

Lyndhurst, Ohio  
July 2, 2018

The Council of the City of Lyndhurst held its Regular Meeting on Monday, July 2, 2018 at 7:32 P.M., Vice Mayor David A. Frey, presiding.

Members Present: Council Representatives, L. A. Schlessel, J. Price,  
J. A. Gambatese, S. Grushetsky, J. A. Marko, 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;  
M. A. Kovalchik, Director of Finance;  
K. L. Miller, Assistant Clerk of Council.

Absent: M. J. Carroll, Chief of Fire.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, June 4, 2018, 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 acknowledged Mentor Police Officer Matthew Mazany who was laid to rest today. He expressed how our police officers and fire fighters put themselves in harms way for our protection every single day. Mayor Ward asked that as we commemorate our country's birthday this week, to please keep all of the members of our armed forces who risk all to protect our freedom and the members of our safety forces who risk all to safe guard our lives, in your thoughts and prayers.

Mayor Ward aired that several weeks ago, he and Councilman Schlessel attended the Local Leadership Conference in Washington D.C. hosted by our Northeast Ohio Representative Dave Joyce along with his colleagues Marcia Fudge, Jim Renacci and Marcy Kaptur. He stated in addition to meeting with our representatives, there was an opportunity to talk with other members of the Ohio delegation and attend a great program of speakers from the Justice Department, DEA, Amazon and the Small Business Administration. Mayor Ward remarked the best part was seeing our Ohio delegation members working so well together. He added that it is apparent they truly respect and like each other above and beyond any philosophical differences they might have.

Mayor Ward announced National Night Out will take place Tuesday August 7<sup>th</sup> with all of the departments showcasing their equipment. He noted there will be hot dogs, ice cream, rocket car rides, entertainment and much more. Mayor Ward shared that a Legacy Foundation grant was received for this event, which is a huge help and very much appreciated.

Mayor Ward commented the first concert in the park was held June 20<sup>th</sup> and although it rained, the residents had a great time inside the community center with entertainment by

Dennis Ford. He stated the next concert will be this Wednesday, July 4<sup>th</sup>, beginning at 7:30pm with the Hillcrest Concert Band. Mayor Ward aired there will be a regular concert on July 18<sup>th</sup> beginning at 7pm with the Mike Wojtila Band. He noted there is free ice cream at all of the concerts!

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

**PUBLIC LANDS AND BUILDINGS COMMITTEE** – Chairman Price did not have a report.

**ROADS AND UTILITIES COMMITTEE** – Chairman Gambatese had no formal report; however, he wanted to share that the road resurfacing program is under way on Anderson, Ridgebury, Learidge and Corliss. He asked that you be safe when driving through these streets.

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

**SAFETY COMMITTEE** – Chairman LoPresti did not have a report.

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

**PLANNING COMMISSION** – Chairman LoPresti reported the Commission met and had discussion regarding a plot consolidation at the Acacia development. He stated the decision was tabled allowing the committee to gather further evidence.

**SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION** – Cassandra Jones began her report by saying thank you to the Police Department. She stated she is still getting calls from parents regarding the gun education session with Officer Gorski held back in May. Mrs. Jones commented that with the relationship between communities, students, families and the police department being so strained, she is thankful to keep getting phone calls from people who are so grateful. She added another grant was received for a summer program with Coach Bruce.

Chief Porrello responded the department is doing quite a bit more with the schools and the community. He added Coach Bruce is an important part of that effort and he does great work!

Mrs. Jones aired 2014 Brush graduate Brandon McGhee recently graduated from Princeton with high honors as the President of his class. She said he was happy to come back home and share his accomplishments. Mrs. Jones mentioned Brandon was hired by Google after completing his internship with the company.

Mrs. Jones remarked that although the school year ended in May, the fiscal year ends in July. She noted they are still compiling numbers to close up the books.

Mrs. Jones stated the track is currently closed due to resurfacing. She commented the last time it was done was back in 2000. Mrs. Jones shared there were no track meets held on the track last year due to safety concerns. She said it should be finished by the end of July, weather permitting.

Mrs. Jones commented there are a few bills that have been passed over to the Governor they are keeping their eye on. She specifically mentioned House Bill 87, which determines how the funds that are being returned to the state from the charter schools will be audited and credited back to the school districts.

