

Lyndhurst, Ohio  
September 8, 2015

The Council of the City of Lyndhurst held its Regular Meeting on Tuesday, September 8, 2015 at 7:33 P.M., Vice Mayor Lane A. Schlessel, presiding.

Members Present: Council Representatives J. A. Gambatese, C.A. LoPresti,  
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. A. Franco, Assistant Clerk of Council.

Absent: J. M. Cicero, Jr., Mayor;  
M. J. Carroll, Chief of Fire;  
M. A. Kovalchik, Director of Finance.

The Oath of Office was administered to Police Officer, Allan Beil.

It was moved by Mr. Marko, seconded by Mr. Ward, that the reading of the minutes of the Regular Meeting of Council held Monday, August 3, 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. Marko 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.

Mr. Frey suggested scheduling a Public Lands and Building Committee Meeting to discuss possible improvements at the pool.

Mr. Ward agreed, the meeting will be scheduled prior to the October 5<sup>th</sup> meeting.

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

**SERVICE AND SEWERS COMMITTEE** – Chairman Price submitted the following minutes into the record:

Members present: Jeff Price, Patrick Ward, David Frey  
Other members of Council in attendance: Lane Schlessel, Joseph Marko, Charles LoPresti, Joseph Gambatese  
Director of Service: Rick Glady  
City Engineer: Jeff Filarski

The Service and Sewers Committee met Monday, August 3, 2015 at 6:00 pm.  
An opening statement was read by Committee Chair Jeff Price.

“On June 27, 2015, following several weeks of wet weather; our area was hit with heavy rainfall. For the first time in over a decade our dispatch center received numerous calls to report water ponded on streets and back-ups into basements. Beginning that day, I and my colleagues began reviewing where issues were reported to see if there were factors, aside from the heavy rainfall and already saturated ground, contributing to what residents were experiencing.

Our crews were out that very day, assisting where they could and documenting the conditions found. They have worked non-stop since, jetting mains and investigating lines to identify any abnormalities.

Also noted, during this event, areas where there have traditionally been problems such as on Brainard Road across from Kindred where the pump station was put in no back-ups were reported.

The purpose of this meeting is to share with the Committee the insights our personnel and our City Engineer have gathered after analyzing the effects of this storm event.”

6:05 City Engineer Jeff Filarski

- Provided an overview of what was experienced on June 27, 2015 with the extensive rainfall and how the City of Lyndhurst handles this storm water.
- Shared the dollar amount spent annually by the service department on city sewers.
- Displayed a map of those residents who reported water issues on June 27, 2015 to where they were located within the city.

6:10 Director of Service Rick Glady

- Recommended that the community please call in to the Service Department and report flooding.
- 120 calls were responded to by the Service Department for reported flooding
- The City of Lyndhurst has more 6000 parcels and the 120 calls represent 2% of the total reported by calling the Service Department.
- Problems can start at the house, as many homes were built in the 1950's, and 1960's.
- Lyndhurst had approximately 13 inches of rain reported on June 27<sup>th</sup> on top of what has been reported as the 2<sup>nd</sup> wettest June on record.
- Area grounds were saturated and the rain had nowhere to go.

6:13 Councilman Patrick Ward

- Review signup sheet for those community members present for the meeting. As not all in attendance had reported and noted on the overview map presented during the meeting.

6:15 Councilman Joseph Gambatese

- Reminded Residents to please call into the Service Department so it can be documented in the database.

6:16 Vote to Adjourn Vote in favor 3-0

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

**LEGISLATIVE COMMITTEE** – Chairman Marko stated the Law Director will be researching privacy laws in regards to the use of drones from private citizens.

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

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

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

- Nessa Siegel – 5264 Dogwood Trail
- Scott and Patricia Karn – 1123 Irene Road
- Michael and Mary Huebner – 1651 Edgefield Road
- William and Mary Schlaudecker – 4990 South Barton Road

It was moved by Mr. Ward, seconded by Mr. Frey, that Resolution Number 2015-74 be added to the Agenda.

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

Motion carried.  
Resolution Number 2015-74 is added to the Agenda.

