

Lyndhurst, Ohio  
May 19, 2014

The Council of the City of Lyndhurst held its Regular Meeting on Monday, May 19, 2014 at 8:07 P.M., Acting Vice Mayor Patrick A. Ward, presiding.

Members Present: Council Representatives J. A. Gambatese, C. A. LoPresti, K. C. Packard, L. A. Schlessel, D. A. Frey.

Others Present: J. M. Cicero, Jr., Mayor;  
P. T. Murphy, Director of Law;  
R. F. Porrello, Chief of Police;  
F. E. Glady III, Director of Service.  
M. A. Kovalchik, Director of Finance;  
L. M. Puskas, Building Inspector;  
M. A. Franco, Assistant Clerk of Council.

Absent: Joseph A. Marko, Chairman;  
M. J. Carroll, Chief of Fire.

It was moved by Mr. Packard, seconded by Mr. Frey, that the reading of the minutes of the Emergency Meeting of Council held Tuesday, May 6, 2014, copies of which were mailed to all Members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed unanimously.

It was moved by Mr. Packard, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, May 5, 2014, copies of which were mailed to all Members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed unanimously.

**MAYOR'S REPORT** – Mayor Cicero had no report.

**FINANCE COMMITTEE** – Chairman Ward had no report.

**PUBLIC LANDS AND BUILDINGS COMMITTEE** – Chairman Schlessel had no report.

**ROADS AND UTILITIES COMMITTEE** – Chairman Packard had no formal report; however, Mr. Packard said he received several calls from residents praising the asphalt repair on Farnhurst.

**SERVICE AND SEWERS COMMITTEE** – Chairman Gambatese had no report.

**SAFETY COMMITTEE** – Chairman LoPresti had no report.

**LEGISLATIVE COMMITTEE** – Chairman Ward had no formal report; however, he stated a meeting to discuss commercial vehicle parking will be scheduled in July.

**PLANNING COMMISSION** – Mr. Frey had no report. Mr. Frey stated the Planning Commission will not meet in the month of May.

**SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION** – No representative was present; however, Mr. Ward stated a folder from the Board of Education was placed at each seat on the dais.

The meeting was opened to public comment.

Mayor Welo, Councilmen Fiorelli and President of the South Euclid Lyndhurst Sea Monkeys, Chris Wenzler, presented Council with a Resolution for their appreciation of the continuation of reciprocity with their City.

Robert Euerle, Greenscape USA, inquired if his company could resubmit a bid for the 2014 Sidewalk Program.

Mr. Murphy explained the bid process and informed Mr. Euerle due to the errors in his bid the project was awarded to another company. Mr. Murphy told Mr. Euerle the Sidewalk Program is a yearly contract and he may submit a bid next year.

Mr. Gambatese presented Mr. Kovacs Resolution Number 2014-31, wishing Mr. Kovacs a Happy 100<sup>th</sup> Birthday.

Mr. Kovacs expressed his gratitude and presented a picture to the City.

It was moved by Mr. Schlessel, seconded by Mr. Packard, that Ordinance Numbers 2014-15, 2014-16, 2014-17, 2014-18 and 2014-19 be removed from table.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.  
Ordinance Numbers 2014-15, 2014-16, 2014-17, 2014-18 and 2014-19 are removed from table.

**RESOLUTION NO. 2014-33  
INTRODUCED BY: ADMIN**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PLAN  
OF OPERATION WITH THE STATE OF OHIO REGARDING THE TRANSFER  
OF EXCESS DEPARTMENT OF DEFENSE PERSONAL PROPERTY, AND  
DECLARING AN EMERGENCY.**

It was moved by Mr. Schlessel, seconded by Mr. Packard, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-33 be placed on third reading for final adoption and that it be highlighted.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.  
Rules Suspended.

Resolution No. 2014-33 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Resolution No. 2014-33 be adopted.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.  
Resolution No. 2014-33 is adopted.

Mr. Murphy requested each of the following Ordinances be amended on the floor to include the date of the Planning Commission Meeting, and the fact that the Planning Commission had unanimously approved the legislation.

**ORDINANCE NO. 2014-15  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1168.03 OF THE ZONING  
CODE OF THE CITY TITLED "SCHEDULE OF PERMITTED BUILDING  
AND USES"**

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2014-15 be passed.

It was moved by Mr. Frey, seconded by Mr. Packard, that Ordinance No. 2014-15 be amended as recommended by the Director of Law.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-15 (Amended) be passed.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.  
Ordinance No. 2014-15 (Amended) is passed.

**ORDINANCE NO. 2014-16  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1168.06 OF THE ZONING  
CODE OF THE CITY TITLED "SCHEDULE OF AREA, YARD AND HEIGHT  
REGULATIONS"**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-16 be passed.

It was moved by Mr. Packard, seconded by Mr. Frey, that Ordinance No. 2014-16 be amended as recommended by the Director of Law.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-16 (Amended) be passed.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.  
Ordinance No. 2014-16 (Amended) is passed.

**ORDINANCE NO. 2014-17  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1150.09 OF THE ZONING CODE OF  
THE CITY TITLED “DEFINITIONS”**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-17 be passed.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2014-17 be amended as recommended by the Director of Law.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-17 (Amended) be passed.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.  
Ordinance No. 2014-17 (Amended) is  
passed.

**ORDINANCE NO. 2014-18  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1150.09 OF THE ZONING CODE OF  
THE CITY TITLED “DEFINITIONS”**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-18 be passed.

It was moved by Mr. Gambatese, seconded by Mr. Frey, that Ordinance No. 2014-18 be amended as recommended by the Director of Law.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2014-18 (Amended) be passed.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.  
Ordinance No. 2014-18 (Amended) is  
passed.

**ORDINANCE NO. 2014-19  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF  
LYNDHURST, OHIO, SO AS TO REZONE PERMANENT PARCEL NUMBERS  
713-07-002, 003, 004 AND 005, AND 713-08-002, 003, 005, 006, 007, 008, 009, 010,  
011, 012, 013 AND 014, FROM THEIR CURRENT CLASS A- COMMUNITY  
BUSINESS DISTRICT TO CLASS B- COMMUNITY BUSINESS DISTRICT, IN  
THE CITY OF LYNDHURST, OHIO**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-19 be passed.

Mr. Murphy noted this Ordinance should be amended to include not only the date of the Planning Commission and the fact of unanimous approval, but also to include new Section 3 authorizing the Mayor to sign certain documents; the exact wording had previously been distributed to Council.

It was moved by Mr. Gambatese, seconded by Mr. Frey, that Ordinance No. 2014-19 be amended as recommended by the Director of Law.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2014-19 (Amended) be passed.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.  
Ordinance No. 2014-19 (Amended) is  
passed.

**Board of Zoning Appeals Recommendations:**

Recommendation made to Council to confirm the decision of the Board in Case No. 2014-02 to **grant** requested variance to Richard Knapp and Virginia Mattingly, from the provisions of Chapter 1161.11 (o) (2) of the Planning and Zoning Code. The applicant requests a 5.48 foot rear yard variance at 410 Acacia Circle to allow the erection of a deck.

The findings in Case No. 2014-02 as recorded in the minutes of the meeting of the Board of Zoning Appeals held May 12, 2014 were read by Mrs. Franco.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2014-02.

Roll Call: Yeas: Ward, Packard, Gambatese, Schlessel, Frey, LoPresti.  
Nays: None.

Motion carried.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that the meeting be adjourned.

The question was put to a voice vote and passed unanimously.

Approved: June 2, 2014

Meeting adjourned at 8:33 P.M.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Vice Mayor