

Lyndhurst, Ohio
November 16, 2015

The Council of the City of Lyndhurst held its Regular Meeting on Monday, November 16, 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, J. A. Marko, D. A. Frey.

Others Present: J. M. Cicero, Jr., Mayor;
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. A. Franco, Assistant Clerk of Council.

Absent: M. J. Carroll, Chief of Fire.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, November 2, 2015, copies of which were mailed to all Members, be dispensed with and said minutes stand approved as circulated, with Mr. Schlessel abstaining.

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

It was moved by Mr. Marko, seconded by Mr. Gambatese, that the reading of the minutes of the Special Session of Council held Monday, November 2, 2015, copies of which were mailed to all Members, be dispensed with and said minutes stand approved as circulated, with Mr. Schlessel abstaining.

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

MAYOR'S REPORT – Mayor Cicero aired the Holiday Lighting will be held December 4th.

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 thanked the Service Department for the continued leaf collection.

SAFETY COMMITTEE – Chairman LoPresti stated the Fire Department offers free smoke detectors with free safety inspections. Mr. LoPresti stated the police department is receiving ongoing medical training including: CPR, AED, and trauma kit training. The training is being conducted by the Lyndhurst Fire Department. Mr. LoPresti said the fire department has recently received a grant from Legacy Village that will pay for 6 AED units for police vehicles.

LEGISLATIVE COMMITTEE – Chairman Marko stated the committee met this evening and minutes will be forthcoming.

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

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

Dan Yanick, 5193 Bridgewater, voiced his concern regarding the current vicious dog laws. Mr. Yanick said several rental properties around his home are in need of serious attention and would like the building department look into their condition. Mr. Yanick stated the trees the City is planting on the tree lawns have large roots that are breaking up the sidewalks, Mr. Yanick said he does not feel he should have to pay to repair the sidewalks.

Fred Deiss, 1378 Beaconfield, inquired why there is a fence moratorium. Mr. Ward explained Council and the Planning Commission are reviewing the current code, but told Mr. Deiss to have his fence contractor contact the Building Department.

Dan Yanick, 5193 Bridgewater, asked if we have a deer culling program. Mayor Cicero said he is working with ODNR, but nothing is in place yet.

Ron Wiesenthal, 5438 Meadow Wood, inquired what the traffic study entails. Chief Porrello explained they will study all the traffic, parking and drop offs.

E. Dale Inkley, 5126 E. Farnhurst, voiced his concern about the upkeep of rental properties. Mr. Inkley said he does not feel a 6 foot fence will keep out deer.

Elyzabeth DeGiovanni, 5169 Thornbury, asked how much the city pays for health care for each employee.

Mr. Ward and Ms. Kovalchik provided the amounts.

Marge Cirillo, 5173 Graham, inquired if there is a process in place to appoint a councilperson.

Mr. Schlessel advised he will making that announcement tonight.

Ms. Cirillo said she was disappointed with the under vote on Election Day.

Dennis Gustavson, 4907 Westbourne, asked for an explanation of the Board of Zoning Appeals Case Number 2015-07.

Mr. Schlessel informed Mr. Gustavson Council will be discussing that case later in the meeting.

It was moved by Mr. Ward, seconded by Mr. Frey, that Ordinance Numbers 2015-66, 2015-67, 2015-68 and 2015-76 be removed from table.

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

Motion carried.

Ordinance Numbers 2015-66, 2015-67, 2015-68 and 2015-76 are removed from table.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance Numbers 2015-103, 2015-104, 2015-105 and 2015-106 be considered together.

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

Motion carried.

Ordinance Numbers 2015-103, 2015-104, 2015-105 and 2015-106 are considered together.

Mr. Schlessel congratulated Mr. Ward on his election to Mayor and the three Councilmen for being returned to City Council. Mr. Schlessel explained with Mr. Wards move to Mayor on January 1, 2016, it will leave a vacancy in Ward 4.