It was moved by Mr. Ward, seconded by Mr. Frey, that Resolution Number 2015-72 be moved to the beginning of legislation portion of the Agenda.

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

Motion carried.  
Resolution Number 2015-72 is moved to the beginning of legislation portion of the Agenda.

The meeting was opened to public comment.

Arthur Alves, 1898 Aldersgate, asked the status of the gas station across the street.

Mr. Ward stated the Architectural Board of Review recently met with the new owners to review plans for the gas station.

E. Dale Inkley, 5126 E. Farnhurst, expressed his concern about traffic from Get Go turning onto Parkview. Mr. Inkley suggested the City place a sign that reads: "Do Not Block North Bound Parkview When Exiting To Left".

Elyzabeth DeGiovanni, 5169 Thornbury, said she hopes vacancies on Council are advertised to the public.

Ms. DeGiovanni asked for an update on the new restaurant across the street.

Larry Puskas said the owner is anticipating open in three weeks.

Mr. Ward announced this weekend is Lyndhurst Homedays. Mr. Ward also aired September 19<sup>th</sup> is Council Coffee.

**RESOLUTION NO. 2015-72  
INTRODUCED BY: ADMIN**

**A RESOLUTION EXPRESSING COMMENDATION AND SINCERE  
APPRECIATION TO PATROLMAN PETER MESSINA FOR SERVICE RENDERED  
FOR, TO AND ON BEHALF OF THE CITIZENS OF THE CITY OF LYNDHURST,  
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. 2015-72 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.  
Rules Suspended.

Resolution No. 2015-72 was read in its entirety by Mrs. Franco.

Mr. Gambatese wished Mr. Messina the best in retirement and thanked him for his service.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Resolution No. 2015-72 be adopted.

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

Motion carried.  
Resolution No. 2015-72 is adopted.

**ORDINANCE NO. 2015-63**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BROWNING FERRIS INDUSTRIES OF OHIO, INC., FOR THE PROVISION OF SOLID WASTE TRANSFER AND DISPOSAL SERVICES AND DECLARING AN EMERGENCY.**

It was moved by Mr. Ward, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-63 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-63 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-63 be passed.

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

Motion carried.  
Ordinance No. 2015-63 is passed.

**ORDINANCE NO. 2015 - 64**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH KIMBLE TRANSFER & RECYCLING FOR THE PROVISION OF RECYCLING PROCESSING SERVICES AND DECLARING AN EMERGENCY.**

It was moved by Mr. Marko, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-64 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-64 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2015-64 be passed.

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

Motion carried.  
Ordinance No. 2015-64 is passed.

**ORDINANCE NO. 2015-65  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AGREEMENTS AND CONTRACTS WITH VARIOUS INSURANCE CARRIERS RECOMMENDED BY JACKSON, DIEKEN & ASSOCIATES, INC., TO PROVIDE THE NEEDED INSURANCE COVERAGE REQUIRED BY THE CITY OF LYNDHURST 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. 2015-65 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-65 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. Ward, that Ordinance No. 2015-65 be passed.

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

Motion carried.  
Ordinance No. 2015-65 is passed.

**FIRST READING**  
**ORDINANCE NO. 2015-66**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE ENACTING SECTION 1150.09(c)(63A) OF THE ZONING CODE OF THE CITY titled “DEFINITIONS”**

It was moved by Mr. Ward, seconded by Mr. Marko, that Ordinance No. 2015-66 be placed on first reading.

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

Motion carried.  
Ordinance No. 2015-66 is place on first reading.

**FIRST READING**  
**ORDINANCE NO. 2015-67**  
**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. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-67 be placed on first reading.

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

Motion carried.  
Ordinance No. 2015-67 is place on first reading.

**FIRST READING**  
**ORDINANCE NO: 2015-68**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1176.07(c) OF THE ZONING CODE OF THE CITY ENTITLED “OTHER PROHIBITED USES”**

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-68 be placed on first reading.

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

Motion carried.  
Ordinance No. 2015-68 is place on first reading.

