

Lyndhurst, Ohio
June 14, 2016

The Council of the City of Lyndhurst held its Regular Meeting on Tuesday, June 14, 2016 at 7:40 P.M., Vice Mayor Lane A. Schlessel, presiding.

Members Present: Council Representatives, J. Price, J. A. Gambatese,
D.A. Frey, C. A. LoPresti.

Others Present: P.A. Ward, Mayor;
P. T. Murphy, Director of Law;
R. F. Porrello, Chief of Police;
M. A. Kovalchik, Director of Finance;
M. J. Carroll, Chief of Fire;
J. Maichle, Building Commissioner;
M. A. Franco, Assistant Clerk of Council.

Absent: Council Representative J. A. Marko;
Council Representative; A. Mendelsohn;
F. E. Glady III, Director of Service.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that the reading of the minutes of the Regular Meeting of Council held Monday, May 16, 2016, 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, with Mr. Frey and Mr. LoPresti abstaining.

MAYOR'S REPORT – Mayor Ward stated the pool and splash park opened early since school let out early this year.

Mayor Ward aired the first concert in the park is tomorrow night and the next one is July 4th, weather permitting.

Mayor Ward said the Young at Heart Dance was a wonderful event, he had a blast. Mayor Ward thanked the Lyndhurst Garden Club for the beautiful arrangements for the serving tables and Lizz DeGiovanni for all her hard work.

FINANCE COMMITTEE – Chairman Marko was absent; therefore he had no report.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Chairman Price had no report.

ROADS AND UTILITIES COMMITTEE – Chairman Gambatese had no report.

SERVICE AND SEWERS COMMITTEE – Chairman Marko was absent; therefore he had no report.

SAFETY COMMITTEE – Chairman LoPresti said Police Department's K9-Aries will receive a bullet and stab protective vest thanks to the generosity of two non-profit organizations. In a display of their support for law enforcement, V-Twin Cruisers Motorcycle Club - NE Ohio Chapter donated \$1500.00 for the purchase. The vest will be provided through the non-profit organization Vested Interest in K9s, Inc. K9-Aries' vest will be embroidered with the sentiment "This gift of protection provided by Vested Interest in K9s, Inc." Delivery is expected within eight to ten weeks.

Mr. LoPresti stated Aries is a German Shepherd imported from Slovakia and has been with the Lyndhurst Police Department since 2013. His handler is Ptl. Kevin Crown, a twelve-year veteran.

LEGISLATIVE COMMITTEE – Chairman Frey had no report.

PLANNING COMMISSION – Mr. Frey had no report.

SPECIAL PRESENTATION – NOPEC

Chuck Keiper, Executive Director, and Nicole Sweet, Business Management, presented a \$161,700.00 check to the City for a grant extension from energy improvements done within City Hall.

SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD –

Mayor Ward announced the recipients of the Property of Distinction Awards:

- Michael and Susan Travagliante – 1366 Sunview Road
- Harlan Epstein – 5148 Case Avenue
- Daniel and Laura Yanick – 5193 Bridgewater Road
- Ronald and Leann Guzzo – 5280 Oakmont Drive

The meeting was opened to public comment.

Scott Kravitz, 5148 Oakmont, stated he and his fiancé just purchased a home in Lyndhurst this past weekend and wanted to introduce himself.

Mr. Kravitz said his goal is to be the July recipient of the Property of Distinction Award.

Jill Walker, 5167 Haverford, read the following into the record:

I respectfully request that this statement be included in the minutes of tonight's Council. Thank you. Mayor Ward, You have been in discussions with the Humane Society of the United States and according to the Sun Newspaper article of May 26th, are considering a non-lethal approach to control the deer population in Lyndhurst.

Based on that, it is not unreasonable to assume you may have changed your position on resuming trap and bolt. I hope that your investigation into non-lethal alternatives is based on a sincere desire to make changes. Therefore, I respectfully ask you to declare a moratorium on trap and bolt and inform the public that you will not renew the contract with A&S Animal Control for resumption of this barbaric practice.

In light of the seriousness of this decision, I realize you may need time to assess your commitment before responding. For that reason, I respectfully request that you reply at the next meeting of Council whether or not you will declare a moratorium, which would be in everyone's best interest, putting you at the helm of real progress. Thank you.

Dennis Gustavson, 4907 Westbourne, stated this will be his last Council Meeting, after 41 years he and his wife will be moving to Broadview Heights.

Mr. Gustavson said Lyndhurst is a great community, has wonderful services and he has no complaints.

Elyzabeth DeGiovanni, 5169 Thornbury, asked the Mayor to not put a moratorium on trap and bolt, something needs to be done with the deer.

E. Dale Inkley, 5126 E. Farnhurst, commends Mayor Ward for listening to all sides regarding deer.

Mr. Inkley spoke to Mr. Allen from the Village of Walton Hills regarding their experience with trap and bolt. Mr. Allen said the event occurred in the early nineties, Mr. Inkley said that a 25 year old event should not be compared to the techniques used today. Mr. Inkley stated Lyndhurst would not treat deer that way. Mr. Inkley said Ms. Walker is misrepresenting the way Lyndhurst is handling the deer. Mr. Inkley said Lyndhurst needs a solution and a moratorium would not be a good idea.

Mayor Ward stated he would not declare a moratorium on anything, he refuses to limit the City's options.

Vice Mayor Schlessel announced Councilman Aaron Mendelsohn has submitted his resignation, Mr. Mendelsohn has taken a job in Florida, effective July 1, 2016.

