

Lyndhurst, Ohio  
October 16, 2017

The Council of the City of Lyndhurst held its Regular Meeting on Monday, October 16, 2017 at 7:35 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives, J. Price,  
J. A. Gambatese, S. 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;  
A. Fioritto, Director of Service;  
M. A. Kovalchik, Director of Finance;  
M. J. Carroll, Chief of Fire;  
K. L. Miller, Assistant Clerk of Council.

Absent: Council Representative L. A. Schlessel;  
J. Maichle, Building Commissioner.

It was moved by Mr. Price, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, October 16, 2017, copies of which were distributed 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 announced Council Coffee took place Saturday October 7, 2017. He remarked the event was very well attended and thanked all departments for their participation manning the expo booths and providing residents with a great deal of information.

Mayor Ward stated the time capsule was buried last week in observance of the centennial year. He referenced the article written by Jeff Piorkowski from Cleveland.com; Jeff took pictures of all the items included in the time capsule. Mayor Ward commented that while packing up the memories and hopes for the future, he wonders what people will think of the items in one hundred years. He also said many local students wrote letters describing what they love about Lyndhurst, some of which will be published in the next issue of Lyndhurst Life magazine.

Mayor Ward indicated tickets are still available for the annual Halloween Party that will be held this Saturday, October 21, 2017 from 5-7pm at the Lyndhurst Community Center.

Mayor Ward stated the community shredding day is Saturday, October 28, 2017 from 11:30am – 3:30pm in the municipal parking lot.

Mayor Ward commented that while they still have driveway aprons to do, most of the concrete is poured for the Brainard Road construction project. He is hopeful the remaining work will not involve closing traffic lanes.

Mayor Ward aired The League of Women Voters of Greater Cleveland will be presenting the 2017 South Euclid / Lyndhurst Candidates forum on Wednesday

October 18, 2017 beginning at 7pm. The event will be held at Brush High School. The candidates for Lyndhurst Municipal Judge and City Council will begin at 8:35pm.

**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 had no report.

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

**SAFETY COMMITTEE** – Chairman LoPresti had no report.

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

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

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

It was moved by Mr. Price, seconded by Mr. Gambatese, that Resolution No.2017-74 be added to the Agenda.

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

Motion carried.  
Resolution No. 2017-74 is added to the  
Agenda.

The meeting was opened to public comment.

There was no public comment.

**ORDINANCE NO: 2017-64  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING A CONTRACT WITH THE  
CUYAHOGA COUNTY GENERAL HEALTH DISTRICT FOR THE  
PUBLIC HEALTH SERVICES TO BE RENDERED DURING THE YEAR  
2018, 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. Frey, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-64 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. 2017-64 was highlighted by Mrs. Miller, with Section 5 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2017-64 be passed.

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

Motion carried.  
Ordinance No. 2017-64 is passed.

**ORDINANCE NO: 2017-65  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD ENDING DECEMBER 31, 2017 REPEALING ORDINANCE NO. 2017-33 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. 2017-65 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. 2017-65 was highlighted by Mrs. Miller, with Section 11 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Frey, that Ordinance No. 2017-65 be passed.

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

Motion carried.  
Ordinance No. 2017-65 is passed.

**ORDINANCE NO: 2017-66**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 159 OF THE CODIFIED ORDINANCES OF THE CITY TITLED “EMPLOYEES GENERALLY” BY AMENDING SECTION 159.05 CAPTIONED AUTHORIZED TRAVEL EXPENSES 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. 2017-66 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. 2017-66 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2017-66 be passed.

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

Motion carried.  
Ordinance No. 2017-66 is passed.

**ORDINANCE NO: 2017-67**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 159 OF THE CODIFIED ORDINANCES OF THE CITY TITLED “EMPLOYEES GENERALLY” BY AMENDING SECTION 159.07 CAPTIONED PAYMENT OF COMPENSATION; JURY SERVICE 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. 2017-67 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. 2017-67 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2017-67 be passed.

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

Motion carried.  
Ordinance No. 2017-67 is passed.

