

Lyndhurst, Ohio
August 4, 2014

The Council of the City of Lyndhurst held its Regular Meeting on Monday, August 4, 2014 at 8:05 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives J. A. Gambatese, C. A. LoPresti,
P. A. Ward, J. Price, L. A. Schlessel.

Others Present: J. M. Cicero, Jr., Mayor;
R. J. Schmidlin, Jr., Acting Director of Law;
R. F. Porrello, Chief of Police;
M. A. Kovalchik, Director of Finance;
L. M. Puskas, Building Inspector;
M. J. Carroll, Chief of Fire;
M. A. Franco, Assistant Clerk of Council.

Absent: Council Representative D. A. Frey;
P. T. Murphy, Director of Law;
F. E. Glady III, Director of Service.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, July 7, 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, with Mr. Price abstaining.

It was moved by Mr. Ward, seconded by Mr. Schlessel, that the reading of the minutes of the Special Meeting of Council held Monday, July 7, 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, with Mr. Price abstaining.

MAYOR'S REPORT – Mayor Cicero thanked Mr. Marko for filling in during his absence. Mayor Cicero announced that Mr. Patete passed away last week.

FINANCE COMMITTEE – Chairman Ward had no report.

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

ROADS AND UTILITIES COMMITTEE – Chairman Price stated he met with the City Engineer and Service Director. Mr. Price said road projects are progressing on schedule and financials are inline.

SERVICE AND SEWERS COMMITTEE – Chairman Gambatese reported he is happy contracts have been awarded and the projects will be moving along.

SAFETY COMMITTEE – Chairman LoPresti had no report.

LEGISLATIVE COMMITTEE – Chairman Ward stated a meeting will be scheduled September 2nd to discuss commercial vehicle parking, lighting and sewer assessments.

PLANNING COMMISSION – Mr. Frey was absent; therefore, he had no report.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION – Linda Reid introduced the new principal at Brush High School, Karl J. Williamson.

Mr. Williamson stated he is excited and looking forward to a great year.

SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD – Mayor Cicero announced the recipients of the Property of Distinction Awards:

Christopher and Cindylou Connell – 5395 Meadow Wood
Marilyn Weinke – 5706 Faraday
Margaret Levand – 1273 Croyden
Barbara Suszek – 926 Dalewood

The meeting was opened to public comment.

Marcus Miller, 5692 Wellington Road, expressed his concerns about speeding vehicles on his street.

Richard Clark, 5347 Chickadee, inquired why the City is holding a special election rather than waiting until November.

Mr. Ward explained waiting for the November election would not allow enough time for proper planning if there is an unfavorable outcome.

Sara and Mick Lizalde, 1315 Haverston, voiced concerns regarding a group home near their home.

Mayor Cicero stated he will investigate any issues and get back to them.

Chief Porrello encouraged Mr. and Ms. Lizalde to call the police anytime there is an issue and to tell their neighbors to do the same.

Elyzabeth DeGiovanni, 5169 Thornbury, inquired if the Properties of Distinction program could be advertised in the Sun Newspaper.

Mayor Cicero asked Mr. Jewell from the Sun Newspaper to pitch the story.

Ms. DeGiovanni questioned if the City purchased the property by the pool.

Mr. Schmidlin explained the home has been foreclosed on and will be sold at a public auction; however, Mr. Schmidlin said the house is not worth the price the bank is seeking.

Ms. DeGiovanni asked if the cities name will be removed from the library.

Mr. Marko said he does not believe the Lyndhurst name will be removed.

Ms. DeGiovanni thanked Chief Porrello and Melissa Franco for sending her A&S Animal Control invoices. Ms. DeGiovanni voiced her concerns regarding A&S Animal Control and suggested the City employ an animal warden.

Mayor Cicero explained the animal control service is much more economic than an animal warden.

Ms. DeGiovanni stated she is unhappy with the process Council used in selecting the new Councilman. Ms. DeGiovanni said she would have submitted her resume if Council had solicited resumes from the public.

George DiSanto, 1960 Caronia, inquired if the Mayor was aware of any new group homes moving into the City.

Mayor Cicero stated there are not any he is aware of.

FIRST READING

ORDINANCE NO. 2014-47

INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING SECTIONS 925.01 AND 925.02 OF CHAPTER 925 OF THE CODIFIED ORDINANCES TO ESTABLISH A RATE AND CHARGE OF RENTS TO BE PAID FOR THE USE OF THE SYSTEM OF SEWERAGE IN THE CITY OF LYNDHURST FOR TAX YEARS 2014, 2015 AND 2016 AND DECLARING AN EMERGENCY

It was moved by Mr. Ward, seconded by Mr. Schlessel, that Ordinance No. 2014-47 be placed on first reading.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.

