city employees; the following salaries for terms beginning January 1, 2026 shall be considered the base rate:

| <u>CLASSIFICATION</u> | <u>EFFECTIVE DATE</u> | <u>COMPENSATION</u> |
|--------------------------------|------------------------------|----------------------------|
| <u>Mayor</u> | <u>01/01/2026</u> | <u>\$ 92,192.00</u> |
| <u>Ward Council Member</u> | <u>01/01/2026</u> | <u>\$ 12,004.00</u> |
| <u>President of Council</u> | <u>01/01/2026</u> | <u>\$ 13,852.00</u> |
| <u>At-Large Council Member</u> | <u>01/01/2028</u> | <u>\$ 12,004.00</u> |

Section 45. Compensation for the offices specified above represents annual compensation payable as follows; for the Office of Mayor said annual amount to be paid in bi-weekly installments, and for City Council Member and President of Council said annual amount to be paid in equal monthly installments.

Section 56. That ~~Section 1 of Exhibit G to Ordinance No. 2024-8 2013-8~~ passed by council on February 12, 2024 ~~February 25, 2013~~ is hereby repealed effective April 22, 2024 ~~January 1, 2016~~.

Section 67. Nothing in this ordinance shall be construed to limit or impair the right of Council to authorize the payment or reimbursement of expenses incurred by any official or employee in the furtherance of the interest of the municipality.

RESOLUTION 2024 – 42

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT, WITH CONDITIONS,
PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY
OF PARMA HEIGHTS TO PERMIT THE BUSINESS KNOWN AS THE HERTZ
CORPORATION TO ALLOW AN AUTOMOBILE RENTAL FACILITY,
AND DECLARING AN EMERGENCY**

WHEREAS, at its meeting on April 15, 2024, the Planning Commission conducted a public hearing regarding the approval of the Conditional Use Permit for the business known as The Hertz Corporation to allow an automobile rental facility, with certain conditions; and

WHEREAS, at its meeting on April 15, 2024, the Planning Commission recommended to the City Council that the Conditional Use Permit for the business known as The Hertz Corporation to allow an automobile rental facility, with certain conditions, be approved; and

WHEREAS, at its meeting on May 20, 2024, the Board of Zoning Appeals granted variances for the business known as The Hertz Corporation, with certain conditions; 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 “Council Resolution Exhibit A”, attached hereto and incorporated as if fully rewritten.

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

Section 1: The Council adopts the recommendation of the Planning Commission and grants a Conditional Use Permit to The Hertz Corporation to allow an automobile rental facility at 6215 Pearl Road, Parma Heights, Ohio in the Neighborhood Mixed-Use District.

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 Ordinances of the City of Parma Heights, conditions recommended by the Planning Commission, variances granted by the Board of Zoning Appeals, and further conditions set forth by Council.

Section 3: The Conditional Use recommended by the Planning Commission, variances granted by the Board of Zoning Appeals, and further conditions set forth by Council, are set forth in “Council Resolution Exhibit A” which is attached hereto and incorporated 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 is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of this Municipality, and for the further reason it is necessary to facilitate The Hertz Corporation's investment in the community expeditiously; 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

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

COUNCIL RESOLUTION

EXHIBIT A



6281 Pearl Road

Parma Heights, Ohio 44130

440-884-9607

IN THE MATTER OF:

APPLICATION OF THE HERTZ CORPORATION FOR A CONDITIONAL USE PERMIT TO INCLUDE AN AUTOMOBILE RENTAL FACILITY AT 6215 PEARL ROAD, PARCEL NUMBER 472-06-001, PARMA HEIGHTS, OHIO IN **NEIGHBORHOOD MIXED USE DISTRICT**

ACKNOWLEDGEMENT AND UNCONDITIONAL ACCEPTANCE AND AGREEMENT TO CONDITIONS AS SET FORTH IN EXHIBITS 1, 2, AND 3

On May 28, 2024, the Council of the City of Parma Heights approved the recommendation of the Planning Commission to grant the Conditional Use Permit of The Hertz Corporation ("Hertz"). [EX. 1]. The Planning Commission's recommendation was conditioned on variances granted by the Board of Zoning Appeals. [EX. 2]. The Council imposed additional condition(s) of its own. [EX. 3].

