

Lyndhurst, Ohio
December 4, 2017

The Council of the City of Lyndhurst held its Regular Meeting on Monday, December 4, 2017 at 7:34 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives, L. A. Schlessel, 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;
T. Fioritto, Director of Service;
J. Maichle, Building Commissioner;
K. L. Miller, Assistant Clerk of Council.

Absent: M. A. Kovalchik, Director of Finance,
M. J. Carroll, Chief of Fire.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that the reading of the minutes of the Regular Meeting of Council held Monday, November 20, 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 the Annual Holiday Lighting Ceremony was held last Friday. He remarked it was one of the best in attendance. He also mentioned the Holiday Concert with the Hillcrest Concert Band was held on Sunday. Mayor Ward voiced how nice it is when residents can take advantage of these opportunities to get together and celebrate with each other.

Mayor Ward aired there have been unfortunate incidents in the community lately. He stated a press release will be put out and for residents to be both diligent and vigilant. Mayor Ward explained how many of the cars broken into were unlocked and commented how much of the information posted on social media is not based upon fact. With the holiday season and more online shopping occurring where packages are being dropped off, he asked for neighbors to watch out for each other. Mayor Ward stated if you see something suspicious, please call the police.

Mayor Ward ended his report wishing everyone Happy Holidays!

FINANCE COMMITTEE – Chairman Schlessel had no report.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Chairman Price stated that the committee met prior to the Council meeting with all budgetary line items being reviewed and upon availability of funds, will be submitted to the finance committee.

ROADS AND UTILITIES COMMITTEE – Chairman Gambatese had no report. He mentioned he is working with the Service Director and City Engineer to compile a list of the streets to see what work is needed.

SERVICE AND SEWERS COMMITTEE – Chairman Grushetsky had no report.

SAFETY COMMITTEE – Chairman LoPresti had no report. With this being the season for dried out Christmas trees and lights, he reminded everyone of the smoke detector program offered by the Fire Department to residents 65 and older, on a fixed income or are disabled. Mr. LoPresti stated there is an application online or you can stop in to City Hall if you wish to apply for the program.

LEGISLATIVE COMMITTEE – Chairman Schlessel had no report.

PLANNING COMMISSION – Councilman Frey had no report.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION (First meeting of the month) - No representative was present.

Sunny Simon, Cuyahoga County Council Representative, congratulated the Council Members on their re-election. She spoke about the working team between Council, the Mayor and County Council to enable Lyndhurst to receive \$50,000 through the CDBG Grant allowing Marshall Equipment to become transformed. She mentioned how she recently took a tour of Lyndhurst with Mayor Ward and the County Economic Developer to see what's next on the agenda. Ms. Simon is hopeful that with their continued working relationship the City will see more fruits of that labor.

Ms. Simon presented a Proclamation to Police Officer David Boss for his exceptional service to the community and wildlife. She explained how there was a young deer with a plastic pumpkin stuck on its head for over three weeks. Ms. Simon further explained that the Lyndhurst Police Department stepped up once they heard about the situation with Officer Boss leading the charge on November 12, 2017. Officer Boss gave a brief description of the incident stating it was “a little bit of luck” as the deer was cornered at Schaeffer Park and when it jumped over the fence, the pumpkin fell off.

Mayor Ward thanked Ms. Simon for the recognition from the County and expressed how this is the same dedication our officers bring to work each day.

The meeting was opened to public comment.

Becky Richardson, 5096 Kneale Drive remarked how she has been watching social media comments as well as posted her own recently in response to what has been happening in Lyndhurst. She wanted to share her thoughts in a public forum. Ms. Richardson read:

I have been watching all of the recent posts about all the craziness that has been happening recently. I don't post much on here, but I do want to say this. I have two young children and like everyone, this stuff is terrifying to me. However, I know it is not just isolated to Lyndhurst, it's happening everywhere. I think we are going through a very rough patch right now, as does every other community or group of people at some time. Some types of problems are much more visible than others. I truly believe that all of you, Chief Porrello, Mayor Ward and all members of Council are doing everything you can to protect us and feel the benefitted of us as residents. Are you perfect? No, no one is. It is not possible to be perfect. Or make a decision that every single person is happy with. I truly appreciate this forum and our city to help keep residents informed of things that are happening in our community. In light of these events, I certainly plan to be more vigilant about my surroundings making sure my doors are locked and lights on. As I start my holiday baking,

I will be taking cookies to neighbors I have lived near for several years and never met. I have lived here for 8 years, and love our city. This is home to me. I cannot imagine living anywhere else. I feel safe and am comfortable having my children grow up here. Thank you to all who have shared information about these recent events. Again, thank you to our City Leaders for all you do. This is a challenging time for our city, but I know with the help of each other we will get through this and come out stronger for it.