Nays: None.

Motion carried.

Ordinance No. 2014-47 is placed on first reading.

FIRST READING
ORDINANCE NO. 2014-48
INTRODUCED BY: ADMIN

AN ORDINANCE TO PROVIDE FOR THE ASSESSMENT AND MAINTENANCE CHARGE OF THE COST AND EXPENSE OF LIGHTING CERTAIN STREETS, PUBLIC ROADS AND PARTS THEREOF, IN THE CITY OF LYNDHURST FOR THE TAX YEARS 2014, 2015, and 2016 AND DECLARING AN EMERGENCY

It was moved by Mr. Ward, seconded by Mr. Schlessel, that Ordinance No. 2014-48 be placed on first reading.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Ordinance No. 2014-48 is placed on first reading.

ORDINANCE NO. 2014-49
INTRODUCED BY:
COUNCILMAN CHARLES A.
LOPRESTI

AN ORDINANCE AMENDING SECTION 1347.01 OF THE CODIFIED ORDINANCES OF THE CITY ENTITLED "DISPLAY OF STREET NUMBERS"

It was moved by Mr. Ward, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-49 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2014-49 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2014-49 be passed.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Ordinance No. 2014-49 is passed

**ORDINANCE NO. 2014-50
INTRODUCED BY: ADMIN**

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO MUNICIPAL LEAGUE WORKERS COMPENSATION GROUP RATING PROGRAM, AUTHORIZING AN AGREEMENT WITH COMP MANAGEMENT INC. AS PART OF PARTICIPATION IN SUCH PROGRAM, AND DECLARING AN EMERGENCY

It was moved by Mr. Ward, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-50 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2014-50 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-50 be passed.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Ordinance No. 2014-50 is passed

**ORDINANCE NO. 2014-51
INTRODUCED BY: ADMIN**

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES AND DECLARING AN EMERGENCY

It was moved by Mr. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-51 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2014-51 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-51 be passed.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Ordinance No. 2014-51 is passed

**RESOLUTION NO. 2014-52
INTRODUCED BY: ADMIN**

**A RESOLUTION AUTHORIZING THE MAYOR TO JOIN THE
EASTSIDE WILDLIFE MANAGEMENT PARTNERSHIP COMPOSED OF
SEVERAL EAST SIDE COMMUNITIES, PROVIDING FUNDING FOR SAID
PARTNERSHIP, AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-52 be placed on third reading for final adoption and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Rules Suspended.

Resolution No. 2014-52 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution No. 2014-52 be adopted.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Resolution No. 2014-52 is adopted.

**ORDINANCE NO. 2014-53
INTRODUCED BY: ADMIN**

**AN ORDINANCE PARTIALLY SUSPENDING THE RULES AND
REGULATIONS REGARDING THE SALE, POSSESSION AND
CONSUMPTION OF BEER AND WINE AT THE LYNDHURST PARK DURING
LYNDHURST HOME DAYS FOR 2014 AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-53 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2014-53 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-53 be passed.

Roll Call: Yeas: Ward, Price, Gambatese, Schlessel, LoPresti, Marko.
Nays: None.

Motion carried.
Ordinance No. 2014-53 is passed

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2014-04 to **deny** the request of M. Mark LePore, 5576 Mayfield Road, for a use variance from the provisions of Chapter 1166.03 Schedule of Permitted Buildings and Uses, to allow a “retail use” in addition to the permitted uses in an Office Building Zoning District.

The findings in Case No. 2014-04 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 14, 2014 were read by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. Schlessel, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2014-04.

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

Motion carried, with
Mr. Price abstaining.

Recommendation made to Council to confirm the decision of the Board, in Case No. 2014-05 to **grant** requested variance of Eric Lee, Project Executive, The Orlean Company, for up to a twenty (20) feet variance from the provisions of Chapter 1161.11 (o)(2) of the Planning and Zoning Code, requiring a forty (40) foot rear yard setback at River Creek Cluster Housing Development, for the purpose of construction decks within the forty (40) foot setback. This request applies to sub lots 1, 2, 3, 4, 11, 12, 14, 15, 16, 17, 18, 30, 31 and 32.

The findings in Case No. 2014-05 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 14, 2014 were read by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. Schlessel, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2014-03.

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

Motion carried, with
Mr. Price abstaining.

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

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

Approved: September 2, 2014

Meeting adjourned at 8:55 P.M.

Attest: _____
Clerk of Council

Vice Mayor