Pursuant to Section 1135.07 of the Codified Ordinances of the City of Parma Heights, when 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.**

Hertz understands that pursuant to Section 1135.08 of the Codified Ordinances of the City of Parma Heights that;

- (a) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this chapter, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Planning and Zoning Code.
- (b) A conditional use permit issued pursuant to this chapter shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Chief Building Official.
- (c) The conditional use approval shall expire six months from the date of enactment, unless:
 - (1) In the case of new construction, work upon the structure shall have begun above the foundation walls;
 - (2) In the case of occupancy of land, the use has commenced;

- (3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or
- (4) The Chief Building Official grants an extension for good cause shown, upon the request of the applicant.

(d) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

Further, Hertz understands that pursuant to Section 1135.09 of the Codified Ordinances of the City of Parma Heights that a conditional use permit may be revoked if the established conditions for approval are violated. The Chief Building Official is responsible for advising the Planning Commission of any violations, and the Planning Commission may then recommend to City Council that it revoke the conditional use permit.

Based on the foregoing Hertz acknowledges the approval of the conditional use permit and unconditionally accepts and agrees to such conditions.

Signature: _____

Printed Name: _____

Title of Authority on Behalf of Hertz: _____

Date: _____

EXHIBIT 1

RECOMMENDATIONS FOR COUNCIL CONSIDERATION

IN THE MATTER OF:

APPLICATION THE HERTZ CORPORATION FOR A CONDITIONAL USE PERMIT TO ALLOW AUTOMOBILE RENTAL BY CONDITIONAL USE AT 6215 PEARL ROAD, PARCEL NUMBER 472-06-001 PARMA HEIGHTS, OHIO IN THE NEIGHBORHOOD MIXED USE DISTRICT.

1. The Hertz Corporation is authorized to conduct business in the State of Ohio with its principal place of business located at 6215 Pearl Road, parcel number 472-06-001, Parma 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 Neighborhood Mixed Use District.
4. On March 18, 2024, The Hertz Corporation submitted an Application for a Conditional Use Permit to the Planning Commission requesting approval for a Conditional Use Permit to allow an automobile rental facility at 6215 Pearl Road, parcel number 472-06-001, Parma Heights, Ohio in the Neighborhood Mixed Use District.
5. At its April 1, 2024 Regular Meeting, the Planning Commission heard presentations from both the Applicant and city representatives regarding the application for a conditional use permit for The Hertz Corporation to allow an automobile rental facility at 6215 Pearl Road, parcel 472-06-001. As a result of that meeting a public hearing was scheduled on the Applicant's Conditional Use Permit for April 15, 2024.
6. Notice of the Public Hearing was published on Cleveland.com and in the Parma Sun News on April 4, 2024 and also posted on the City's website and at City Hall.
7. A public hearing was held on April 15, 2024 and the Planning Commission heard from the Applicant and from city representatives regarding the application for a conditional use permit The Hertz Corporation to allow an automobile rental facility.
8. Pursuant to Sections 1187.06 and 1187.09 of the Codified Ordinances, the aforementioned property lacks sufficient parking.
9. The applicant, pursuant to Section 1187.06(y) of the Codified Ordinances, presented evidence of undue hardship, requesting modification of off-street parking requirements due to unusual circumstances.
10. Based upon the presentations of both parties at the public hearing the Planning Commission recommends approval of the Conditional Use Permit for the business known as The Hertz Corporation to allow an automobile rental facility.

11. Pursuant to Section 1187.06(y) of the Codified Ordinances, the Planning Commission further modifies off-street parking requirements at this site for this conditional use due to undue hardship and unusual circumstances, upon the conditions enumerated in Exhibit C.