Stephen Buckles, 4964 Farnhurst questioned the recent road repairs made on Ford Road after the road was redone over the summer.

Vice Mayor Marko responded this was from a water main break.

Mayor Ward added that the road heaved three hundred feet at the intersection of Ford and Dorsett.

Vice Mayor Marko reiterated the “see something, say something” mantra stating how as neighbors we need call if something looks suspicious and let the police take it from there. He also extended a holiday greeting to all present.

SECOND READING
ORDINANCE NO. 2017-84
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING CHAPTER 792 OF THE CODIFIED
ORDINANCES OF THE CITY OF LYNDBURST REGARDING MUNICIPAL
INCOME TAX AND DECLARING AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-84 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-84 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2017-84 be passed.

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

Motion carried.
Ordinance No. 2017-84 is passed.

**ORDINANCE NO. 2017-86
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH THE ARNOLD FELTOON, M.D., INC.,
PROVIDING FOR MEDICAL CONTROL FOR THE LYNDHURST CITY
JAIL FACILITY**

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. 2017-86 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-86 was highlighted by Mrs. Miller, with Section 2 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2017-86 be passed.

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

Motion carried.
Ordinance No. 2017-86 is passed.

**ORDINANCE NO: 2017-87
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.
2017-81 AND DECLARING AN EMERGENCY**

It was moved by Mr. Grushetsky, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-87 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-87 was highlighted by Mrs. Miller, with Section 11 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Grushetsky, that Ordinance No. 2017-87 be passed.

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

Motion carried.
Ordinance No. 2017-87 is passed.

ORDINANCE NO: 2017-88
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
TC CONSTRUCTION CO., INC., FOR THE 2017 CONCRETE PROGRAM,
AND DECLARING AN EMERGENCY**

It was moved by Mr. Grushetsky, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-88 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-88 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2017-88 be passed.

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

Motion carried.
Ordinance No. 2017-88 is passed.

ORDINANCE NO. 2017-89
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH TC
CONSTRUCTION CO., INC. FOR THE 2017 CONCRETE PROGRAM, AND
DECLARING AN EMERGENCY**

It was moved by Mr. Grushetsky, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that

Ordinance No. 2017-89 be placed on third reading for final passage and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-89 was highlighted by Mrs. Miller, with Section 6 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No. 2017-89 be passed.

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

Motion carried.
Ordinance No. 2017-89 is passed.

**ORDINANCE NO. 2017-90
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO ADVERTISE FOR BIDS FOR THE SALE BY NEWSPAPER PUBLICATION OR BY INTERNET AUCTION OF THREE SURPLUS MOTOR VEHICLES, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE HIGHEST BIDDER FOR SUCH MOTOR VEHICLES AND DECLARING AN EMERGENCY

It was moved by Mr. Schlessel, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-90 be placed on third reading for final passage and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-90 was highlighted by Mrs. Miller, with Section 6 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2017-90 be passed.

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

Motion carried.
Ordinance No. 2017-90 is passed.

**ORDINANCE NO. 2017-91
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENGAGE THE LAW FIRM OF WALTER/HAVERFIELD JOINTLY WITH THE REGIONAL INCOME TAX AGENCY AND OTHER MUNICIPALITIES FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY

It was moved by Mr. Schlessel, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-91 be placed on third reading for final passage and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-91 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2017-91 be passed.

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

Motion carried.
Ordinance No. 2017-91 is passed.

ORDINANCE NO. 2017-92
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AUTHORIZING DECLARATIONS OF OFFICIAL
INTENT UNDER U.S. TREASURY REGULATIONS WITH RESPECT TO
REIMBURSEMENTS FROM NOTE AND BOND PROCEEDS OF TEMPORARY
ADVANCES MADE FOR PAYMENTS PRIOR TO ISSUANCE, AND RELATED
MATTERS, 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. 2017-92 be placed on third reading for final passage and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-92 was highlighted by Mrs. Miller, with Section 6 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2017-92 be passed.

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

Motion carried.
Ordinance No. 2017-92 is passed.

**ORDINANCE NO. 2017-93
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH HENDERSON, SCHMIDLIN & MCGARRY CO., L.P.A. TO
PROVIDE LEGAL SERVICES FROM JANUARY 1, 2018, THROUGH DECEMBER
31, 2018, 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. 2017-93 be placed on third reading for final passage and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-93 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Grushetsky, that Ordinance No. 2017-93 be passed.

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

Motion carried.
Ordinance No. 2017-93 is passed.

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

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

Meeting adjourned at 8:06 P.M.

Approved: January 2, 2018

Attest: _____
Clerk of Council

Vice Mayor