

Lyndhurst, Ohio  
September 21, 2015

The Council of the City of Lyndhurst held its Regular Meeting on Monday, September 21, 2015 at 7:32 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;  
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 J.A. Marko;  
J. M. Cicero, Jr., Mayor.

The Oath of Office was administered to Lieutenant, Steven DeBow.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that the reading of the minutes of the Regular Meeting of Council held Tuesday, September 8, 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; however, Mr. Ward stated a meeting will be scheduled prior to next meeting.

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

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

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

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

**PLANNING COMMISSION** – Mr. Frey announced this Thursday, September 24<sup>th</sup>, the Planning Commission will meet at 7:30PM.

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

Mr. Schlessel welcomed former Councilwoman, Eunice Horton to the meeting.

The meeting was opened to public comment.

E. Dale Inkley, 5126 E. Farnhurst, expressed his concern regarding parking of commercial vehicles. Mr. Inkley urges Council to support the decision of the Planning and Zoning Committee.

Aaron Mendelsohn, 2021 Lyndway, asked Council to consider moving Halloween from Saturday to Thursday, October 29<sup>th</sup>.

Dennis Gustavson, 4907 Westbourne, inquired if the City has a plan for the over population of deer.

Mr. Ward explained the City applied for a permit for trapping and removing deer; however, the City has not yet been granted a permit.

Mr. Gustavson asked Chief Porrello if the City issues tickets to people that are illegally using handicap placards.

Chief Porrello stated he is not aware of any.

Mr. Gustavson agreed parking of commercial vehicles on residential property should not be allowed.

Elyzabeth DeGiovanni, 5169 Thornbury, asked for Council to explain Ordinance 2015-76.

Mr. Schlessel explained the Ordinance.

Ms. DeGiovanni inquired if the City has an Ordinance regarding bicyclists.

Mr. Schlessel stated bicyclists should follow the traffic laws.

Ms. DeGiovanni asked if the City purchased the house on Irene, and if so what are the plans for it.

Mr. Schlessel stated the City did purchase the house on Irene but no plans have been discussed.

Ms. DeGiovanni inquired about the home on Thornbury next to the pool.

Mr. Schlessel stated the house on Thornbury has been sold and the new owners have begun renovation.

Marge Cirillo, 5173 Graham, questioned why councilmen are not informed of block parties. Ms. Cirillo said when residents call for a block party permit and request a fire/police vehicle to attend the councilperson should be contacted and asked to attend.

Mr. Ward explained the process does not go through the Fire/Police Department it is handled by the Mayor's office. Mr. Ward stated the process will change and the councilperson will now be contacted.

Elyzabeth DeGiovanni, 5169 Thornbury, thanked Council for a wonderful Council Coffee.

Mr. Frey explained Ordinance 2015-76 strengthens the definition of commercial vehicles regardless of it registration with the Bureau of Motor Vehicles.

Mr. Frey aired this Saturday night Brush will be hosting the Band Spectacular.

Mr. Ward thanked everyone for their help with the Council Coffee.

Mr. Gambatese thanked the Home Day Committee for their hard work, and also thanked Mr. Frey's daughter for the parade.

Mr. Murphy explained bicyclists must obey all traffic signs, and should ride in a signal file line.

**SECOND 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. Frey, that Ordinance No. 2015-66 be placed on second reading.

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

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

**SECOND 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. Price, that Ordinance No. 2015-67 be placed on second reading.

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

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

**SECOND 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. Frey, that Ordinance No. 2015-68 be placed on second reading.

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

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

**ORDINANCE NO. 2015 - 75**  
**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. 2015-59 AND  
DECLARING AN EMERGENCY.**

It was moved by Mr. Frey, seconded by Mr. Ward, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-75 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. 2015-75 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-75 be passed.

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

Motion carried.  
Ordinance No. 2015-75 is passed.

**FIRST READING**  
**ORDINANCE NO. 2015-76**  
**INTRODUCED BY:**  
**COUNCILMAN SCHLESSEL**

**AN ORDINANCE AMENDING CHAPTER 1160.04(a)(2) OF THE  
CODIFIED ORDINANCES OF THE CITY ENTITLED "PARKING OF  
COMMERCIAL VEHICLES"**

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-76 be placed on first reading.

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

Motion carried.  
Ordinance No. 2015-76 is place on first  
reading.

**RESOLUTION NO. 2015-77**  
**INTRODUCED BY: ADMIN**

**A RESOLUTION PROVIDING FOR HALLOWEEN OBSERVANCE  
UPON THE STREETS AND OUT-OF-DOORS FOR OCTOBER 31, 2015,  
BETWEEN THE HOURS OF 6:00 P.M. AND 8:00 P.M.**

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 Resolution No. 2015-77 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Resolution No. 2015-77 was highlighted by Mrs. Franco, with Section 2 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Resolution No. 2015-77 be adopted.

Mr. Ward explained setting the date for trick and treat is a coordinated effort with other surrounding communities.

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

Motion carried.  
Resolution No. 2015-77 is adopted.

**RESOLUTION NO. 2015-78**  
**INTRODUCED BY: ADMIN**

**A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO  
ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO  
OHIO REVISED CODE SECTION 321.34**

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. 2015-78 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Resolution No. 2015-78 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Resolution No. 2015-78 be adopted.

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

Motion carried.  
Resolution No. 2015-78 is adopted.

**ORDINANCE NO: 2015-79**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE DETERMINING THE PORTIONS OF THE  
SANITARY SEWER ASSESSMENT TO BE ALLOCATED TO EACH SEWER  
FUND FOR THE TAX YEAR 2015, IN ACCORDANCE WITH SECTION  
925.02(b) OF THE CODIFIED ORDINANCES**

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. 2015-79 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. 2015-79 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. 2015-79 be passed.

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

Motion carried.  
Ordinance No. 2015-79 is passed.

**Board of Zoning Appeals Recommendations:**

Recommendation made to Council to confirm the decision of the Board in Case No. 2015-05 to **grant** the request of Mr. Joseph Slattery of 5034 Corliss Road, for a variance from the provisions of Chapter 1329.06 of the Building Code, to allow the erection of a six (6) foot high black aluminum decorative fence in the front yard.

The findings in Case No. 2015-05 as recorded in the minutes of the meeting of the Board of Zoning Appeals held September 15, 2015 were read by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2015-05.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2015-06, to **deny** the request of Mr. Tim Schikowski of 1292 Croyden Road, for a variance from Chapter 1160.04 (a)(2) A & B of the Planning and Zoning Code, to permit parking and/or storing a commercial vehicle outside at any time in plain view.

The findings in Case No. 2015-06 as recorded in the minutes of the meeting of the Board of Zoning Appeals held September 15, 2015 were read by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2015-06.

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 #159 be noted with no changes.

It was moved by Mr. Ward, seconded by Mr. LoPresti that Traffic Directive #160 be noted with no changes.

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

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

Meeting adjourned at 8:15 P.M.

Approved: October 5, 2015

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

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Vice Mayor