

Lyndhurst, Ohio
October 4, 2016

The Council of the City of Lyndhurst held its Regular Meeting on Tuesday, October 4, 2016 at 7:32 P.M., Vice Mayor Lane A. Schlessel, presiding.

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

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

Absent: M. A. Franco, Assistant Clerk of Council.

It was moved by Mr. Marko, seconded by Mr. Price, that the reading of the minutes of the Regular Meeting of Council held Monday, August 1, 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. Schlessel abstaining.

MAYOR'S REPORT – Mayor Ward stated the Council Coffee recently held, was very successful one of the largest attended, and many residents thanked Council for personally funding the event. Mayor Ward reminded all about the Lyndhurst BAM, a business appreciation event, stating in the near future, he would like to see a business directory on the City's website, to show the City's appreciation of the businesses in the community.

Mayor Ward stated the deer survey results will be on line this week. Mayor Ward aired Live Long Lyndhurst partners are working to sponsor a panel discussion on the heroin epidemic sometime in November at the Lyndhurst Community Center.

FINANCE COMMITTEE – Chairman Marko had no report.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Chairman Price had no report; however, he stated the new pickle ball courts at Brainard Park are very popular, and there is another demonstration on October 8.

ROADS AND UTILITIES COMMITTEE – Chairman Gambatese had no report.

SERVICE AND SEWERS COMMITTEE – Chairman Marko had no report.

SAFETY COMMITTEE – Chairman LoPresti had no report.

LEGISLATIVE COMMITTEE – Chairman Frey stated that the Legislative Committee met this evening to discuss lodging tax. Mr. Frey said the committee made a recommendation to investigate moving the Lodging Tax collection into the Permanent Improvement Fund, pending a full report.

PLANNING COMMISSION – Mr. Frey stated that the Planning Commission met on September 22nd to discuss Plum Market and Chase Bank, recommendations are on the agenda this evening. Mr. Frey said both establishments will be an asset to the community, both in aesthetics as well as business.

SOUTH EUCLID-LYNDHURST BOARD OF

EDUCATION (First meeting of the month) – Mrs. Lisa Marko, Member of the South Euclid Lyndhurst School Board, stated that Superintendent Reid was at the Council Coffee recently held, and spoke with many residents. In regards to the recent “State Report Card” published a few weeks ago, Mrs. Marko stated that only about ten (10) percent of the schools in Ohio received an A. She stated that the testing is not consistent, and therefore, feels that the State Report Card is not a true representation of the schools in our communities. On a positive note, Mrs. Marko stated that Kelly Grist, a teacher at Sunview School was honored by Channel 5 as Teacher of the Week. She then stated that there were fourteen (14) new members inducted into the Brush National Honor Society. She further stated that Excel TECC recently approved the physical fitness and health programs; the Auto Tech center was recently renovated to accommodate a facility which will house physical therapy, nutrition, athletic training and will be available in the 2017 school year. She urged all Council and residents to go on the Excel TECC tour to be held October 20. She further stated that Fall sports are doing well.

The meeting was opened to public comment.

Eunice Horton, 1121 Brainard Road stated she is pleased to see the Planning Commission is recommending the approval of plans for Plum Market, it will be a wonderful addition to the community.

E. Dale Inkley, 5126 East Farnhurst Road, commended the City Council and Mayor Ward for hosting the Council Coffee. Mr. Inkley stated he admires Mayor Ward for settling neighbor disputes; however, he feels the parking of commercial vehicles is an unfair practice taking place in the city.

Mr. Inkley stated the people who take responsibility to submit a request to park a commercial vehicle on their property to the Board of Zoning Appeals are being rejected, and then they are spotlighted for having the commercial vehicle. He commended Council for confirming the Board's decision; however it does create problems for applicants, he feels the residents that don't submit a request, are being ignored, and are keeping the commercial vehicles. Mr. Inkley further stated he feels the law is good and proper, but the law needs to be enforced consistently.

Liz DeGiovanni, 5169 Thornbury Boulevard, asked what the plans are for the former Sunoco Station across from City Hall.

Mayor Ward stated that proposed plans for a new Chase Bank were submitted to the Planning Commission, and recommendation is on Council's agenda this evening. Mayor Ward stated if the plans are approved, Chase Bank plans to break ground in early spring.

Ms. DeGiovanni inquired about the plans for the kosher grocery store, and the location of Plum Market.

Mayor Ward stated the developer was asked to remove the sign, the developer said there is still a chance the kosher grocery store may come to Lyndhurst. The location of Plum Market will be at the former dental school on Mayfield Road, across from Ford Road.

Ms. DeGiovanni asked the police chief if the police officers have body cameras. Chief Porrello stated thirty (30) cameras are in operation.