Melissa Franco, Assistant Clerk of Council, read the following process for appointing the next Councilperson, to fill the Ward 4 vacancy:

1. Council will be accepting letters of intent and resumes for the unexpired term of Ward 4 Councilperson. This unexpired term runs from 01/01/2016 through December 31st, 2017. The letter of intent should highlight why the applicant is seeking this position along with why the applicant feels they are qualified for the position.

2. Letters of intent should be submitted no later the 12/4/2015. Candidates must live in Ward 4 to be considered for this vacancy.

3. All letters and resumes will be reviewed with the strongest consideration given to applicants with Lyndhurst and other community involvement. Interviews will take place the week of December 14th. Council may limit the number of interviews to candidates that it feels are most qualified based on the defined criteria.

4. The candidate that is chosen will be notified by December 30th and sworn in prior to the January 4th Council meeting.

5. Should there not be qualified, strong candidates, the process will be continued or an appointment made by the Vice Mayor.

6. Letters of intent and resumes are to be sent to: Lyndhurst City Hall, Attention Vice Mayor Lane Schlessel, 5301 Mayfield Road, Ohio 44124.

**RESOLUTION NO. 2015-98
INTRODUCED BY: ADMIN**

**A RESOLUTION RATIFYING AND ADOPTING AMENDMENT NO. 1
TO THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED
BETWEEN THE CITY OF LYNDHURST, OHIO AND THE LYNDHURST
FIREFIGHTERS ASSOCIATION, LOCAL 1676 OF THE INTERNATIONAL
ASSOCIATION OF FIREFIGHTERS, RATIFYING AND APPROVING THE
EXECUTION OF SAID AMENDMENT BY THE MAYOR, 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 Resolution No. 2015-98 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. 2015-98 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. 2015-98 be adopted.

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

Motion carried.
Resolution No. 2015-98 is adopted.

**ORDINANCE NO. 2015-99
INTRODUCED BY: ADMIN**

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND
OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD
BEGINNING JANUARY 1, 2016 AND ENDING MARCH 31, 2016 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. 2015-99 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. 2015-99 was highlighted by Mrs. Franco, with Section 10 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-99 be passed.

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

Motion carried.
Ordinance No. 2015-99 is passed.

**FIRST READING
ORDINANCE NO. 2015-100
INTRODUCED BY: ADMIN**

**AN ORDINANCE ENACTING CHAPTER 792 OF THE CODIFIED
ORDINANCES OF THE CITY OF LYNDHURST REGARDING MUNICIPAL
INCOME TAX, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Ward, that Ordinance No. 2015-100 be placed on first reading.

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

Motion carried.
Ordinance No. 2015-100 is placed on first reading.

**ORDINANCE NO: 2015-101
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. 2015-95 AND
DECLARING AN EMERGENCY.**

It was moved by Mr. Ward, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-101 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. 2015-101 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-101 be passed.

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

Motion carried.
Ordinance No. 2015-101 is passed.

**RESOLUTION NO. 2015-102
INTRODUCED BY: ADMIN**

**A RESOLUTION AUTHORIZING THE MAYOR TO IMPLEMENT
HEALTH CARE COVERAGE FOR THE EMPLOYEES OF THE CITY AND
DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2015-102 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. 2015-102 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Resolution No. 2015-102 be adopted.

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

Motion carried.
Resolution No. 2015-102 is adopted.

**RESOLUTION NO. 2015-103
INTRODUCED BY: ADMIN**

A RESOLUTION RATIFYING AND ADOPTING THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY OF LYNDHURST, OHIO AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (SERGEANTS/LIEUTENANTS), RATIFYING AND APPROVING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR, AND DECLARING AN EMERGENCY.

**RESOLUTION NO. 2015-104
INTRODUCED BY: ADMIN**

A RESOLUTION RATIFYING AND ADOPTING THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY OF LYNDHURST, OHIO AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (PATROL OFFICERS), AND RATIFYING AND APPROVING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR, AND DECLARING AN EMERGENCY.

