

Lyndhurst, Ohio  
February 6, 2017

The Council of the City of Lyndhurst held its Regular Meeting on Monday, February 6, 2017 at 7:32 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives, L. A. Schlessel, 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;  
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;  
J. Maichle, Building Commissioner;  
M. A. Franco, Assistant Clerk of Council.

Absent:

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that the reading of the minutes of the Organizational Meeting of Council held Monday, January 16, 2017, 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 Ward read the following into the record:

Good evening Mr. Chairman and welcome, everyone. It is nice, from time-to-time to have a full chamber. Our Council frequently conducts business before only a handful of residents so thank you all for coming. Instead of my usual report Mr. Chairman, I do have a comment actually I had two versions of my comment but I have opted for the shorter version although I still need to apologize for its length. A number of our residents are here this evening with concern for the site of the former Bolton School on Rae Road. Some of the concern is the natural valid concern we all have any time something new is proposed in our community. Some of the concern is based upon misperception and some is based upon blatant untruth. There is a great amount of misperception about how much information the City has already had access to and reviewed. The blatant untruths are based upon everything else under the sun. Should people be upset? ABSOLUTELY! It is very upsetting to have even the hint of development in any of our back yards - trust me, I know first-hand. No matter the proposal it messes with the balance of things. So, we understand the concerns we understand that people are upset. Our goal, from the moment we decided early last month to send information out, was to assure that the upset would be an "INFORMED UPSET" and not the OMG/WTF Facebook driven soap opera that unfolded. Should people be upset with their City or its officials? Absolutely NOT, nothing has been presented to the City so no action has yet been taken to be upset about! To put our timeline into perspective; the Schools contacted us last summer and we met to discuss the

Bolton property and another in South Euclid that were referred to as excess properties and they explained the process the law requires them to follow in order to sell such excess property. The process required the appraisal of the properties, the Board's approval to market the properties, the notification of Charter Schools throughout the State as to the properties' availability and then the listing of the properties for Auction. If the properties did not achieve minimum bid - which was the appraised value-at auction then the Board could list them for sale with a broker and accept a lower price. The Bolton property was appraised for \$1.25 million. We were also told that two companies had shown interest in the Bolton site. Neither of those companies is in the home-building business. Councilman Gambatese, in order to gather some viewpoint, actually mentioned the possibility of the sale last summer to a few area residents and asked what their thought might be if the use were maybe a nursing home --- no secrets here and no need for them. Bids were scheduled to be opened on December 5th and only one party arrived at the Board Offices and surprisingly placed the offer of \$1.25 million and presented their check for deposit on the sale. The Board of Education formally approved that sale on December 20<sup>th</sup>. Once the sale was approved I contacted the purchaser, Progressive Quality Care, to arrange a meeting in order to learn about what they might propose and that meeting was set for January 3<sup>rd</sup>. Included in the meeting were Councilman Gambatese and Councilman Schlessel. At that meeting we spoke to the owner and his representatives about who they are, what they do and where. They had a site map of the Bolton property and showed an outline of how one of their buildings might look on that site. Following that meeting I had discussions with Mr. Gambatese and we decided a letter should be drafted to area residents regarding the sale and what we had learned might be proposed for the site. We also decided it would be good to have a fact sheet, prepared by the purchaser, to include with our letter outlining their plans. The first draft of that letter was emailed to Councilman Gambatese on January 9th. The Fact-Sheet from Progressive Quality Care was delivered to me on January 19th and we began to prepare for mailing. We identified a large rectangular area of streets surrounding the Bolton site for this outreach. A site visit to one of Progressive's facilities was scheduled for Monday January 23<sup>rd</sup>. That same day their contracted surveyors were on the property and a resident asked them what was going on. The rest, ladies and gentlemen, is a very sad series of mischaracterizations brought to us live via social media. The information overload did not start out with a question or a telephone call or an emailed inquiry. This started with Facebook postings filled with accusations leveled at the City, Councilman Gambatese and me. What was said and how it was said is shameful. The City of Lyndhurst did not then and does not now have any plans presented to it for this property. What we do know has been gathered through our own due diligence and has been shared with area residents in full. Only a few will remember a time when facilities such as schools, houses of worship, hospitals and nursing homes were simply ALLOWED USES in the single family zoned districts of this City. All the applicant needed to do back then was get site approval and their building permits. That changed when our Council removed those uses from the "Allowed" category and made them "Conditional". Conditional Uses are allowed uses but only if certain conditions are met. Changes like this were done to assure our Community's full participation in approving those activities in our City. Applications for such uses can only be considered through a process. That process, like all of our processes, is defined by law.

