

Lyndhurst, Ohio  
March 2, 2015

The Council of the City of Lyndhurst held its Regular Meeting on Monday, March 2, 2015 at 8:03 P.M., Vice Mayor Lane A. Schlessel, presiding.

Members Present: Council Representatives J. A. Gambatese, P.A. Ward, J. Price, J. A. Marko, 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;  
L. M. Puskas, Building Inspector;  
M. J. Carroll, Chief of Fire;  
M. A. Franco, Assistant Clerk of Council.

Absent: Council Representative C.A. LoPresti;  
M. A. Kovalchik, Director of Finance.

It was moved by Mr. Marko, seconded by Mr. Frey, that the reading of the minutes of the Regular Meeting of Council held Monday, February 16, 2015, 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. Ward, seconded by Mr. Marko, that the reading of the minutes of the Special Meeting of Council held Thursday, February 26, 2015, 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 thanked Council for their hard work in regards to several ordinances on this evening's agenda.

**FINANCE COMMITTEE** – Chairman Ward read the following minutes from the February 23, 2015 meeting:

The Finance Committee met Monday, February 23, 2015 at 6:05 PM. Present were members of Council, Mr. Frey, Mr. Gambatese, Mr. Marko, Mr. Price, Mr. Schlessel and Mr. Ward. Also present were Finance Director Mary Kovalchik and Mayor Cicero along with two members of the public. Mr. LoPresti is excused because of military training. The purpose of this meeting was the annual review of budget

appropriations for 2015. A copy of the Draft Appropriation Budget had been distributed to all members of Council electronically along with detailed Financial Review information in advance of the meeting for their careful evaluation in preparation for this session.

Mr. Ward opened the meeting pointing out the positive result, yet to be realized, of the residents' trust in the City's leadership and management having passed the income tax increase last August. Certainly the discussions of funding the City's general operations can be approached from a solid, but cautious, footing looking forward.

He then directed the members' attention to page 21 which highlights the "totals by department" and pointed out the impact of the "27<sup>th</sup> pay period" which is represented in this budget and occurs once every 11 years. The 27<sup>th</sup> pay, along with the anticipated impact of negotiated Collective Bargaining Agreements have the biggest impact on the numbers. Chairman Ward then turned the Committee's discussion to the consideration of General Fund Expense items as they had been presented by the various departments. The Committee considered and recommended funding the operations of the City as follows:

		MOTION	SECOND	VOTE
Police Department	\$ 4,489,426	Marko	Price	6-0
Fire Department	\$ 3,002,345	Schlessel	Gambatese	6-0
Public Health	\$ 54,884	Price	Gambatese	6-0
Planning Commission	\$ 12,512	Price	Gambatese	6-0
Board of Zoning	\$ 12,736	Price	Gambatese	6-0
Architectural Board	\$ 7,522	Price	Gambatese	6-0
Building Department	\$ 405,539	Schlessel	Price	6-0
Parks	\$ 219,066	Price	Frey	6-0
Brainard SprayPark	\$ 73,811	Price	Frey	6-0
Lyndhurst Pool	\$ 279,147	Price	Frey	6-0
Recreation Events	\$ 17,000	Schlessel	Price	6-0
CPOA	\$ 149,885	Price	Frey	6-0
Refuse Collection	\$ 711,543	Frey	Price	6-0
Recycling	\$ 255,080	Frey	Price	6-0
Leaves	\$ 155,792	Frey	Price	6-0
Trees	\$ 219,252	Schlessel	Price	6-0
Mayor	\$ 214,402	Schlessel	Gambatese	6-0
Income Tax Administration	\$ 267,000	Marko	Price	6-0
Finance Department	\$ 481,711	Price	Gambatese	6-0

Law Department	\$ 198,966	Schlessel	Gambatese	6-0
Service Department	\$ 526,813	Price	Frey	6-0
Civil Service Commission	\$ 36,934	Schlessel	Price	6-0
Council	\$ 132,680	Schlessel	Gambatese	6-0
Municipal Court	\$ 1,244,868	Schlessel	Frey	6-0
General Administrative	\$ 413,280	Marko	Price	6-0
Lands & Buildings	\$ 490,365	Schlessel	Gambatese	6-0
Statutory	\$ 450,246	Price	Gambatese	6-0
Transfers	\$ 954,709	Schlessel	Price	6-0
Engineering	\$ 41,243	Schlessel	Price	6-0
Unclaimed	\$ 5,000	Schlessel	Price	6-0

For a total GENERAL FUND amount of \$ 15,523,757

which will leave an anticipated balance, if every appropriated dollar is expended, of \$ 1,603,763 at the end of the year.