**ORDINANCE NO. 2016-76
INTRODUCED BY: ADMIN**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH FP ALLEGA CONCRETE CONSTRUCTION FOR THE 2016 SIDEWALK REPAIR PROGRAM, AUTHOZING THE CLOSEOUT OF SAID CONTRACT, AND DECLARING AN EMERGENCY.

It was moved by Mr. Marko, seconded by Mr. Gambatese that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinances No. 2016-76 be placed on third reading for final passage and that it be highlighted.

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

Nays: None.

Motion carried.

Rules Suspended.

Ordinance No. 2016-76 was highlighted by Mrs. White with the last paragraph being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti that Ordinance No. 2016-76 be passed.

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

Motion carried.
Ordinance No. 2016-76 is passed.

**ORDINANCE NO. 2016-77
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH DON
WARTKO CONSTRUCTION, INC. FOR THE 2016 SIDEWALK REPAIR
PROGRAM FARNHURST ROAD, AUTHORIZING THE CLOSEOUT OF SAID
CONTRACT, AND DECLARING AN EMERGENCY.**

It was moved by Mr. Frey, seconded by Mr. Grushetsky that rules set forth under
Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinances
No. 2016-77 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-77 was highlighted by Mrs. White with the last paragraph
being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti that Ordinance No. 2016-77
be passed.

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

Motion carried.
Ordinance No. 2016-77 is passed.

**RESOLUTION NO. 2016-78
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS
CUYAHOGA COUNTY PERMANENT PARCEL NO. 711-03-020 TO BE A
NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
FOR THE WORK NECESSARY TO ABATE THE NUSANCE, 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 Resolution No. 2016-78 be placed on third reading for final passage and that it be highlighted.

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

Nays: None.

Motion carried.

Rules Suspended.

Resolution No. 2016-78 was highlighted by Mrs. White with the last paragraph being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti that Resolution 2016-78 be adopted.

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

Nays: None.

Motion carried.

Resolution No. 2016-78 is adopted.

**RESOLUTION NO. 2016-79
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS
CUYAHOGA COUNTY PERMANENT PARCEL NO. 714-03-056 TO BE A
NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
FOR THE WORK NECESSARY TO ABATE THE NUISANCE, AND
DECLARING AN EMERGENCY.**

It was moved by Mr. Frey, seconded by Mr. Marko that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2016-79 be placed on third reading for final passage and that it be highlighted.

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

Nays: None.

Motion carried.

Rules Suspended.

Resolution No. 2016-79 was highlighted by Mrs. White with the last paragraph being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti that Resolution 2016-79 be adopted.

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

Nays: None.

Motion carried.

Resolution No. 2016-79 is adopted.

**RESOLUTION NO. 2016-80
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS
CUYAHOGA COUNTY PERMANENT PARCEL NO. 711-17-051 TO BE A
NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
FOR THE WORK NECESSARY TO ABATE THE NUSANCE, 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 Resolution
No. 2016-80 be placed on third reading for final passage and that it be highlighted.

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

Nays: None.

Motion carried.

Rules Suspended.

Resolution No. 2016-80 was highlighted by Mrs. White with the last paragraph
being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese that Resolution 2016-
80 be adopted.

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

Nays: None.

Motion carried.

Resolution No. 2016-80 is adopted.

**ORDINANCE NO. 2016-81
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 2017,
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. LoPresti, seconded by Mr. Frey that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2016-81 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-81 was highlighted by Mrs. White with the last paragraph being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti that Resolution 2016-81 be passed.

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

Motion carried.
Ordinance No. 2016-81 is passed.

Approve Recommendation of the Planning Commission:

Recommendation made to Council to approve the proposed plans of Nick Teriaca, owner of Plum Market for land development located at 5564 Mayfield Road.

It was moved by Mr. Frey, seconded by Mr. Gambatese that Council approve the recommendation of the Planning Commission to grant request of Nick Teriaca, owner of Plum Market for land development located at 5564 Mayfield Road.

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

Motion carried.

Recommendation made to Council to approve the request of Timothy Meseck, Architect, for a Conditional Use Permit for a retail banking center with a remote ATM drive thru, along with necessary variances including, but not limited to an encroachment into the front yard setback to allow for a 12.2' front yard setback and a 25 square foot monument sign in lieu of a smaller sign.

It was moved by Mr. Frey, seconded by Mr. Gambatese that Council approve request of Timothy Meseck, Architect, for a Conditional Use Permit for a retail banking center with a remote ATM drive thru, along with necessary variances including, but not limited to an encroachment into the front yard setback to allow for a 12.2' front yard setback and a 25 square foot monument sign in lieu of a smaller sign.

Roll Call: Yeas: Marko, Price, Gambatese, Grushetsky, 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 8:11 P.M.

Approved: October 17, 2016

Attest: _____
Clerk of Council

Vice Mayor