12. 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].


13. The Conditional Use requested is recommended subject to compliance with the General Criteria set forth in Section 1195.06(e) of the Codified Ordinances of the City of Parma Heights, or in the alternative, duly-granted variances by the Board of Zoning Appeals to that same section. [Ex. B]. [See 1195.06(e)(1), (2), and (3)].

14. The Conditional Use requested is also subject to the additional conditions recommended by the Director of Public Service which are set forth in Exhibit C which is attached to this recommendation and which is incorporated herein, as if fully rewritten.

15. 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.

16. 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.

17. 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.



Jim McCall, Chairman



Bill Litten

Joe Sepich

Rick Haase, Council Representative



Zachary Humphrey

EXHIBIT A

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.

EXHIBIT B

1195.06 (e) AUTOMOTIVE USE-SPECIFIC REGULATIONS.

(e) Vehicle Sales and Associated Service.

- (1) The minimum lot area shall be four acres and the minimum lot width shall be 200 feet.
- (2) The minimum building area shall be 25,000 square feet and there shall be sufficient building area to include space for offices; indoor display of at least five motor vehicles; inspection, servicing and repair of at least five motor vehicles; and sufficient parts and storage.
- (3) The portion of the site that is paved shall be used for the parking and display of vehicles in compliance with the following.
 - A. A minimum of 60 percent of the paved area shall be devoted to the parking and display of new motor vehicles;
 - B. A maximum of 15 percent of the paved area may be devoted to car rental facilities.
 - C. Parking spaces for customers and employees shall be provided in accordance with Chapter 1187.
- (4) The operation of a vehicle sales establishment shall comply with Chapter 755, including restrictions on the sale of used automobiles.
- (5) Lighting for all areas used for the outdoor display of automobiles shall be in accordance with a plan approved by the Planning Commission.
- (6) Only vehicles that are in good repair, fully operational, and with no missing parts or damage shall be permitted to be displayed or stored outdoors.

EXHIBIT C

In addition to the requirements of Chapter 1135.07 these additional conditions shall be required for compliance with the conditional use permit. 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 continue to be maintained.

These requirements are as follows:

1. That the applicant maintain evidence that the dedicated spaces continue to be leased and licensed to the applicant by the landowner as shown by the Development Plan specifically displaying a total of thirty (30) parking spots: seven (7) on the applicant's lot and twenty-three (23) located on the adjacent parcel. The leased parking spaces are to be designated by striping, not by signage. Furthermore, no additional parking spaces on the adjacent parcel shall be used by the Applicant.
2. That the applicant obtains and maintains any variances through the Board of Zoning Appeals required from Section 1195.06(e) in order to maintain the proposed automotive use. [See 1195.06(e)(1), (2), and (3)].

EXHIBIT 2

CITY OF PARMA HEIGHTS
BOARD OF ZONING APPEALS
HEARING NO. 2024-02

APPELLANT: Hertz Rental, 6215 Pearl Road, Parma Hts., OH 44130

HEARING DATE: May 20, 2024

TIME: 6:00 PM PLACE: Parma Hts., City Hall 6281 Pearl Rd

IN ATTENDANCE:

Samantha Galvin —
Dan Paxson —
Mark Podany —
Lindsey Dumbauld —
Matthew DeSouza —

APPELLANT: Hertz Rental

APPEAL OF:

1. **1195.06 (e) (1)- Automotive Use Specific Regulations- The minimum lot area shall be four acres and the minimum lot width shall be 200 feet.**
Frontage Required: 200 linear feet
Existing: 80.7 linear feet
Variance Request: 119.3 linear feet
2. **1195.06 (e) (1)- Automotive Use Specific Regulations- The minimum lot area shall be four acres and the minimum lot width shall be 200 feet.**
Required: 4 acres; 174,240 square feet
Existing: 10,370 square feet
Variance Request: 163,870 square feet
3. **1195.06 (e) (2)- Automotive Use Specific Regulations- The minimum building area shall be 25,000 square feet and there shall be sufficient building area to include space for offices; indoor display of at least five motor vehicles; inspection, servicing and repair of at least five motor vehicles; and sufficient parts and storage.**
Required: 25,000 square feet
Building size: 2,500 square feet
Variance Request: 22,500 square feet

