

Lyndhurst, Ohio  
July 6, 2015

The Council of the City of Lyndhurst held its Regular Meeting on Monday, July 6, 2015 at 8:04 P.M., Vice Mayor Lane A. Schlessel, presiding.

Members Present: Council Representatives J. A. Gambatese, C.A. LoPresti, P.A. Ward, J. Price, 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 J.A. Marko;  
J. M. Cicero, Jr., Mayor;  
M. A. Kovalchik, Director of Finance.

The Oath of Office was administered to Captain Ryan Procop.  
The Oath of Office was administered to Lieutenant Jeff Fisher.

It was moved by Mr. Ward, seconded by Mr. Frey, that the reading of the minutes of the Regular Meeting of Council held Monday, June 1, 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 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; however he stated the committee will be meeting prior to the August Council Meeting.

**SAFETY COMMITTEE** – Chairman LoPresti stated free smoke detectors are still available through the Fire Department, if you meet certain criteria. The Community Center is offering individually sized bicycle helmet fittings for ten dollars (\$10.00). Mr. LoPresti aired the next concert in the park is Wednesday, July 15<sup>th</sup>.

**LEGISLATIVE COMMITTEE** – Chairman Marko was absent; therefore, he had no report.

**PLANNING COMMISSION** – Mr. Frey had no report; however, he stated the Planning Commission met June 25<sup>th</sup> to discuss the lot split that is on Councils agenda this evening. The recommendation of the Planning Commission is to approve the lot split.

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

**SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD** – Councilman Ward announced the recipients of the Property of Distinction Awards:

Kenneth and Karen Urda - 5553 Harleston Drive  
Kathleen Hughes - 1297 Rae Road  
Peter and Kathleen Macewan - 4970 Countryside Road  
Anthony and Gina Perlatti - 4980 N. Barton Road

The meeting was opened to public comment.

Richard Silverman, 5437 Bluebell, stated the electric company placed a new pole in his yard that left a mess. Mr. Silverman said he does not know if the installation is complete.

Mr. Schlessel stated he would contact First Energy for an update and pass the information onto Mr. Silverman.

Debra Wightman, 1091 Churchill, expressed her concern regarding the strip of land next to her property. Ms. Wightman said the land is overgrown and the City continues to send her letters stating she needs to clean up the land. Ms. Wightman stated she has the deed restrictions, the land is not hers and she would appreciate the City cleaning up the land.

Mike and Sharon Greenawalt, 1308 Gordon, stated their basement flooded during the last storm, and they would like the City to verify the sewers around their home are clear.

Mr. Schlessel stated the City is addressing sewer systems throughout the City, the Service and Sewers Committee will be meeting to discuss last week's storm, as soon as the City has any updates Mr. Schlessel stated he will contact Mr. and Ms. Greenawalt with that information.

Dennis Gustavson, 4907 Westbourne, inquired what the City is doing to control the deer population.

Mr. Schlessel stated the City is working with other communities to look for potential solutions.

Mr. Gustavson asked for an explanation of Ordinance 2015-51.

Mr. Ward briefly explained 2015-51, Mr. Ward also aired the City will be having a Public Hearing on August 3<sup>rd</sup> to discuss Ordinance 2015-51.

Elyzabeth DeGiovanni, 5169 Thornbury, inquired if an Ordinance exists that states how long a City Vehicle can sit and idle.

Mr. Murphy stated there is not an Ordinance.

Ms. DeGiovanni asked if garbage bags that are placed next to the garbage can get picked up.

Mr. Glady stated if an item is too large to fit into the garbage can, it will automatically be picked up; however, if there are extra garbage bags the resident needs to call the Service Department to have them picked up.

Ms. DeGiovanni inquired why all the cracks on Thornbury have not been patched.

Mr. Glady stated the cracks have to be a certain size and depth for the patch to adhere.

Ms. DeGiovanni asked how many garage sales a resident can have in a year.

Mr. Schlessel said two.

Ms. DeGiovanni advised Council a Mayfield Road resident has already had several this year.

Ms. DeGiovanni inquired what the guidelines will be for the Senior Snow Plow program.

Mr. Schlessel stated the process and procedures are still under review.

Marie Tyree, 1103 Churchill, expressed her concern regarding the foreclosed home next to her home. Ms. Tyree stated the home was sold at a sheriff's sale and inquired how long it would be vacant.

Mr. Murphy explained the process to Ms. Tyree.

**ORDINANCE NO. 2015 - 46**  
**INTRODUCED BY: ADMIN**

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND  
OTHER EXPENDITURES OF THE CITY OF LYNDBURST FOR THE PERIOD  
ENDING DECEMBER 31, 2015 REPEALING ORDINANCE NO. 2015-34 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. 2015-46 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-46 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2015-46 be passed.

