

Lyndhurst, Ohio
June 5, 2017

The Council of the City of Lyndhurst held its Regular Meeting on Monday, June 5, 2017 at 7:32 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives, 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;
T. Fioritto, Assistant Director of Service;
J. Maichle, Building Commissioner;
M. A. Franco, Assistant Clerk of Council.

Absent: Council Representative L.A. Schlessel;
F. E. Glady III, Director of Service;
M. J. Carroll, Chief of Fire;
M. A. Kovalchik, Director of Finance.

It was moved by Mr. Price, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, May 15, 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, with Mr. Marko and Mr. LoPresti abstaining.

It was moved by Mr. Price, seconded by Mr. Gambatese, that the reading of the minutes of the Special Meeting of Council held Monday, May 15, 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, with Mr. Marko and Mr. LoPresti abstaining.

MAYOR'S REPORT – Mayor Ward stated the pools have opened. Mayor Ward said the Annual Young at Heart was a huge success. Mayor Ward said 100th Anniversary Banners will be placed on poles this week.

Mayor Ward aired Concerts in the Parks will begin June 21st. Free ice cream will be offered at all concerts. Mayor Ward said all concerts will be held rain or shine.

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

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

ROADS AND UTILITIES COMMITTEE – Chairman Gambatese aired pavement resurfacing will begin on Ford Road the week of June 12th.

SERVICE AND SEWERS COMMITTEE – Chairman Grushetsky had no report.

SAFETY COMMITTEE – Chairman LoPresti stated the City of Lyndhurst, is participating in the County's Drug Drop Box Program for the disposal of unwanted medications. This program is part of the battle against the heroin epidemic in that the abuse of prescription painkillers can lead to heroin usage.

The box is located in the lobby of city hall, to the left of the reception window. It is available 24 hours a day, 7 days a week for anyone to dispose of unwanted prescription and over-the-counter pills and patches.

LEGISLATIVE COMMITTEE – Chairman Schlessel was absent; however, Vice Mayor Marko stated the committee met prior to the Council Meeting and minutes will be forthcoming.

PLANNING COMMISSION – Mr. Frey said the Planning Commission met May 25th to discuss the proposed addition to the Aldi Store and the recommendation is on tonight's Agenda.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION (First meeting of the month) – Erin Lee Harris announced the school year has ended.

Ms. Harris stated the 4th Annual Bike Rodeo was a great success. Ms. Harris thanked the Lyndhurst Police Department for participating, 17 bikes and 12 scooters were raffled off.

Ms. Harris said Greenview and Rowland recognized students who will advance to another school building next year by holding a 'clap-out' celebration.

Ms. Harris aired the 8th Grade Farewell Dance was held May 24, 2017 with over 200 students participating, the best attendance in 10 years. The kids had fun and it was nice to see them dressed up.

Ms. Harris stated the 12th graders at Brush High School graduated 2 weeks ago. The Class of 2017 had 272 graduates and earned more than \$4.7 million dollars in scholarships. In addition, 30 Honors Diplomas were earned, 20 students graduated with a Grade Point Average of 4.0 or higher, 43 students had GPA's of 3.5 or higher, earning Honor Roll Status and 38 students had GPA's of 3.0- 3.49, earning Merit Roll Status.

Ms. Harris said the summer school enrichment program started today.

SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD – Mayor Ward announced the recipients of the Property of Distinction Awards:

- 1356 Croyden Road – Jeremy Rupp
- 2042 Aldersgate Drive – Robert and Kathleen Moravick
- 4979 Farnhurst Road – Salvatore DeMarco
- 5108 Lynd Avenue – Angela Vicarel

It was moved by Mr. Grushetsky, seconded by Mr. Gambatese, that Ordinance Number 2017-39, 2017-40 and 2017-41 be added to the Agenda.

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

Motion carried.
Ordinance Number 2017-39,
2017-40 and 2017-41 are added
to the Agenda.

It was moved by Mr. Grushetsky, seconded by Mr. Frey, that Ordinance Number 2017-17 and 2017-24 be removed from table.

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

Motion carried.
Ordinance Number 2017-17 and 2017-24
are removed from table.

The meeting was opened to public comment.

Linda Radkowsky, 1152 Irene, said she is unhappy her garden items have to be moved to different locations in her yard because of her neighbor's complaints. Ms. Radkowsky stated she was happy the tree behind her neighbor's house will finally be cut down. Ms. Radkowsky voiced her concerns about her neighbor making noise after nine o'clock at night.

**ORDINANCE NO. 2017-32
INTRODUCED BY: ADMIN**

**AN ORDINANCE RATIFYING AND AUTHORIZING
PARTICIPATION IN THE OHIO MUNICIPAL LEAGUE WORKERS
COMPENSATION GROUP RATING PROGRAM, AUTHORIZING AN
AGREEMENT WITH COMP MANAGEMENT INC. AS PART OF
PARTICIPATION IN SUCH 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. 2017-32 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-32 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. 2017-32 be passed.

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

Motion carried.
Ordinance No. 2017-32 is passed.

**ORDINANCE NO. 2017-33
INTRODUCED BY: ADMIN**

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND
OTHER EXPENDITURES OF THE CITY OF LYNDBURST FOR THE
PERIOD ENDING DECEMBER 31, 2017 REPEALING ORDINANCE NO.
2017-12 AND DECLARING AN EMERGENCY**

It was moved by Mr. Grushetsky, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-33 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-33 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. 2017-33 be passed.

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

Motion carried.
Ordinance No. 2017-33 is passed.