A motion was made by Mr. Price, seconded by Mr. Gambatese that the General Fund appropriations in the amount of \$ 15,523,757 be approved. A Voice vote was taken with members voting, in the same manner they had voted for every category of General Fund expense, YES.

Other Funds are budgeted as follows:

Special Revenue Funds	\$1,310,163.00
Law Enforcement Fund	\$ 20,000.00
Law Enforcement ESA Fund	\$ 10,000.00
Debt Service Fund	\$1,025,000.00
Special Assessment Funds	\$1,588,985.00
Trust & Agency Funds	\$1,199,409.00
Capital Improvement Funds	\$2,877,137.00

It was moved by Mr. Schlessel, seconded by Mr. Frey that the amounts recommended for Special Revenue, Assessment, Debt Service, Trust & Agency and Capital Improvement Funds in the amount of \$8,030,694.00 be approved. All members voted yes.

The City also administers several Court Funds which have appropriations as follows:

Court Probation Services	\$ 15,427.00
Court Special Projects	\$ 246,839.00
Court Special Projects IDIAM	\$ 13,500.00
Court Computer Fund	\$ 290,394.00
DUI-Indigent	\$ 40,000.00

It was moved by Mr. Frey, seconded by Mr. Marko that the expenditures outlined for the various Court Funds in the amount of \$606,160.00 be approved as presented. The question passed unanimously.

The Committee's discussion then turned to consideration of the Capital Requests that had been presented by the various Departments and the Lyndhurst Municipal Court to the various Committees of Council for their consideration and recommendations. The Finance Director had prepared an illustration of the various funds that service the City's capital needs which clearly shows caution must be exercised in this regard. It is fortunate the City basically has no debt but funding future needs will be a tremendous challenge.

The following individual Department amounts for Capital purchases have been approved:

	AMOUNT
Police Department requests	\$ 252,678
Fire Department requests	\$ 198,000
Building Department Requests	\$ 8,000
Lyndhurst Municipal Court requests	\$ 165,000
Public Lands & Bldg. Requests	\$ 537,150
Community Center Requests	\$ 88,275
Finance Dept./Council requests	\$ 13,495
Service Department requests	\$ 352,000
Street Improvement requests	\$1,085,939
Storm Sewer requests	\$ 145,000
Sanitary Sewer requests	\$ 453,000
Technology Upgrades	\$ 77,600
Miscellaneous Engineering requests	\$ 360,000
TOTAL ALL REQUESTS	\$3,736,137

It was moved by Mr. Price, seconded by Mr. Marko that all items be approved for funding. A voice vote was taken with all members voting aye.

The Grand Total of all Funds is \$ 24,160,611

It was moved by Mr. Schlessel, seconded by Mr. Marko, that, pursuant to ORC 121.22 (G)(8) the meeting be adjourned into Executive Session. A roll-call vote was taken with all members voting AYE. The meeting was convened in Executive Session at 6:53 pm.

Discussion was held. A motion was made by Schlessel seconded by Mr. Gambatese that the meeting be reconvened in regular session at 7:45 pm. A roll-call vote was taken with all members voting AYE.

With no further business to discuss it was moved by Mr. Price, seconded by Mr. Schlessel that the meeting be adjourned. The meeting adjourned at 7:45 p.m.

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

**ROADS AND UTILITIES COMMITTEE** – Chairman Gambatese had no report.

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

**SAFETY COMMITTEE** – Chairman LoPresti was absent; therefore, he had no report.

**LEGISLATIVE COMMITTEE** – Chairman Marko had no report.

**PLANNING COMMISSION** – Mr. Frey had no report.

**SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION** – No representative was present.

It was moved by Mr. Ward, seconded by Mr. Marko, that Ordinance Number 2015-21 be added to the Agenda.

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

Motion carried.  
Ordinance Number 2015-21 is added to the Agenda.

The meeting was opened to public comment.

Elyzabeth DeGiovanni, 5169 Thornbury, asked the status of the Sunoco Gas Station and Abo's Restaurant.

Mayor Cicero said there is not an update from the state on the Sunoco Gas Station at this time, but it is on the market.

