

Lyndhurst, Ohio
December 7, 2015

The Council of the City of Lyndhurst held its Regular Meeting on Monday, December 7, 2015 at 7:34 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;
M. J. Carroll, Chief of Fire;
M. A. Franco, Assistant Clerk of Council.

Absent: L. M. Puskas, Building Inspector.

It was moved by Mr. Ward, seconded by Mr. Marko, that the reading of the minutes of the Regular Meeting of Council held Monday, November 16, 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. Marko, seconded by Mr. Ward, that the reading of the minutes of the Special Session of Council held Monday, November 16, 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 stated being Mayor has been one of the most rewarding experiences in his life. Mayor Cicero said thank you to the residents, council and staff for allowing him to be a member of such an esteemed group, God Bless.

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.

SAFETY COMMITTEE – Chairman LoPresti stated the Fire Department offers free smoke detectors with free safety inspections. Mr. LoPresti said contact City Hall if interested in attending the next CPR class.

LEGISLATIVE COMMITTEE – Chairman Marko had no report.

PLANNING COMMISSION – Mr. Frey had no report.

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

It was moved by Mr. Ward, seconded by Mr. Marko, that Ordinance Number 2015-121 be added to the Agenda.

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

Motion carried.
Ordinance Number 2015-121 is
added to the Agenda.

Elyzabeth DeGiovanni, 5169 Thornbury, inquired if the police department already have body cameras.

Chief Porrello said the police department does not have body cameras, they are in the process of getting funds ready. Chief Porrello said the department should have the cameras in March or April.

Ms. DeGiovanni asked if it is mandatory for police officers to wear the body cameras.

Chief Porrello stated there is a mandatory wear policy, discipline would apply to officers who do not follow the policy.

Ms. DeGiovanni asked when the parking of commercial vehicles legislation goes into effect.

Mr. Schlessel explained it was passed as an emergency, so it goes into effect immediately.

Ms. DeGiovanni asked if the City still sends informational booklets to new residence.

Mayor Cicero stated every new resident does receive a booklet.

Ms. DeGiovanni asked what the city's plan is for the home purchased on Irene.

Mayor Cicero stated it will become an extension of City Hall's parking lot.

Eunice Horton, 1121 Brainard, wished Mayor Cicero much happiness and good health in his retirement.

Mr. Schlessel stated the Business Expo will be held May 12th at 700 Beta Drive.

SECOND 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. 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. 2015-100 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. 2015-100 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-100 be passed.

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

Motion carried.
Ordinance No. 2015-100 is passed.

ORDINANCE NO: 2015-108
INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING ORDINANCE NO. 2015-107 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. 2015-107 INCONSISTENT HEREWITH, 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. 2015-108 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. 2015-108 was highlighted by Mrs. Franco, with Section 16 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Ordinance No. 2015-108 be passed.

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

Motion carried.
Ordinance No. 2015-108 is passed.

ORDINANCE NO: 2015-109
INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING ORDINANCE NO. 2015-108 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. 2015-108 INCONSISTENT HEREWITH, 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. 2015-109 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. 2015-109 was highlighted by Mrs. Franco, with Section 16 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-109 be passed.

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

Motion carried.
Ordinance No. 2015-109 is passed.

**ORDINANCE NO: 2015-110
INTRODUCED BY: ADMIN**

AN ORDINANCE AMENDING ORDINANCE NO. 2015-82 WHICH ESTABLISHED THE SALARY, COMPENSATION, AND HOURLY RATES OF PAY FOR NON-BARGAINING EMPLOYEES IN THE VARIOUS OFFICES AND DEPARTMENTS, INCLUDING MEMBERS OF BOARDS AND COMMISSIONS, AND WHICH CONFIRMED LONGEVITY COMPENSATION, VACATIONS, HOLIDAYS AND OTHER BENEFITS, IN THE CITY OF LYNDHURST, OHIO, REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 2015-82 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. 2015-110 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. 2015-110 was highlighted by Mrs. Franco, with Section 14 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-110 be passed.

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

Motion carried.
Ordinance No. 2015-110 is passed.

