

Lyndhurst, Ohio
September 4, 2018

The Council of the City of Lyndhurst held its Regular Meeting on Tuesday, September 4, 2018 at 7:33 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;
M. J. Carroll, Chief of Fire.
T. Fioritto, Director of Service;
J. Maichle, Building Commissioner;
K. L. Miller, Assistant Clerk of Council.

Absent: M. A. Kovalchik, Director of Finance.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, August 6, 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, with Mr. Frey abstaining.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that the reading of the minutes of the Special Meeting of Council held Monday, August 6, 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, with Mr. Frey abstaining.

MAYOR'S REPORT – Mayor Ward aired he recently participated in a discussion hosted by the Sunview PTA relative to what our schools have to offer Lyndhurst families. Superintendent Reid, the principals of Sunview, Greenview, Memorial and Brush along with the PTA sat on the panel. He commented it was a candid discussion and extremely beneficial. Mayor Ward acknowledged the major take away for Lyndhurst residents and parents is that there is no substitute for firsthand knowledge. He suggested if anyone is concerned, interested or otherwise curious about the environment in any school district building, then please go and find out for yourself. Mayor Ward expressed how he appreciates the Sunview PTA for taking the initiative on this discussion.

Mayor Ward announced the 93rd Annual Home Day celebration will take place over the upcoming weekend. He stated the Sunview PTA will be hosting Family Fun Night on Friday which will include free games and prizes in the kids' tent. Mayor Ward noted there will be entertainment each night with Motown on Friday, Disco on Saturday and Sinatra on Sunday. He added how the community groups will have a wonderful platform to showcase their offerings. Mayor Ward confirmed the pancake breakfast will be held on Sunday followed by an awesome parade at the new 12:00 noon time!

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 stated there is nothing to report at this time.

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 committee met on August 13, 2018. He stated a recommendation is being made to Council to approve a lot split and consolidation of original lots S/L Nos. 22-25 into new proposed lots S/L Nos. 22A, 23A and 24A, conditioned that the main entrance to S/L Nos. 22A and 23A face east towards Eagle Point Drive and S/L No. 24A face south towards Acacia Circle at Acacia Country Club Estates.

Additionally, Mr. LoPresti reported a recommendation is being made to Council to approve the proposed changes in the codified ordinances of the City of Lyndhurst, Chapter 1170, Electronic Moving Message/Digital Display Signs, in the Community Business District Class A and Class B, as indicated and to create the new sections as a conditional use.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION – Erin Lee-Harris reported the school year began on August 16, 2018. She shared that Mayor Ward attended the annual Convocation and thanked him for continually showing his support for the schools.

Ms. Harris remarked on the increased enrollment this year with 30 new students at Memorial alone. She stated many students are returning to the district from private or charter schools.

Ms. Harris announced their strategic plan has been completed and it will be approved at the next school board meeting.

Ms. Harris shared the SEL Appreciation Day will be held on September 15th at Legacy Village. She mentioned raffle tickets are still available.

The meeting was opened to public comment.

Elyzabeth DeGiovanni, 5169 Thornbury, asked for an explanation of Ordinance 2018-64 regarding electronic signs.

Mayor Ward responded the original Ordinance only allowed electronic message boards on properties over five acres and over ten businesses on them. He stated the changes will memorialize the rules pertaining to the larger parcels and create a platform for signs to be installed on a smaller parcel, under 5 acres with at least 175 feet of frontage, by applying for a conditional use permit. He added a public hearing will be held in October regarding the changes to this Ordinance.

Ms. DeGiovanni inquired as to why only part of the tree lawn has been mowed at the corner of Case and Richmond Road. She noted this is the first entrance into Lyndhurst. John Maichle indicated he will take a look at the property.

Ms. DeGiovanni wanted to know more about the board on board style of fence. She specifically asked if there has to be two boards or can there only be one.

John Maichle explained there does not have to be a board on board as long as the fence allows a visual space between each board.

Mayor Ward added the fence has to meet the requirement of fifty percent open.

**ORDINANCE NO. 2018-61
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE TO LEVY ASSESSMENTS FOR THE CONSTRUCTION
OR REPAIR OF SIDEWALKS ON CERTAIN STREETS IN THE CITY OF
LYNDHURST, AND DECLARING AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Marko, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2018-61 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-61 was highlighted by Mrs. Miller, with Section 5 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Gambatese that Ordinance No. 2018-61 be passed.