**RESOLUTION NO. 2015-105
INTRODUCED BY: ADMIN**

A RESOLUTION RATIFYING AND ADOPTING THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY OF LYNDHURST, OHIO AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (FULL-TIME DISPATCHERS), RATIFYING AND APPROVING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR, AND DECLARING AN EMERGENCY.

**RESOLUTION NO. 2015-106
INTRODUCED BY: ADMIN**

A RESOLUTION RATIFYING AND ADOPTING THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY OF LYNDHURST, OHIO AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (NON-DISPATCH FULL-TIME PERSONNEL), RATIFYING AND APPROVING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR, 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. 2015-103, 2015-104, 2015-105 and 2015-106 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. 2015-103, 2015-104, 2015-105 and 2015-106 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Resolution No. 2015-103, 2015-104, 2015-105 and 2015-106 be adopted.

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

Motion carried.
Resolution No. 2015-103, 2015-104,
2015-105 and 2015-106 are adopted.

ORDINANCE NO: 2015-107
INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING ORDINANCE NO. 2015-60 WHICH ESTABLISHED THE SALARY, COMPENSATION, AND HOURLY RATES OF PAY FOR BARGAINING EMPLOYEES IN THE VARIOUS OFFICES AND DEPARTMENTS, AND WHICH CONFIRMED LONGEVITY COMPENSATION, VACATIONS, HOLIDAYS AND OTHER BENEFITS, IN THE CITY OF LYNDHURST, OHIO, REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 2015-60 INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY

It was moved by Mr. Marko, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2015-107 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. 2015-107 was highlighted by Mrs. Franco, with Section 16 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2015-107 be passed.

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

Motion carried.
Ordinance No. 2015-107 is passed.

**ORDINANCE NO. 2015-66 (AMENDED)
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. Gambatese, that Resolution No. 2015-66 be amended, that Ordinance No. 2015-66 be placed on third reading for final passage.

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

Motion carried.
Rules Suspended.

It was moved by Mr. Ward, seconded by Mr. Frey, that Ordinance No. 2015-66, as amended, be passed.

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

Motion carried.
Ordinance No. 2015-66 (Amended)
is passed.

**ORDINANCE NO. 2015-67 (AMENDED)
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. Marko, that Resolution No. 2015-67 be amended, that Ordinance No. 2015-67 be placed on third reading for final passage.

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

Motion carried.
Rules Suspended.

It was moved by Mr. Ward, seconded by Mr. Marko, that Ordinance No. 2015-67, as amended, be passed.

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

Motion carried.
Ordinance No. 2015-67 (Amended)
is passed.

**ORDINANCE NO: 2015-68 (AMENDED)
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 Resolution No. 2015-68 be amended, that Ordinance No. 2015-68 be placed on third reading for final passage.

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

Motion carried.
Rules Suspended.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance No. 2015-68, as amended, be passed.

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

Motion carried.
Ordinance No. 2015-68 (Amended)
is passed.

**ORDINANCE NO. 2015-76 (AMENDED)
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. Marko, that Resolution No. 2015-76 be amended, that Ordinance No. 2015-76 be placed on third reading for final passage.

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

Motion carried.
Rules Suspended.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-76, as amended, be passed.

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

Motion carried.
Ordinance No. 2015-76 (Amended)
is passed.

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2015-07 to **deny** the requested variance of Jala Safadi, of 1351 Croyden Road, from the provisions of Chapter 1160.04 (2) A & B of the Planning and Zoning Code, to permit the parking and/or storing of a trailer outside in plain view.

The findings in Case No. 2015-07 as recorded in the minutes of the meeting of the Board of Zoning Appeals held November 9, 2015 were read by Mrs. Franco.

Ms. Safadi said she is looking for a place to park the trailer; however, she has not found a close place as of yet.

Mr. Schlessel stated Mr. and Mrs. Safadi have until January 5, 2015 to relocate the trailer.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2015-07, granting an extension of time until January 5, 2015.

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

Motion carried.

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 8:32 P.M.

Approved: December 7, 2015

Attest: _____
Clerk of Council

Vice Mayor