**ORDINANCE NO: 2017-68**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 159 OF THE CODIFIED ORDINANCES OF THE CITY TITLED "EMPLOYEES GENERALLY" BY AMENDING SECTION 159.10 CAPTIONED VACATION AND HOLIDAYS 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. 2017-68 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. 2017-68 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2017-68 be passed.

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

Motion carried.  
Ordinance No. 2017-68 is passed.

**ORDINANCE NO: 2017-69**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 159 OF THE CODIFIED ORDINANCES OF THE CITY TITLED “EMPLOYEES GENERALLY” BY AMENDING SECTION 159.11 CAPTIONED SICK LEAVE AND DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-69 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. 2017-69 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2017-69 be passed.

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

Motion carried.  
Ordinance No. 2017-69 is passed.

**ORDINANCE NO: 2017-70**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 159 OF THE CODIFIED ORDINANCES OF THE CITY TITLED “EMPLOYEES GENERALLY” BY AMENDING SECTION 159.12 CAPTIONED EMERGENCY PAID LEAVE AND DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-70 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. 2017-70 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2017-70 be passed.

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

Motion carried.  
Ordinance No. 2017-70 is passed.

**ORDINANCE NO: 2017-71**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 159 OF THE CODIFIED ORDINANCES OF THE CITY TITLED "EMPLOYEES GENERALLY" BY AMENDING SECTION 159.12 CAPTIONED TUITION REIMBURSEMENT/EDUCATION AND DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-71 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. 2017-71 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2017-71 be passed.

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

Motion carried.  
Ordinance No. 2017-71 is passed.

**ORDINANCE NO: 2017-72**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH C&K INDUSTRIAL SERVICES, INC. FOR THE 2016 SEWER INSPECTION AND CLEANING PROGRAM, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, 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. 2017-72 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. 2017-72 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No. 2017-72 be passed.

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

Motion carried.  
Ordinance No. 2017-72 is passed.

**ORDINANCE NO: 2017-73**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE DEMANDING THAT THE CLEVELAND PLAIN DEALER AND CLEVELAND.COM IMMEDIATELY STOP LITTERING PUBLIC PROPERTY WITH THE "SHOP CLE" WEEKLY CIRCULAR, REQUESTING THAT THE CLEVELAND PLAIN DEALER BEGIN MAILING THE CIRCULAR TO HOMES IN THE CITY OF LYNDHURST AS HAS BEEN DONE IN CLEVELAND HEIGHTS AND NEWBURGH HEIGHTS, AND DECLARING AN EMERGENCY**

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 Ordinance No. 2017-73 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. 2017-73 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2017-73 be passed.

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

Motion carried.  
Ordinance No. 2017-73 is passed.



**RESOLUTION NO: 2017-74  
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INDEPENDENT CONTRACTOR AGREEMENT WITH ANTHONY CARBONE TO ASSIST THE BUILDING DEPARTMENT IN CARRYING OUT CERTAIN ASPECTS OF BUILDING INSPECTIONS, AND DECLARING AN EMERGENCY.**

It was moved by Mr. Frey, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2017-74 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.

Resolution No. 2017-74 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Resolution No. 2017-74 be passed.

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

Motion carried.  
Resolution No. 2017-74 is passed.

**Board of Zoning Appeals Recommendations:**

Recommendation made to Council to confirm the decision of the Board in case No. 2017-06 to grant requested variance of Mr. Paul Elhindi of 5615 Mayfield Road, for a variance from Section 1168.08 of the Planning and Zoning Code, to install an electronic ordering and order fulfillment system at The Corner Market BP Station for Subway. Drive through facilities are limited to those conditional permitted uses expressly identified in the schedule in Section 1168.03

The findings in Case No. 2017-06 as recorded in the minutes of the meeting of the Board of Zoning Appeals held October 9, 2017 were read by Mrs. Miller.

It was moved by Mr. Grushetsky, seconded by Mr. Price, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2017-06.

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

Motion carried.

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 7:56 P.M.

Approved: November 6, 2017

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

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