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

Motion carried.
Ordinance No. 2018-61 is passed.

**RESOLUTION NO. 2018-62
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION ACCEPTING THE AMOUNT AND RATES AS
DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY
FISCAL OFFICER**

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. 2018-62 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2018-62 was highlighted by Mrs. Miller, with Section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution No. 2018-62 be adopted.

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

Motion carried.
Resolution No. 2018-62 is adopted.

**ORDINANCE NO. 2018-63
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AGREEMENTS AND CONTRACTS WITH VARIOUS INSURANCE CARRIERS RECOMMENDED BY JACKSON, DIEKEN & ASSOCIATES, INC., TO PROVIDE THE NEEDED INSURANCE COVERAGE REQUIRED BY THE CITY OF LYNDBURST AND DECLARING AN EMERGENCY

It was moved by Mr. Marko, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2018-63 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-63 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese that Ordinance No. 2018-63 be passed.

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

Motion carried.
Ordinance No. 2018-63 is passed.

**ORDINANCE NO. 2018-64
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AMENDING CHAPTER 1170 OF THE ZONING CODE OF THE CITY TITLED "ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAYS" BY AMENDING SECTION 1170.18 REGARDING ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAY SIGNS

It was moved by Mr. Schlessel, seconded by Mr. Price, that Ordinance No. 2018-64 be placed on first reading.

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

Motion carried.
Ordinance No. 2018-64 is placed on first reading.

**RESOLUTION NO. 2018-65
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE OHIO PUBLIC WORKS COMMISSION FOR THE FUNDING OF CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECTS IN THE CITY OF LYNDBURST AND DECLARING AN EMERGENCY

It was moved by Mr. Marko, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2018-65 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2018-65 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Resolution No. 2018-65 be adopted.

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

Motion carried.
Resolution No. 2018-65 is adopted.

**ORDINANCE NO. 2018-66
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 WITH UNITED SURVEY, INC., FOR THE SEWER REHABILITATION PROJECT ON IRENE, CHURCHILL AND GORDON ROADS, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, AND DECLARING AN EMERGENCY

It was moved by Mr. Marko, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2018-66 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-66 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. 2018-66 be passed.

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

Motion carried.
Ordinance No. 2018-66 is passed.

**ORDINANCE NO. 2018-67
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH TERRACE CONSTRUCTION COMPANY, INC. FOR THE WATERLINE REPLACEMENT PROJECT ON CHICKADEE AND LEARIDGE ROADS, AND DECLARING AN EMERGENCY

It was moved by Mr. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2018-67 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-67 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti that Ordinance No. 2018-67 be passed.

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

Motion carried.
Ordinance No. 2018-67 is passed.

ORDINANCE NO. 2018-68
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING
CURRENT REPLACEMENT PAGES 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. 2018-68 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-68 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. 2018-68 be passed.

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

Motion carried.
Ordinance No. 2018-68 is passed.

Board of Zoning Appeals Recommendation:

Recommendation made to Council to confirm the decision of the Board in Case No. 2018-08 to grant requested variance from the provisions of Chapter 1160.04 (a) (1) A of the Planning and Zoning. The request is to build a proposed new twenty-four (24) feet by forty (40) feet, nine hundred and sixty (960) square foot garage in lieu of the total floor area not to exceed seven hundred seventy-five (775) square feet in the Ten Thousand Square Foot Residential District.

The findings in Case No. 2018-08 as recorded in the minutes of the meeting of the Board of Zoning Appeals held August 13, 2018 were read by Mrs. Miller.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2018-08.

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

Planning Commission Recommendations:

Recommendation made to Council to approve the lot split and consolidation of original lots S/L Nos. 22-25 into new proposed lots S/L Nos. 22A, 23A and 24A, conditioned that the main entrance to S/L Nos. 22A and 23A face east towards Eagle Point Drive and S/L No. 24A face south towards Acacia Circle at Acacia Country Club Estates, as presented.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Council confirm the decision of the Planning Commission.

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

Recommendation made to Council to approve the proposed changes in the codified ordinances of the City of Lyndhurst, Chapter 1170, Electronic Moving Message/Digital Display Signs, in the Community Business District Class A and Class B, as indicated and to create the new sections as a conditional use.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that Council confirm the decision of the Planning Commission.

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

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 7:58 P.M.

Approved: September 17, 2018

Attest: _____
Clerk of Council

Vice Mayor