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

Motion carried.  
Ordinance No. 2015-46 is passed.

**ORDINANCE NO. 2015-47  
INTRODUCED BY: ADMIN**

**AN ORDINANCE ADOPTING THE 2016 TAX BUDGET 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. 2015-47 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-47 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2015-47 be passed.

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

Motion carried.  
Ordinance No. 2015-47 is passed.

**ORDINANCE NO. 2015-48  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING CHAPTER 143 OF THE CODIFIED  
ORDINANCES OF THE CITY ENTITLED "FIRE DEPARTMENT" BY  
AMENDING SECTION 143.05 REGARDING MAXIMUM AGE OF  
APPOINTEES, 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. 2015-48 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-48 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2015-48 be passed.

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

Motion carried.  
Ordinance No. 2015-48 is passed.

**ORDINANCE NO. 2015-49  
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. 2015-49 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-49 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No. 2015-49 be passed.

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

Motion carried.  
Ordinance No. 2015-49 is passed.

**ORDINANCE NO. 2015-50  
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. 2015-50 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-50 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No. 2015-50 be passed.

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

Motion carried.  
Ordinance No. 2015-50 is passed.

**FIRST READING  
ORDINANCE NO. 2015-51  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$30,000,000 CITY OF LYNDHURST, OHIO ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2015 (HAWKEN SCHOOL PROJECT) FOR THE PURPOSE OF MAKING A LOAN TO ASSIST HAWKEN SCHOOL IN THE FINANCING AND REFINANCING OF COSTS OF A "PROJECT" WITHIN THE MEANING OF CHAPTER 165, OHIO REVISED CODE; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT PERTAINING TO THE PROJECT AND A TRUST INDENTURE SECURING THE PAYMENT OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS, AND DECLARING AN EMERGENCY.**

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-51 be placed on first reading.

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

Motion carried.  
Ordinance No. 2015-51 is place on first reading.

**ORDINANCE NO. 2015-52  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF LYNDHURST TO ENTER INTO A JOINT CONSTRUCTION AGREEMENT WITH THE SOUTH EUCLID-LYNDHURST CITY SCHOOL DISTRICT PROVIDING FOR THE EXTENSION OF THE BRAINARD PARK FITNESS TRAIL, 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. 2015-52 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-52 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No. 2015-52 be passed.

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

Motion carried.  
Ordinance No. 2015-52 is passed.

**ORDINANCE NO. 2015-53  
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 2015 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. 2015-53 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-53 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-53 be amended to read September 11, 12 and 13 in Section 1 and September 11 in Section 3.

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

Motion carried.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-53 as amended be passed.

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

Motion carried.  
Ordinance No. 2015-53 (Amended) is passed.

**ORDINANCE NO. 2015-54  
INTRODUCED BY: VICE  
MAYOR LANE SCHLESSEL**

**AN ORDINANCE DETERMINING TO RESCHEDULE THE FIRST  
REGULAR MEETING OF COUNCIL IN AUGUST, 2015 FROM 8:00 P.M. TO  
7:00 P.M., 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. 2015-54 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.



Ordinance No. 2015-54 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No. 2015-54 be passed.

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

Motion carried.  
Ordinance No. 2015-54 is passed.

### **Board of Zoning Appeals Recommendations:**

Recommendation made to Council to confirm the decision of the Board in Case No. 2015-02 to **grant** the request of Perrino Builders, representing Stephen and Laura Imbornoni of 330 Eagle Point Drive for a variance from provisions of Chapter 1323.03 of the Building Code. The applicants request up to and not to exceed eleven (11) additional feet of driveway width variance. The widening will be more than the allowed forty (40) percent of the average width of the front yard area (allowed twenty (20) feet).

The findings in Case No. 2015-02 as recorded in the minutes of the meeting of the Board of Zoning Appeals held June 8, 2015 were read by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2015-02.

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

Motion carried.

### **Planning Commission Recommendations:**

Recommendation is made to Council to **approve** a lot consolidation and lot split, as submitted by Charles B. Essreg, on the behalf of Israel Blackman, for the purpose of building a new grocery store, provided the subplot furthest to the east is checked for accuracy in the legal description.

It was moved by Mr. Ward, seconded by Mr. Price, that Council approve the recommendation of the Planning Commission to approve a lot consolidation and lot split, as submitted by Charles B. Essreg, on the behalf of Israel Blackman, for the purpose of building a new grocery store, provided the subplot furthest to the east is checked for accuracy in the legal description.

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

Motion carried.

It was moved by Mr. Ward, seconded by Mr. LoPresti that Traffic Directive #156 be noted with no changes.

It was moved by Mr. Ward, seconded by Mr. Gambatese that Traffic Directive #157 be noted with no changes.

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 8:59 P.M.

Approved: August 3, 2015

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

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