They are held in public and involve several steps, several Departments, several Boards and your City Council. With this particular property, the steps will be determined by what the owner actually requests and we only know what we have been told so far - in our experience these things change as an applicant studies the site and studies our code. Based upon our process and from what we have been told thus far this will be first sent to the City Planning Commission for their review and recommendation. That recommendation then goes to your City Council that conducts its own review. These meetings are public meetings and I have already committed, in writing, to send notice of the Planning Commission meetings to every address that received the letter and fact sheet - that is 300 addresses. With any development in the City all aspects are studied and any improvements required are made at the developer's cost, not at the cost to our residents. There is no easy way to have a development reviewed and approved and there are no short-cuts to our process. We have a long history of thoughtful and professional consideration of every proposal which many of you might not be aware of since it is rare, if ever, that a new development has been in your area before but that is the truth. What has been written on social media has been characterized by some as "mean-spirited" and "nasty". I would absolutely agree. Someone even posted they "heard that I hung up on someone" and that is a blatant lie. I take calls and I make calls -I speak to residents and many non-residents on topics that we might even disagree upon and have not had need or desire to hang up on anyone. Furthermore, not one person has even called me on this matter. Over the years, the area Councilman, Mr. Gambatese and I have not always agreed on everything. There were times when it seemed we could not agree on much of anything. But, over those many years, as Bolton transitioned from a day care facility to an empty building then to an empty lot he has always advocated for the area. Whether it was based upon resident concerns or his own observations he gave those concerns strong voice. That is why it was most distressing for me to read posted comments throwing him under the bus based upon nothing more than serious misunderstanding. I have worked to keep Mr. Gambatese informed and involved in the process to this point; this proposal affects his Ward and it is my responsibility to keep him up-to-date where those interests are concerned. Please note that there is nothing on Council's Agenda this evening with regard to the property in question nor will there be until the City Planning Commission receives application and goes through its process and, again, all residents that received letters will be mailed notices of those meetings.

**FINANCE COMMITTEE** – Chairman Schlessel aired Tuesday, February 21<sup>st</sup> at 6:30PM there will be a Finance Committee Meeting in the Mayors Conference Room.

**PUBLIC LANDS AND BUILDINGS COMMITTEE** – Chairman Price stated the committee met this evening and the minutes will be forthcoming.

**ROADS AND UTILITIES COMMITTEE** – Chairman Gambatese had no report.

**SERVICE AND SEWERS COMMITTEE** – Chairman Grushetsky had no report.

**SAFETY COMMITTEE** – Chairman LoPresti stated the committee met this evening and the minutes will be forthcoming.

**LEGISLATIVE COMMITTEE** – Chairman Schlessel had no report.

**PLANNING COMMISSION** – Mr. Frey had no report.

**SOUTH EUCLID-LYNDHURST BOARD OF  
EDUCATION (First meeting of the month)**

– Cassandra Jones stated Brush High School students recently competed in the regional Academic Decathlon competition. The Brush team swept the novice division and took home countless medals and a team trophy! The team is eligible to compete in the state competition in early March.

