

Lyndhurst, Ohio
May 4, 2015

The Council of the City of Lyndhurst held its Regular Meeting on Monday, May 4, 2015 at 8:02 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: 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;
J. M. Cicero, Jr., Mayor;
M. A. Kovalchik, Director of Finance.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, April 20, 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, with Mr. Frey abstaining.

MAYOR'S REPORT – Mayor Cicero was absent; therefore, he had no report.

FINANCE COMMITTEE – Chairman Ward had no report.

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 stated the committee met prior to the Council Meeting and minutes will be forthcoming.

PLANNING COMMISSION – Mr. Frey had no report.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION – Stefanie Rhine reported state testing is complete. Ms. Rhine said the district earned a B for the K-3 literacy rating. Ms. Rhine stated the district has expanded the gifted program. Ms. Rhine reported students Erin Butler, Alexa Walters and Brune Boukobza all received Superior Awards at the Invention Convention. Ms. Rhine said Sunview, Adrian, Rowland, Greenview and Memorial are getting new science classrooms. Ms. Rhine stated auto mechanics and cosmetology will no longer be housed within the SEL District but the programs will be offered though other districts, final details are being worked out. Ms. Rhine announced Brush High School senior student athletes Asya Reynolds, Jeremiah Patterson, Tijuan Day and Marcel Rice signed national letters-of-intent.

It was moved by Mr. Ward, seconded by Mr. Marko, that Resolution Number 2015-36 be added to the Agenda.

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

Motion carried.
Resolution Number 2015-36 is added to the Agenda.

It was moved by Mr. Ward, seconded by Mr. Marko, that Resolution Number 2015-35 be moved to the beginning of legislation portion of the Agenda.

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

Motion carried.
Resolution Number 2015-35 is moved to the beginning of legislation portion of the Agenda.

The meeting was opened to public comment.

Marcus Miller, 5692 Wellington Road, voiced his concerns about speeding traffic on Wellington Road.

Katherine Smith, 5659 Wellington Road, inquired if Lyndhurst Police have acquired CPR Training.

Chief Porrello stated the Police and Fire Department are currently working together to schedule annual training sessions.

Ms. Smith asked if AED machines will be placed in police vehicles.

Chief Porrello explained the department is looking into additional AED units and training through the fire department.

Mr. Schlessel stated the Business Expo will be held May 7th, from 2:30PM – 7:00PM, 700 Beta Drive.

**RESOLUTION NO. 2015-35
INTRODUCED BY: ADMIN**

A RESOLUTION EXPRESSING COMMENDATION AND SINCERE APPRECIATION TO LIEUTENANT BARRY SAGUE FOR SERVICE RENDERED FOR, TO AND ON BEHALF OF THE CITIZENS OF THE CITY OF LYNDBURST, OHIO AS A LAW ENFORCEMENT OFFICER.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances that Resolution No. 2015-35 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

Resolution No. 2015-35 was read in its entirety by Mr. Ward.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Resolution No. 2015-35 be adopted.

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

Motion carried.
Resolution No. 2015-35 is adopted.

**ORDINANCE NO. 2015 – 30
INTRODUCED BY: ADMIN**

AN ORDINANCE AUTHORIZING THE CITY TO PARTICIPATE IN A CONSORTIUM TO SOLICIT PROPOSALS FOR RECYCLING PROCESSING SERVICES, AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS ASSOCIATED THEREWITH, 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. 2015-30 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. 2015-30 was highlighted by Mrs. Franco, with Section 7 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Marko, that Ordinance No. 2015-30 be passed.

Mr. Ward thanked Mr. Glady for his leadership with the solid waste efforts.

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

Motion carried.
Ordinance No. 2015-30 is passed.

**ORDINANCE NO. 2015 - 31
INTRODUCED BY: ADMIN**

**AN ORDINANCE TO LEVY ASSESSMENTS FOR THE
CONSTRUCTION OR REPAIR OF SIDEWALKS IN 2015 ON CERTAIN
STREETS IN THE CITY OF LYNDBURST, AND DECLARING AN
EMERGENCY.**

It was moved by Mr. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-31 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. 2015-31 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-31 be passed.

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

Motion carried.
Ordinance No. 2015-31 is passed.

**RESOLUTION NO. 2015-32
INTRODUCED BY: ADMIN**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN OPERATION AND MAINTENANCE AGREEMENT WITH WXZ RETAIL GROUP/LYNDBURST, LLC, AND THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY TO ENSURE ENGINEERING CONTROL AND GROUND WATER REMEDY ON THE PROPERTY KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL NUMBERS 712-21-012, 712-21-013, 712-21-014 AND 712-21-015, 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. 2015-32 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Mr. Murphy explained Resolution No. 2015-32 and Resolution No. 2015-33.

Resolution No. 2015-32 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Frey, that Resolution No. 2015-32 be adopted.

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

Motion carried.
Resolution No. 2015-32 is adopted.

**RESOLUTION NO. 2015-33
INTRODUCED BY: ADMIN**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENVIRONMENTAL COVENANT WITH 5637 MAYFIELD HOLDINGS, LLC, SUCCESSOR IN INTEREST TO WXZ RETAIL GROUP/LYNDBURST, LLC, AND THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY TO SET OUT ACTIVITY AND USE LIMITATIONS ON THE PROPERTY KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL NUMBERS 712-21-012, 712-21-013, 712-21-014 AND 712-21-015, AND DECLARING AN EMERGENCY.

It was moved by Mr. Marko, seconded by Mr. Ward, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2015-33 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2015-33 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Marko, that Resolution No. 2015-33 be adopted.

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

Motion carried.
Resolution No. 2015-33 is adopted.

**ORDINANCE NO. 2015-34
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. 2015-17 AND
DECLARING AN EMERGENCY.**

It was moved by Mr. Ward, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-34 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. 2015-34 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Ward, that Ordinance No. 2015-34 be passed.

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

Motion carried.
Ordinance No. 2015-34 is passed.

**RESOLUTION NO. 2015-36
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE CITY OF LYNDHURST,
OHIO TO PARTICIPATE IN THE OHIO DEPARTMENT OF
TRANSPORTATION'S BULK ROAD SALT PROGRAM FOR THE
2015-16 WINTER SEASON, AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2015-36 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2015-36 was highlighted by Mrs. Franco, with Section 7 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Frey, that Resolution No. 2015-36 be adopted.

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

Motion carried.
Resolution No. 2015-36 is adopted.

Planning Commission Decision:

It was moved by Mr. Ward, seconded by Mr. Marko, to note the Planning Commission's approval to adopt the final development plans for the proposed new hotel and parking garage at Legacy Village.

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

Motion carried.

In response to request for same, it was moved by Mr. Ward, seconded by Mr. Marko, that the Clerk be and she is hereby authorized and directed to advertise for bids for the 2015 Sidewalk Program.

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 8:38 P.M.

Approved: May 18, 2015

Attest: _____
Clerk of Council

Vice Mayor