Mrs. Jones shared they are gearing up for a levy stating they have a good plan going forward.

Mrs. Jones reported there is a new Principal at Adrian. She aired that Dr. Woodby has retired and they are replacing him with Ken Lasky. Mrs. Jones stated Mr. Lasky started his educational career at Adrian with Dr. Woodby as his mentor and he is excited to be home!

Even though it feels like summer just got here, Mrs. Jones reported there are 46 days until school starts up again. She stated the first day of school is August 16<sup>th</sup> with practice for band starting at the school on July 16<sup>th</sup>.

Mrs. Jones reminded Council they are always welcome to attend the School Board meetings noting there is one coming up on July 10<sup>th</sup> and another on the 17<sup>th</sup>. She added they will take a break from attending the Council meeting in August in order to get the kids acclimated and a representative will be back in September.

Mrs. Jones concluded her report with special thanks to Council for their continued support.

### **SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD –**

Mayor Ward stated that during the summer months each of the Ward Councilmen make a recommendation for one property in their Wards that exceeds every day standards of home and lawn maintenance. He announced the recipients of the Property of Distinction Awards for the month of July:

- 5178 Kneale Drive – Susan McGowan
- 1567 Biltmore Road – Biagio Gino Amata
- 5473 Kilbourne Drive – Gerald & Margaret Ann Garr
- 5176 Chickadee Lane – Theresa L. LoPresti

He congratulated the residents and thanked them for their hard work!

The meeting was opened to public comment.

Vicky Vance, 1771 Brainard Road, asked for consideration installing solar up lights in the circle of Meadow Wood. She commented how it is difficult to see pedestrians walking due to the large plantings.

Ms. Vance also inquired whether there were any plans for pedestrian traffic over the bridge on Brainard to Cedar now that new traffic patterns have been established.

Mayor Ward responded there is a designated pedestrian lane and cross walk on the west side of the bridge.

### **SECOND READING**

**ORDINANCE NO. 2018-47**

**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTING CHAPTER 779 OF THE ZONING CODE OF THE CITY TITLED “SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES”, AND DECLARING AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2018-47 be placed on second reading.

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

Motion carried.  
Ordinance No. 2018-47 is placed on second reading.

**RESOLUTION NO. 2018-48  
INTRODUCED BY: MAYOR WARD AND ALL MEMBERS OF COUNCIL**

**A RESOLUTION EXPRESSING COMMENDATION AND SINCERE APPRECIATION TO ALLARD A. GOLDBERG FOR LONG AND FAITHFUL SERVICE TO THE RESIDENTS OF LYNDBURST AS MEMBER OF THE LYNDBURST FINANCE DEPARTMENT**

It was moved by Mr. Schlessel, seconded by Mr. Marko, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2018-48 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.  
Rules Suspended.

Resolution No. 2018-48 was read in its entirety by Mrs. Miller.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution No. 2018-48 be adopted.

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

Motion carried.  
Resolution No. 2018-48 is adopted.

**RESOLUTION NO. 2018-49  
INTRODUCED BY: MAYOR WARD AND ALL MEMBERS OF COUNCIL**

**A RESOLUTION EXPRESSING COMMENDATION AND SINCERE APPRECIATION TO ALLARD A. GOLDBERG FOR LONG AND FAITHFUL SERVICE TO THE RESIDENTS OF LYNDBURST AS MEMBER OF THE LYNDBURST FINANCE DEPARTMENT**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2018-49 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.  
Rules Suspended.

Resolution No. 2018-49 was read in its entirety by Mrs. Miller.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Resolution No. 2018-49 be adopted.

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

Motion carried.  
Resolution No. 2018-49 is adopted.

**FIRST READING**  
**ORDINANCE NO. 2018-50**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE MAYOR CONCERNING THE ESTABLISHMENT OF A COMMUNITY ENTERTAINMENT DISTRICT, AND DESIGNATING CERTAIN PROPERTY LOCATED IN THE CITY OF LYNDHURST OHIO, AS A COMMUNITY ENTERTAINMENT DISTRICT PURSUANT TO SECTION 4301.80 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance No. 2018-50 be placed on first reading.

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

Motion carried.  
Ordinance No. 2018-50 is placed on first reading.

**ORDINANCE NO. 2018-51**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ADOPTING THE 2019 TAX BUDGET AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Grushetsky, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2018-51 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2018-51 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Ordinance No. 2018-51 be passed.