Mr. Schlessel informed Ms. DeGiovanni workers are working on the inside of Abo's Restaurant.

Ms. DeGiovanni inquired if City Employees contribute to their health insurance premiums.

Mayor Cicero stated employees pay 5% contribution to their premium.

Ms. DeGiovanni asked for information regarding the Legacy Village Hotel.

Mayor Cicero explained the plan for the Hyatt Hotel at Legacy Village.

**FIRST READING**  
**ORDINANCE NO. 2015-16**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1388.02 OF THE BUILDING AND HOUSING CODE REGULATING THE REGISTRATION AND INSPECTION OF ONE, TWO AND THREE FAMILY RESIDENTIAL RENTAL PROPERTY**

It was moved by Mr. Ward, seconded by Mr. Marko, that Ordinance No. 2015-16 be placed on first reading.

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

Motion carried.  
Ordinance No. 2015-16 is place on first reading.

**ORDINANCE NO. 2015-17**  
**INTRODUCED BY: ADMIN**

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD ENDING DECEMBER 31, 2015 REPEALING ORDINANCE NO. 2014-75 AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-17 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-17 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Frey, that Ordinance No. 2015-17 be passed.

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

Motion carried.  
Ordinance No. 2015-17 is passed

**ORDINANCE NO. 2015-18  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING TRANSFERS AND ADVANCES 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. 2015-18 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-18 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-18 be passed.

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

Motion carried.  
Ordinance No. 2015-18 is passed

**FIRST READING**  
**ORDINANCE NO. 2015-19**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS; EXEMPTING SUCH IMPROVEMENTS FROM AD VALOREM REAL PROPERTY TAXATION; REQUIRING THE OWNER OF THE IMPROVEMENTS TO MAKE SERVICE PAYMENTS IN LIEU OF AD VALOREM REAL PROPERTY TAXES; AUTHORIZING THE EXECUTION OF A COMPENSATION AGREEMENT AMONG THE CITY, SOUTH EUCLID-LYNDHURST CITY SCHOOL DISTRICT AND LEGACY VILLAGE HOTEL LAND LLC; AUTHORIZING THE EXECUTION OF A TAX-LIEN SALE AGREEMENT BETWEEN THE CITY AND THE TREASURER OF THE COUNTY OF CUYAHOGA; AND ESTABLISHING A MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS IN LIEU OF AD VALOREM PROPERTY TAXES, ALL PURSUANT TO SECTIONS 5709.40, 5709.42 AND 5709.43 OF THE REVISED CODE; AND DECLARING AN EMERGENCY.**

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance No. 2015-19 be placed on first reading.

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

Motion carried.  
Ordinance No. 2015-19 is place on first reading.

**FIRST READING**  
**ORDINANCE NO. 2015-20**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A (i) COOPERATIVE AGREEMENT AMONG THE CITY, THE CLEVELAND-CUYAHOGA COUNTY PORT AUTHORITY, LEGACY VILLAGE HOTEL LAND LLC, THE DIRECTOR OF OHIO DEVELOPMENT SERVICES AGENCY AND THE HUNTINGTON NATIONAL BANK; AND (ii) CONTINUING DISCLOSURE AGREEMENT; AND AUTHORIZING THE PREPARATION AND INCLUSION OF DISCLOSURE REGARDING THE CITY IN A PRIMARY OFFERING DOCUMENT TO BE DISSEMINATED IN CONNECTION WITH THE SALE OF CERTAIN PORT AUTHORITY BONDS; AND DECLARING AN EMERGENCY.**

It was moved by Mr. Ward, seconded by Mr. Marko, that Ordinance No. 2015-20 be placed on first reading.

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

Motion carried.  
Ordinance No. 2015-20 is place on first reading.

**ORDINANCE NO. 2015-21**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING THE PURCHASE OF CUYAHOGA COUNTY PERMANENT PARCEL NO. 712-13-112 FROM TRACY L. NAGEL, AND DECLARING AN EMERGENCY.**

It was moved by Mr. Ward, seconded by Mr. Marko, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-21 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.



Ordinance No. 2015-21 was highlighted by Mrs. Franco, with Section 9 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Ward, that Ordinance No. 2015-21 be passed.

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

Motion carried.  
Ordinance No. 2015-21 is passed

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.

Meeting adjourned at 8:23 P.M.

Approved: March 16, 2015

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

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