DECISION

APPEAL GRANTED

BOARD OF ZONING APPEAL'S POSITION AND COMMENTS:

Variances 1, 2, and 3 are granted, contingent upon:

- 1) **Compliance with the Development Plan recommended by the Planning Commission; and**
- 2) **Acknowledgment, Unconditional Acceptance, and Compliance with the Conditional Use Permit**


X 
Very truly yours,
Chairperson, Board of Zoning Appeals

EXHIBIT 3

ADDITIONAL CONDITION(S) IMPOSED BY COUNCIL

In addition to all previously stated requirements of the laws of Parma Heights, Ohio, Council imposes the following condition(s):

1. Submission of landscape design plans to the City, approval of such landscape design plans by the City, and compliance with approved landscape design plans.

RESOLUTION NO. 2024 - 43

A RESOLUTION SUPPORTING THE CITY OF PARMA HEIGHTS CUYAHOGA COUNTY HEALTHY URBAN TREE CANOPY GRANT PROGRAM APPLICATION, AND DECLARING AN EMERGENCY

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

Section 1: That this Council of the City of Parma Heights hereby supports the City of Parma Heights Cuyahoga County Healthy Urban Tree Canopy Grant Program application to the Cuyahoga County Planning Commission to install trees on public lands pursuant to the Urban Forestry Master Plan.

Section 2: That this Council hereby respectfully requests that the Cuyahoga County Planning Commission give favorable consideration to the City of Parma Heights Healthy Urban Tree Canopy Grant Program application for funding.

Section 3: This Council finds and determines that all formal actions 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 meeting open to the public, in compliance with the law.

Section 4: 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 further reason that this measure is necessary for the timely submission of the application; 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

ATTEST: _____
CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: _____

MAYOR MARIE GALLO

RESOLUTION NO. 2024 - 44

A RESOLUTION EXTENDING THE TEMPORARY MORATORIUM ENACTED BY RESOLUTION 2023 – 87 FOR AN ADDITIONAL SIX (6) MONTHS, ON THE EFFECTIVE DATE OF RECREATIONAL MARIJUANA (STATE ISSUE 2), AND DECLARING AN EMERGENCY

WHEREAS, Ohio voters passed a statutory initiative that legalizes the purchase and use of recreational marijuana for adults 21 and older, becoming the 24th state to do so; and

WHEREAS, on December 11, 2023, this Council adopted Resolution 2023 – 87 establishing a six (6) month moratorium regarding related cultivation, sale, and use of marijuana products in Parma Heights, Ohio; and

WHEREAS, the Administration and Council require additional time to further review new applicable law in order to consider reasonable regulations to protect the health, welfare, safety, peace, and comfort for the citizens of the City of Parma Heights; and

WHEREAS, this Council desires to extend the moratorium, for a temporary period of time, not to exceed six (6) months from the date of passage of this Resolution, regarding related cultivation, sale, and use of marijuana products.

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

Section 1: That this Council hereby approves an extension of the temporary moratorium established by Resolution 2023 – 87 for a period of six (6) months from the date of passage of this Resolution on the issuance of permits related to recreational marijuana within the City of Parma Heights.

Section 2: This moratorium shall be in effect for a period not to exceed six (6) months from the date of passage of this Resolution or until Council enacts an Ordinance or Resolution revoking this moratorium, whichever shall occur sooner.