Ms. Jones said Brush High School was on full display at the 37th Annual Scholastics Art & Writing Competition, as eighteen pieces of student artwork were named Scholastics 2017 Regional Winners! Casey Brower received a Gold Key Award, the highest honor available for her photograph, which will advance to the national competition in New York City during the spring of 2017. Brush also featured seven Silver Key award winners and ten Honorable Mentions at the competition!

Ms. Jones reported the pre-school program received a 5 star rating.

Ms. Jones aired the Prom Fashion show will be held Friday, February 24<sup>th</sup> at 6:00PM, tickets are \$6.00 and available at the door.

Ms. Jones stated the state-of-the-art ArcFit Wellness Complex, completed in 2015, is the site of the new Excel Tecc exercise science and rehabilitation program being hosted at Brush High School. The competitive program will be open to junior and seniors next year.

Ms. Jones said the district is anticipating reduced funding from the Governor's Budget.

The meeting was opened to public comment.

Lynn Edelman, 1201 Haverston, said the Mayor was nice enough to call Mr. and Ms. Edelman regarding Bolton Field. Ms. Edelman stated she and her husband have been residents of Lyndhurst for 57 years and said Lyndhurst has been a good community to live in. Ms. Edelman stated she was unaware of the auction and sale of the Bolton property until a week ago. Ms. Edelman said she is concerned about a business being built in a residential area. Construction and operation of a nursing care facility will negatively affect property values. Ms. Edelman said according to the internet the nursing care facility has poor performance records at other locations. Ms. Edelman stated she is opposed to the idea of a nursing care facility being built on Bolton property.

Marilyn Hurget, 1348 Sunview, Ms. Hurget inquired where the proper time and place would be to give input regarding the nursing care facility.

Mayor Ward explained the proper time to hear what the city will be presented will be at the Planning Commission meeting where everyone will hear what is being presented, Planning Commission will go through its review of the proposal.

Ms. Hurget asked how she will know when the Planning Commission is going to meet.

Mayor Ward explained the residents that received the initial letter regarding Bolton Field will receive a notice of the meeting date and time.

Lee Feher, 1292 Haverston, Mr. Fehr asked when the property was deemed conditional use versus residential and if all houses are under the conditional usage.

Mayor Ward explained how the zoning was established many years ago.

Karen Rothman, 1352 Haverston, said she moved onto Haverston because it is a beautiful residential area and feels a nursing care facility would change the character of the residential neighborhood. Ms. Rothman said she would hate to lose the greenspace.

Linda Radkowsky, 1152 Irene, voiced her concern regarding the ongoing operations of the Bed and Breakfast 1148 Irene.

Jill Walker, 5167 Haverford, inquired how many deer have been killed this year via trap and bolt. Ms. Walker voiced her concern regarding the unknown locations of traps. Ms. Walker asked Mayor Ward how he would like a nursing home in his backyard.

Bob Nowinski, 1431 Beaconfield, stated he was speaking about concerns both he and his neighbors have. One main concern is the sewers and during heavy snow workers for the nursing home that take a bus will be walking down icy sidewalks. Mr. Nowinski asked if the city would provide a plow for the sidewalks so residents don't get sued. Mr. Nowinski inquired if the nursing home would be a tax generating entity.

Mayor Ward said it is.

Mr. Nowinski said he understands there will be a catch basin that collects excessive water, so if done properly there may not be a problem with the sewers.

**RESOLUTION NO. 2017-05  
INTRODUCED BY: ADMIN**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A  
MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA COUNTY  
BOARD OF HEALTH REGARDING THE PROVISION OF PHASE II  
STORMWATER SERVICES IN 2017 AND 2018, AND DECLARING AN  
EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2017-05 be placed on third reading for final adoption and that it be highlighted.

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

Nays: None.

Motion carried.

Rules Suspended.

Resolution No. 2017-05 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. 2017-05 be passed.

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

Motion carried.  
Resolution No. 2017-05 is adopted.

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

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

Meeting adjourned at 8:17 P.M.

Approved: February 20, 2017

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Vice Mayor