**ORDINANCE NO. 2015-111
INTRODUCED BY:
COUNCILMEMBER
PATRICK A. WARD**

**AN ORDINANCE MODIFYING ORDINANCE NO. 2015-93
REGARDING THE TEMPORARY MORATORIUM ON THE GRANTING OF
PERMITS FOR FENCES, 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. 2015-111 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. 2015-111 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. 2015-111 be passed.

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

Motion carried.
Ordinance No. 2015-111 is passed.

**ORDINANCE NO. 2015-112
INTRODUCED BY: ADMIN**

**AN ORDINANCE RATIFYING THE AUTHORIZATION BY THE
LYNDHURST CHIEF OF POLICE TO USE THE SOLON DETENTION
FACILITY TO HOUSE INMATES INCARCERATED IN THE CITY OF
LYNDHURST**

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. 2015-112 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. 2015-112 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Ordinance No. 2015-112 be passed.

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

Motion carried.
Ordinance No. 2015-112 is passed.

**ORDINANCE NO. 2015-113
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
SPECIALIZED CONSTRUCTION FOR THE 2015 ASPHALT PROGRAM 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. 2015-113 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. 2015-113 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2015-113 be passed.

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

Motion carried.
Ordinance No. 2015-113 is passed.

**ORDINANCE NO. 2015-114
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH
SPECIALIZED CONSTRUCTION FOR THE 2015 ASPHALT PROGRAM, 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. 2015-114 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. 2015-114 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. 2015-114 be passed.

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

Motion carried.
Ordinance No. 2015-114 is passed.

**ORDINANCE NO. 2015-115
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 WITH
SPECIALIZED CONSTRUCTION FOR THE 2015 ASPHALT PROGRAM,
AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, 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. 2015-115 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. 2015-115 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. 2015-115 be passed.

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

Motion carried.
Ordinance No. 2015-115 is passed.

**ORDINANCE NO. 2015-116
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
UNITED SURVEY, INC. FOR THE 2014 SEWER REHABILITATION
PROGRAM, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, 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. 2015-116 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. 2015-116 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. 2015-116 be passed.

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

Motion carried.
Ordinance No. 2015-116 is passed.

**ORDINANCE NO. 2015-117
INTRODUCED BY: ADMIN**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH WEATHERPROOFING TECHNOLOGIES, INC., FOR THE LYNDBURST COMMUNITY CENTER ROOF REPAIR PROJECT, 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. 2015-117 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. 2015-117 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. 2015-117 be passed.

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

Motion carried.
Ordinance No. 2015-117 is passed.

**ORDINANCE NO. 2015-118
INTRODUCED BY: ADMIN**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH WEATHERPROOFING TECHNOLOGIES, INC., FOR THE LYNDBURST COMMUNITY CENTER ROOF REPAIR PROJECT, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, 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. 2015-118 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. 2015-118 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2015-118 be passed.

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

Motion carried.
Ordinance No. 2015-118 is passed.

**ORDINANCE NO. 2015-119
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CONTRACTS FOR THE DEPOSIT
OF INTERIM AND ACTIVE FUNDS OF THE CITY OF LYNDHURST, 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. 2015-119 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. 2015-119 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. 2015-119 be passed.

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

Motion carried.
Ordinance No. 2015-119 is passed.

**RESOLUTION NO. 2015-120
INTRODUCED BY: ADMIN**

**A RESOLUTION RESCINDING RESOLUTION NUMBER 2015-105,
ADOPTED NOVEMBER 16, 2015, 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. 2015-120 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. 2015-120 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Resolution No. 2015-120 be adopted.

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

Motion carried.
Resolution No. 2015-120 is adopted.

**ORDINANCE NO: 2015-121
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. 2015-101 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. 2015-121 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. 2015-121 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that Ordinance No. 2015-121 be passed.

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

Motion carried.

Ordinance No. 2015-121 is passed.

Correspondence from the Ohio Division of Liquor Control new permit for Las Americas, 5722 Mayfield Road, was noted with no hearing being requested.

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 8:15 P.M.

Approved: January 4, 2016

Attest: _____
Clerk of Council

Vice Mayor