Section 3: This Council finds and determines that all formal actions 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 4: This Council declares this Resolution to be an emergency measure for the immediate preservation of the public health, peace, and safety of this municipality, and for the further reason that this measure is necessary to allow the Administration and Council an opportunity to further review new applicable law and to consider possible amendments to the Parma Heights Zoning Code; wherefore, this Resolution shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

ORDINANCE NO. 2024 - 45

AN ORDINANCE AMENDING CHAPTER 1193 ENTITLED “YARD STRUCTURES AND LANDSCAPE FEATURES” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the Council’s Safety Committee is recommending that Chapter 1193 of the Parma Heights Codified Ordinances be amended; and

WHEREAS, this Council desires to adopt the recommendation of its Safety Committee.

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

Section 1: That Chapter 1193 of the Codified Ordinances as it previously existed is amended, and as amended, shall henceforth read as shown by edits set forth in Exhibit “A”, which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that the Safety Committee has determined this a matter of public safety; wherefore, this Ordinance shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL APPROVED

FILED WITH
THE MAYOR: _____
MAYOR MARIE GALLO

EXHIBIT A

CHAPTER 1193

Yard Structures and Landscape Features

1193.01 Yard structures and landscape features.

1193.02 Dangerous and hazardous property line markers.

1193.03 Obstructions to view.

1193.04 Violation; legal and equitable remedies.

1193.01 YARD STRUCTURES AND LANDSCAPE FEATURES.

(a) Yard structures such as fences, trellises, walls, and landscape features such as hedges, trees and shrubs, may be permitted along the side or rear yards. Such structures and landscape features are permitted along the side and rear lot line to a maximum height of six feet. Wood fences shall be treated with wood preservative or painted and well maintained. The finished side of the fence shall be toward the neighbor.

(b) No person shall construct or install any wall, fence or other structure on any property without first making an application and obtaining a permit therefor from the Building Department. The applicant must submit a sketch showing the location, height, type of fence and distance from structures of abutting property owners. The application must be accompanied by the base application fee of fifty dollars (\$50.00) plus twenty-five cents (\$0.25) per running lineal foot.

(1) The City does not assume the responsibility of any encroachments or defining of any property lines. The property owner is responsible for ensuring the accuracy and proper placement of the fence.

(2) The Director of Public Service shall give due regard to safety factors and effect on neighborhood property values, along with other applicable requirements of the Building Code.

(c) No fence, hedge, trellis or other device used to mark boundary lines around a property, or within the property line, exceeding six feet in height, shall be erected, altered, reconstructed or relocated on any lawn adjacent to any boundary line of any lot or parcel of land, or any part thereof in the City. Permitted fences in residential districts shall include the following types: picket, ranch, board on board, chain link (top rail bar required), PVC material, split rail and stockade. Masonry walls of brick, random stone or ashlar, coursed stone or ashlar, or decorative block are permitted, subject to the approval of the Director of Public Service. Necessary drainage and/or drain tile shall be installed to ensure proper drainage. Prohibited fences include panel fences where panels are made of plastic, metal or fiberglass, wire mesh fences which have openings between the wires of larger than four

inches, individual strand-type wire fences, basket weave and barbed wire. No fence or supporting structure shall be installed in an easement or swale.

(d) Post spacing shall not exceed eight feet. All post holes should be a minimum of 30 inches deep for four-foot-high fences and 36 inches deep for fences higher than four feet, up to six feet. All terminal, corner and gate posts should be set 36 inches deep.

(e) Post holes should be at least four inches larger in diameter than the largest dimension of the post. All terminal, corner and gateposts should be set in concrete.

(f) Fences Yard structures, including but not limited to, any wall, fence, hedge, shrub, tree, other structure, or other growth, shall be permitted only in rear yards. If a residential structure has a side entrance, the fence yard structure, including but not limited to, any wall, fence, hedge, shrub, tree, other structure, or other growth, shall be no further towards the street than three feet past the side entrance on the driveway side of house. The fence yard structure, including but not limited to, any wall, fence, hedge, shrub, tree, other structure, or other growth, shall be no further towards the street than the rear of the residential structure on the non-driveway side of the residential structure.

(g) The height of any fence shall be measured using the average elevation grade at the front of the building.