SECOND READING
ORDINANCE NO. 2016-42
INTRODUCED BY: ADMIN

**AN ORDINANCE ENACTING CHAPTER 777 OF THE CODIFIED
ORDINANCES OF THE CITY OF LYNDHURST REGARDING DONATION
DROP BOXES AND DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2016-42 be placed on second reading and referred to Safety and Legislative Committee.

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

Motion carried.
Ordinance No. 2016-42 is placed on
second reading and referred to Safety and
Legislative Committee.

ORDINANCE NO. 2016-43
INTRODUCED BY: ADMIN

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND
OTHER EXPENDITURES OF THE CITY OF LYNDBURST FOR THE PERIOD
ENDING DECEMBER 31, 2016 REPEALING ORDINANCE NO. 2016-13 AND
DECLARING AN EMERGENCY**

It was moved by Mr. Gambatese, seconded by Mr. Price, that rules set forth under
Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance
No. 2016-43 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-43 was highlighted by Mrs. Franco, with Section 11 being
read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No.
2016-43 be passed.

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

Motion carried.
Ordinance No. 2016-43 is passed.

ORDINANCE NO. 2016-44
INTRODUCED BY: ADMIN

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
CHAGRIN VALLEY PAVING, INC. FOR THE 2016 ASPHALT PROGRAM AND
DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. Price, that rules set forth under
Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance
No. 2016-44 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-44 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Price, that Ordinance No. 2016-44 be passed.

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

Motion carried.
Ordinance No. 2016-44 is passed.

**ORDINANCE NO. 2016-45
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
CATTS CONSTRUCTION, INC. FOR THE 2016 CONCRETE PROGRAM AND
DECLARING AN EMERGENCY**

It was moved by Mr. Gambatese, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2016-45 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-45 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. 2016-45 be passed.

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

Motion carried.
Ordinance No. 2016-45 is passed.

**RESOLUTION NO. 2016-46
INTRODUCED BY: ADMIN**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH CHRIS LADAIKA DBA BEXLEY CONCESSIONS FOR
CONCESSIONAIRE SERVICES DURING THE 2016 POOL SEASON AND
DECLARING AN EMERGENCY**

It was moved by Mr. Gambatese, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2016-46 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2016-46 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. Price, that Resolution No. 2016-46 be passed.

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

Motion carried.
Resolution No. 2016-46 is adopted.

**RESOLUTION NO. 2016-47
INTRODUCED BY: ADMIN**

**A RESOLUTION EXPRESSING COMMENDATION AND SINCERE
APPRECIATION TO DETECTIVE BILL DUFFY 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. Frey, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2016-47 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Resolution No. 2016-47 be passed.

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

Motion carried.
Resolution No. 2016-47 is adopted.

ORDINANCE NO. 2016-48
INTRODUCED BY: ADMIN

**AN ORDINANCE ENACTED BY THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, OHIO TO IMPROVE THE PEDESTRIAN AND
BICYCLE ACCESS FOR SCHOOL CHILDREN AT THE SUNVIEW
ELEMENTARY SCHOOL IN THE CITY OF LYNDHURST AND DECLARING
AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2016-48 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-48 was highlighted by Mrs. Franco, with emergency clause being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2016-48 be passed.

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

Motion carried.
Ordinance No. 2016-48 is passed.

**ORDINANCE NO. 2016-49
INTRODUCED BY: ADMIN**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CUYAHOGA COUNTY, OHIO, PROVIDING FOR THE PURCHASE BY THE CITY, AND SUBSEQUENT REIMBURSEMENT BY THE COUNTY, OF RECEIVERS, HARDWARE AND SOFTWARE NECESSARY TO PARTICIPATE IN THE MUTUAL AID BOX ALARM SYSTEM (MABAS) PROGRAM AND DECLARING AN EMERGENCY

It was moved by Mr. Frey, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2016-49 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-49 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. 2016-49 be passed.

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

Motion carried.
Ordinance No. 2016-49 is passed.

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2016-04 to **grant** the requested variance of Trista Onesti of 5255 Mayfield Road, from the provisions of Section 1168.06 (Community Business District) of the Planning and Zoning Code. The applicant requests to expand the driveway and add additional parking spaces within the required forty (40) foot front setback.

The findings in Case No. 2016-04 as recorded in the minutes of the meeting of the Board of Zoning Appeals held June 13, 2016 were read by Mrs. Franco.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2016-04.

Roll Call: Yeas: Marko, Price, Gambatese, Mendelsohn, Schlessel.
Nays: None.

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2016-05 to **deny** requested variance to the Montessori School of University Heights, 23599 Cedar Road, from the provisions of Section 1170.09 (1) Signs, from the Planning and Zoning Code. The applicant requests a second and separate sign on the property, in lieu of one permitted sign, in that zoning district.

The findings in Case No. 2016-05 as recorded in the minutes of the meeting of the Board of Zoning Appeals held June 13, 2016 were read by Mrs. Franco.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Council overturn the recommendation of the Board of Zoning Appeals to **grant** the requested variance to Montessori School of University Heights, 23599 Cedar Road, for a variance from Section 1170.09 (1) Signs, from the Planning and Zoning Code. The applicant requests a second and separate sign on the property, in lieu of one permitted sign, in that zoning district.

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

Motion carried.

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

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

Meeting adjourned at 8:31 P.M.

Approved: July 5, 2016

Attest: _____
Clerk of Council

Vice Mayor