**ORDINANCE NO: 2015-69**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 618.12 OF THE CODIFIED ORDINANCES OF THE CITY ENTITLED “HUNTING AND TRAPPING REGULATED”, AND SECTION 618.125 ENTITLED “SPECIAL PERMITS FOR REMOVAL OF EXCESSIVE NUISANCE ANIMALS”**

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. 2015-69 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-69 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-69 be passed.

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

Motion carried.  
Ordinance No. 2015-69 is passed.

**ORDINANCE NO. 2015-70**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE TO LEVY ASSESSMENTS FOR THE CONSTRUCTION OR REPAIR OF SIDEWALKS 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. 2015-70 be placed on third reading for final passage and that it be highlighted.



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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-70 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. 2015-70 be passed.

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

Motion carried.  
Ordinance No. 2015-70 is passed.

**RESOLUTION NO. 2015-71  
INTRODUCED BY: ADMIN**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A  
RENEWAL OF THE CUYAHOGA COUNTY BUSINESS RETENTION &  
ATTRACTION PROTOCOL, 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 Resolution No. 2015-71 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Resolution No. 2015-71 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Ward, that Resolution No. 2015-71 be adopted.

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

Motion carried.  
Resolution No. 2015-71 is adopted.

**ORDINANCE NO. 2015-73  
INTRODUCED BY: ADMIN**

**AN ORDINANCE PROVIDING THE CONSENT OF THE CITY OF LYNDHURST TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE BRAINARD/CEDAR SAFETY UPGRADING PROJECT, EXPRESSING ITS INTENTION TO COOPERATE IN THE DESIGN AND CONSTRUCTION OF SAID PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO ALL AGREEMENTS NECESSARY TO INITIATE AND COMPLETE SAID PROJECT, 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. 2015-73 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2015-73 was highlighted by Mrs. Franco, with emergency clause being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-73 be passed.

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

Motion carried.  
Ordinance No. 2015-73 is passed.

**RESOLUTION NO. 2015-74  
INTRODUCED BY: ALL  
MEMBERS OF COUNCIL**

**A RESOLUTION EXPRESSING COMMENDATION AND SINCERE APPRECIATION TO THE MAYOR JOSEPH M. CICERO JR. FOR SERVICES RENDERED TO THE RESIDENTS OF THE CITY OF LYNDHURST AND TO SENIOR TRANSPORTATION CONNECTION**

It was moved by Mr. Ward, seconded by Mr. Marko, that rules set forth under Section 123.01 of the Codified Ordinances that Resolution No. 2015-74 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.  
Rules Suspended.

Resolution No. 2015-74 was read in its entirety by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Resolution No. 2015-74 be adopted.

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

Motion carried.

Resolution No. 2015-74 is adopted.

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

Recommendation made to Council to confirm the decision of the Board in Case No. 2015-03 to **grant** the request of Mr. John Fisher, Wald & Fisher, Inc., owner of The Greens of Lyndhurst, 5658 through 5710 Mayfield Road, for a variance from Chapter 1170.09 Ground Signs, of the Planning and Zoning Code, to permit the replacement of an existing nineteen and a half (19 ½) square foot second ground sign with a new forty (40) square foot ground sign, for the purpose of identifying two tenants in lieu of one on the current sign.

The findings in Case No. 2015-03 as recorded in the minutes of the meeting of the Board of Zoning Appeals held August 10, 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. 2015-03.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2015-04, to **grant** the request of Mr. Michael A. Ross, dba M.A.R. Landscaping, and Carri A. Engbert, of 1143 Gordon Road, for a variance for one year, from Chapter 1160.04 (a)(2) A & B, of the Planning and Zoning Code, to permit the parking of a commercial vehicle outside of a garage.

The findings in Case No. 2015-04 as recorded in the minutes of the meeting of the Board of Zoning Appeals held August 10, 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. 2015-04.

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

Motion carried.

It was moved by Mr. Ward, seconded by Mr. Gambatese that Traffic Directive #158 be noted with no changes.

Correspondence from the Ohio Division of Liquor Control new permit for Lyndhurst Tamazula, LLC, DBA Los Rancheros, 5708 Mayfield Road, was noted with no hearing being requested.

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

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

Meeting adjourned at 8:18 P.M.

Approved: September 21, 2015

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

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