(h) Erection or positioning of fences yard structures, including but not limited to, any wall, fence, hedge, shrub, tree, other structure, or other growth, on a corner lot shall not start any closer to the street than the setback of the house and not less than two feet off the sidewalk on the side of the existing property. The fence yard structure, including but not limited to, any wall, fence, hedge, shrub, tree, other structure, or other growth, on the non-street side of the property shall be no further toward the street than the rear of the residential structure, and in no case shall it extend any further toward the street than five feet past the side door, if any, on the non-street side of the property.

(i) No fence shall be erected from the sidewalk line of any property to the front projection of the building thereof, otherwise defined as the building setback line. Nothing contained in this section shall apply to shrubbery for decorative purposes, which in no event shall be permitted to grow above three feet in height when more than 15 feet from the intersection of a driveway with the public sidewalk, or 18 inches in height when less than 15 feet from the intersection of a driveway with a public sidewalk. Any trees within a side yard shall have the branches trimmed so as to provide a minimum distance of eight feet from the ground to the lowest branches when such branches are located within 15 feet of the intersection of a driveway with a public sidewalk.

(j) The supporting posts of fences, hedges, trellises or other devices used to mark or establish boundary lines around property, or within the property line, where posts are necessary, shall be erected on the side of the property being fenced. In other words, posts shall be erected on the inside of the fence, hedge, trellis, etc., and not on the outside of the fence.

(k) This section shall apply to public facility, retail, office, commercial and industrial lots, except for such lots, fences in excess of six feet in height may be approved by the Planning Commission in order to more adequately screen such lots from the view of adjacent residential property.

(l) Decorative open fencing may be constructed in a front yard and shall not exceed 30 inches in height and shall be set back a minimum of five feet from the front of the property. No chain-link, board on board or stockade fence is permitted in a front yard. Decorative fencing shall not be continuous in construction or in any way enclose the front yard.

(m) Treated wood fences must comply with current EPA regulations, or the corresponding provisions of subsequent legislation.

(Ord. 2002-12. Passed 4-8-02; Ord. 2006-18. Passed 6-12-06; Ord. 2006-18. Passed 6-12-06; Ord. 2010-13. Passed 5-10-10; Ord. 2018-33. Passed 8-1-18.)

1193.02 DANGEROUS AND HAZARDOUS PROPERTY LINE MARKERS.

No person shall install, erect, place, maintain or permit or cause the installation, erection, placement or maintenance of any stake, stick, pole, stone, rock or other dangerous or hazardous object to mark, designate or establish any property line. Any object or device which, once installed, erected, place or maintained to mark, designate or establish a property line, will be a danger to life or limb of those persons reasonably using the area in the vicinity where such object or device is located, is prohibited, and shall constitute a public nuisance and shall be subject to abatement as provided in Section 634.05.

(Ord. 2002-12. Passed 4-8-02.)

1193.03 OBSTRUCTIONS TO VIEW

No yard structure, including but not limited to, any wall, fence, hedge, shrub, tree, other structure, or other growth, shall be constructed, planted or maintained in such a manner as to obstruct the view of traffic.

(Ord. 2002-12. Passed 4-8-02.)

1193.04 VIOLATION; LEGAL AND EQUITABLE REMEDIES.

(a) Enforcement of this chapter shall be authorized by filing a criminal complaint in a court of competent jurisdiction, alleging a violation of any of the provisions of this chapter.

(b) No person shall fail or refuse to comply with any order issued by any City authority pursuant to the provisions of this chapter within the period specified for such compliance.

(c) No person shall knowingly violate any provision of this chapter.

(d) The provisions of this chapter shall apply equally to any occupant, owner, agent, superintendent, officer, member or partner, trustee or receiver who shall alone or with others have a legal or equitable ownership in the premises, or shall have possession, charge, care or control of the premises.

(e) Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. A separate offense shall be committed each day during or on which a violation occurs or continues. The application of this penalty shall be in addition to the equitable remedies.

(Ord. 2002-12. Passed 4-8-02.)