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

Motion carried.  
Ordinance No. 2018-51 is passed.

**FIRST READING**  
**ORDINANCE NO. 2018-52**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE  
MAYOR CONCERNING THE ESTABLISHMENT OF A COMMUNITY  
ENTERTAINMENT DISTRICT, AND DESIGNATING CERTAIN PROPERTY  
LOCATED IN THE CITY OF LYNDHURST OHIO, AS A COMMUNITY  
ENTERTAINMENT DISTRICT PURSUANT TO SECTION 4301.80 OF THE OHIO  
REVISED CODE, AND DECLARING AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2018-52 be placed on first reading.

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

Motion carried.  
Ordinance No. 2018-52 is placed on first  
reading.

**Board of Zoning Appeals Recommendation:**

Recommendation made to Council to confirm the decision of the Board in Case No. 2018-06 to deny requested variance from the provisions of Section 1329, Fences, of the Building Code to Elvia Rosales and Marvin Guzman of 5138 Thornbury Boulevard, to erect a six (6) foot high, solid style fence in their rear yard along the side property lines and rear property line.

The findings in Case No. 2018-06 as recorded in the minutes of the meeting of the Board of Zoning Appeals held June 11, 2018 were read by Mrs. Miller.

Vice Mayor Frey asked the owners, who were in attendance, if they would like to address Council on this matter.

Ms. Rosales asked to keep the solid back panel of the fence as it is already installed. She provided a picture of an alternative fence style they would consider using for the remaining side panels which is fifty percent open.

Vice Mayor Frey asked the Building Commissioner if the newly presented fence style would not require a variance, in which Mr. Maichle responded that is correct.

Vice Mayor Frey announced what Council is considering tonight is possibly granting a variance for the fence that is along the rear of the property line that is already installed. He noted one of two other options being to grant the variance and allowing the owners to continue with the solid style of fence around the entire property, or granting a variance only on the back portion of the fence that is already installed and allowing the owners to move forward with installing the compliant fence style on the remaining sides, which does not require a variance.

Mayor Ward stated he paid a site visit with Mr. Maichle noting the fence panel that is already installed is beautiful and installed well. He added Mr. Guzman was trying to open up the panels; however, it would ruin the integrity of the product. Mayor Ward mentioned none of the neighbors had any objection, and he does not see a problem with keeping the fence that is currently installed. Mayor Ward commented it would be Council's choice whether they want to allow the owners to continue with the solid fence they started with or purchase a complimenting material to install on the sides of their yard.

Councilman LoPresti inquired why the fence was partially installed without prior approval by the Building Department.

Mayor Ward responded how the owners did not know they needed a permit and when they came to get one they found out the style of fence they were using required a variance.

Councilman LoPresti reiterated the owners self-corrected once they found out they needed a permit, rather than someone from the City stopping the project.

Vice Mayor Frey remarked the Board of Zoning Appeals did not have a problem with the fence, rather they did not have grounds to grant a variance.

Mayor Ward added the owners already had approval from their neighbors prior to installing the fence and are actually replacing part of one neighbor's fence which was in need of repair.

Councilman Gambatese wanted to clarify that the neighbors are ok with the solid style fence which is already installed.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Council overturn the decision of the Board of Zoning Appeals in Case No. 2018-06 regarding the solid rear fence panel and to allow one solid panel on each side, keeping it symmetrical, while using a compliant fence style for the remaining panels.

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

Motion carried.

Correspondence from the Ohio Division of Liquor Control regarding a new permit for Multi Culture Food Inc. dba Wild Mango Restaurant & Bar, 25385 Cedar Road, was noted with no hearing being requested.

**ORDINANCE NO. 2018-18 (AMENDED)  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 1176 OF THE ZONING CODE  
OF THE CITY TITLED "SUPPLEMENTARY REGULATIONS" BY AMENDING  
SECTION 1176.07 REGARDING PROHIBITED USES**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2018-18 be removed from table.

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

Motion carried.  
Ordinance Number 2018-18 is removed from table.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2018-18 be amended and adopted.

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

Motion carried.  
Ordinance No. 2018-18 (Amended)  
is adopted as amended.

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

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

Meeting adjourned at 8:10 P.M.

Approved: August 6, 2018

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

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