**ORDINANCE NO. 2017-34
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH A&S ANIMAL CONTROL, INC. TO PROVIDE
FOR ANIMAL CONTROL SERVICES IN THE CITY OF LYNDHURST,
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. 2017-34 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-34 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that Ordinance No. 2017-34 be passed.

Mr. Frey asked if someone could provide Council with an update regarding the services provided by A&S Animal Control.

Chief Porrello said he has not received any complaints within the last year.

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

Motion carried.
Ordinance No. 2017-34 is passed.

**ORDINANCE NO. 2017-35
INTRODUCED BY: ALL MEMBERS
OF COUNCIL**

**AN ORDINANCE DETERMINING TO RESCHEDULE THE
REGULAR MEETING OF COUNCIL IN JULY 2017, FROM MONDAY
JULY 3, 2017 TO WEDNESDAY, JULY 5, 2017, 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. 2017-35 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-35 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Grushetsky, seconded by Mr. Gambatese, that Ordinance No. 2017-35 be passed.

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

Motion carried.
Ordinance No. 2017-35 is passed.

**RESOLUTION 2017-36
INTRODUCED BY MAYOR
WARD AND ALL MEMBERS
OF COUNCIL**

**A RESOLUTION EXPRESSING COMMENDATION AND SINCERE
APPRECIATION TO WILLIAM MILNER FOR LONG AND FAITHFUL
SERVICE TO THE RESIDENTS OF LYNDBURST AS MEMBER OF THE
LYNDBURST SERVICE DEPARTMENT**

It was moved by Mr. Frey, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2017-36 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

Resolution No. 2017-36 was read in its entirety by Mrs. Franco.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Resolution No. 2017-36 be adopted.

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

Motion carried.
Resolution No. 2017-36 is adopted.

**RESOLUTION 2017-37
INTRODUCED BY MAYOR
WARD AND ALL MEMBERS
OF COUNCIL**

**A RESOLUTION CONGRATULATING REVEREND STANLEY J.
KLASINSKI, PASTOR OF SAINT CLARE CHURCH, ON THE
OCCASION OF THE 40TH ANNIVERSARY OF HIS ORDINATION TO
THE PRIESTHOOD**

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2017-37 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

Resolution No. 2017-37 was read in its entirety by Mrs. Franco.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that Resolution No. 2017-37 be adopted.

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

Motion carried.
Resolution No. 2017-37 is adopted.

**ORDINANCE 2017-38
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING THE PAYMENT OF SICK LEAVE
SEVERANCE UPON RETIREMENT TO THE SERVICE DIRECTOR FOR
YEARS OF SERVICE TO THE RESIDENTS OF LYNDHURST**

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-38 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-38 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. Price, that Ordinance No. 2017-38 be passed.

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

Motion carried.
Ordinance No. 2017-38 is passed.

**RESOLUTION NO. 2017 - 39
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY
KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL
NO. 711-14-011, 4942 SOUTH SEDGEWICK ROAD, 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. 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. 2017-39 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2017-39 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Resolution No. 2017-39 be adopted.

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

Motion carried.
Resolution No. 2017-39 is adopted.

**RESOLUTION NO. 2017-40
INTRODUCED BY: ADMIN**

A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL NO. 711-14-013, 4952 SOUTH SEDGEWICK ROAD, 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. Gambatese, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2017-40 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2017-40 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that Resolution No. 2017-40 be adopted.

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

Motion carried.
Resolution No. 2017-40 is adopted.

**RESOLUTION 2017-41
INTRODUCED BY MAYOR WARD
AND ALL MEMBERS OF COUNCIL**

A RESOLUTION EXPRESSING COMMENDATION AND SINCERE APPRECIATION TO FREDERICK E. (RICK) GLADY III FOR LONG AND FAITHFUL SERVICE TO THE RESIDENTS OF LYNDHURST AS MEMBER AND DIRECTOR OF THE LYNDHURST SERVICE DEPARTMENT

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2017-41 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

Resolution No. 2017-41 was read in its entirety by Mrs. Franco.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that Resolution No. 2017-41 be adopted.

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

Motion carried.
Resolution No. 2017-41 is adopted.

Mr. Frey said Mr. Gladys service and dedication to the city will be severely missed.

ORDINANCE NO. 2017-17 (AMENDED)
INTRODUCED BY: ADMIN

AN ORDINANCE ENACTING CHAPTER 1178 OF THE CODIFIED ORDINANCES OF THE CITY OF LYNDBURST, OHIO, TITLED "BED AND BREAKFAST INNS" AND DECLARING AN EMERGENCY.

It was moved by Mr. Gambatese, seconded by Mr. Grushetsky, that Ordinance Number 2017-17 be amended.

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

Motion carried.

It was moved by Mr. Price, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-17 (Amended) be placed on third reading for final passage.

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

Motion carried.
Ordinance No. 2017-17 (Amended)
is passed.

**ORDINANCE NO. 2017-24 (AMENDED)
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING CHAPTER 1160.04 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED “ACCESSORY
USES, BUILDINGS, AND STRUCTURES”, AND DECLARING AN
EMERGENCY**

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance Number 2017-24 be amended.

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

Motion carried.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-24 (Amended) be placed on third reading for final passage.

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

Motion carried.
Ordinance No. 2017-24 (Amended)
is passed.

Approve Recommendation of the Planning Commission:

It was moved by Mr. Grushetsky, seconded by Mr. LoPresti, that Council approve the recommendation of the Planning Commission to approve proposed addition to Aldi’s, located at 5144 Mayfield Road, contingent upon stipulations set forth in the minutes of the Planning Commission meeting held May 25, 2017.

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

Motion carried.

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

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

Meeting adjourned at 8:12 P.M.

Approved: July 5, 2017

Attest: _____
Clerk of Council

Vice Mayor