

Lyndhurst, Ohio
October 19, 2015

The Council of the City of Lyndhurst held its Regular Meeting on Monday, October 19, 2015 at 7:37 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. J. Carroll, Chief of Fire;
M. A. Franco, Assistant Clerk of Council.

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

The Oath of Office was administered to Sergeant, Greg Traci.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, October 5, 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. LoPresti, that the reading of the minutes of the Special Session of Council held Monday, October 5, 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 read the following minutes into the record:

The Public Lands and Buildings Committee met Tuesday, October 6, 2015 at 7:00 pm. Present were Committee members Mr. Frey, Mr. Schlessel and Mr. Ward. Also present were Council Representatives Gambatese and Price, Service Director Rick Glady and Pool Director Julie David. The purpose of the meeting was to recap the 2015 Pool Season and prepare for 2016.

Mrs. Kovalchik had prepared a report for the Committee's use on pass sales as well as the daily activity at the Aquatic Center and Spray Park. The results for the year are decent considering the poor weather in the month of June.

Mr. Frey had compiled pool data - pass and admission costs, residency requirements, family definition, and reciprocity and so on - from surrounding communities for the Committee's review. For the most part we are not the most expensive nor are we the least. We have good facilities and provide decent access to our residents as well as non-residents.

Mr. Gladly brought up some of the facility repairs that would be addressed. At the Spray Park; the pump house which predates the spray park, some concrete needs to be replaced as well as a new skimmer. Those items will be in the Capital Budget. Other items, such as (1) dozen high-back chairs, and (1) dozen lounge chairs, concrete work, dirt leveling, repairs to the big umbrella and new lane dividers will be addressed as line-items.

The 2016 Pool Season was discussed. Students will be getting out of school earlier and will be returning on August 17th which can present staffing problems at the end of season. The Pool Season will begin on May 28 and will extend until at least August 21st. It was suggested the pool be open after August 21st at least on the weekends and on Labor Day until the season end which is Labor Day. It is hoped the daily season could run past August 21st based upon staff availability. That piece will be discussed in detail once Julie has reviewed the staff applications and the guards' individual back-to-school dates and has a handle on how many guards might have some schedule that last week of August.

With no further business to discuss the meeting adjourned at 7:50pm.

ROADS AND UTILITIES COMMITTEE – Chairman Gambatese had no report.

SERVICE AND SEWERS COMMITTEE – Chairman Price had no report.

SAFETY COMMITTEE – Chairman LoPresti aired a “Community CPR Class” will be held Monday, December 21st at the Lyndhurst Community Center. Mr. LoPresti said the Fire Department offers free safety inspections and free smoke detectors.

LEGISLATIVE COMMITTEE – Chairman Marko had no report.

PLANNING COMMISSION – Mr. Frey had no report; however, he stated there will not be a Planning Commission Meeting in October.

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

Eunice Horton, 1121 Brainard, stated Lyndhurst is a wonderful City, and how proud she is of our city, all of the city services and the safety forces. Ms. Horton thanked council for the warm welcome last month.

Marge Cirillo, 5173 Graham, inquired who the Lyndhurst representative is for the Community Partnership on Aging.

Mr. Ward stated the Mayor is the representative.

Howard Simon, 7230 Winchester, said he is unhappy with the City and their appeal in the NEORSD law suit.

E. Dale Inkley, 5126 E. Farnhurst, asked for clarification regarding the NEORSD law suit.

Mr. Murphy said the City did not file an appeal in NEORSD law suit. Mr. Murphy further explained the NEORSD law suit.

Mr. Inkley asked why the City has so many police vehicles.

Chief Porrello explained the need and use of the vehicles.

Howard Simon, 7230 Winchester, voiced further concerns about NEORSD.

Mr. Ward addressed Mr. Simon's concerns.

Mr. Ward aired The League of Woman's Votes will be hosting a candidate forum Thursday, October 22, 2015, 7:00PM at Brush High School.

THIRD 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 table.

Roll Call: Yeas: Ward, Price, Gambatese, Marko, Frey, LoPresti, Schlessel.

Nays: None.

Motion carried.

Ordinance No. 2015-76 is placed on table.

**ORDINANCE NO. 2015-91
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING A CONTRACT WITH THE
CUYAHOGA COUNTY GENERAL HEALTH DISTRICT FOR THE PUBLIC
HEALTH SERVICES TO BE RENDERED DURING THE YEAR 2016,
AUTHORIZING THE FISCAL OFFICER TO CREDIT THE CONSIDERATION
PAYABLE UNDER SAID CONTRACT AND TO DEDUCT EQUIVALENT SUMS
FROM TAX SETTLEMENTS DUE THE CITY OF LYNDHURST 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 Ordinance No. 2015-91 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. 2015-91 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2015-91 be passed.

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

Motion carried.
Ordinance No. 2015-91 is passed.

**RESOLUTION NO. 2015-92
INTRODUCED BY: ADMIN**

**A RESOLUTION STATING THE INTENT OF THE CITY TO CONCUR
WITH THE REQUEST OF THE OHIO DEPARTMENT OF TRANSPORTATION
TO COMBINE THE LYNDHURST SAFE ROUTES TO SCHOOLS PROJECT
WITH THE SOUTH EUCLID SAFE ROUTES TO SCHOOLS PROJECT, 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 Resolution No. 2015-92 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. 2015-92 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Resolution No. 2015-92 be adopted.

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

Motion carried.
Resolution No. 2015-92 is adopted.

**ORDINANCE NO. 2015-93
INTRODUCED BY: COUNCIL
MEMBER PATRICK A.
WARD**

**AN ORDINANCE PLACING A TEMPORARY MORATORIUM ON THE
GRANTING OF ANY PERMITS FOR FENCES IN EXCESS OF FOUR (4) FEET
IN HEIGHT IN THE CITY, 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. 2015-93 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. 2015-93 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Ordinance No. 2015-93 be passed.

Mr. Ward asked this be referred to Planning, to investigate what type of fences have been allowed above the four foot height.

Mr. Frey asked Planning move on this as soon as possible.

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

Motion carried.
Ordinance No. 2015-93 is passed.

ORDINANCE NO: 2015-94
INTRODUCED BY: ADMIN

AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO ADVERTISE FOR BIDS FOR THE SALE BY NEWSPAPER PUBLICATION OR BY INTERNET AUCTION OF FOUR SURPLUS MOTOR VEHICLES, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE HIGHEST BIDDER FOR SUCH MOTOR VEHICLES 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. 2015-94 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. 2015-94 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-94 be passed.

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

Motion carried.
Ordinance No. 2015-94 is passed.

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2015-08 to **grant** the requested variance of Sharon E. Roosevelt, Trustee of 5092 Meadow Wood Boulevard, from the provisions of Chapter 1323.03 of the Building Code.

The applicant requests to install a circular driveway without the required one hundred (100) feet of frontage. The applicant would need an eleven (11) foot variance due to only having eighty-nine point ninety-eight (89.98) feet of frontage.

The findings in Case No. 2015-08 as recorded in the minutes of the meeting of the Board of Zoning Appeals held October 12, 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. 2015-08.

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

Motion carried.

It was moved by Mr. Ward, 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: November 2, 2015

Attest: _____
Clerk of Council

Vice Mayor