

Lyndhurst, Ohio  
September 3, 2013

The Council of the City of Lyndhurst met in Regular Session on Tuesday, September 3, 2013 at 8:04 P.M., Vice Mayor Patrick A. Ward, presiding.

Members Present: Council Representatives J. A. Gambatese, C. A. LoPresti, J. A. Marko, K. C. Packard, L. A. Schlessel, D. A. Frey.

Others Present: P. T. Murphy, Director of Law;  
R. F. Porrello, Chief of Police;  
F. E. Glady III, Director of Service;  
M. A. Kovalchik, Director of Finance;  
L. M. Puskas, Building Inspector;  
M. J. Carroll, Chief of Fire;  
M. A. Franco, Assistant Clerk of Council.

Absent: J. M. Cicero, Jr., Mayor.

The Oath of Office was administered to new Patrol Officer David Boss.

It was moved by Mr. Marko, seconded by Mr. Schlessel, that the reading of the minutes of the Regular Meeting of Council held Monday, August 5, 2013, 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 unanimously, with Mr. Packard abstaining.

**MAYOR'S REPORT** – Mayor Cicero was absent, therefore he had no report.

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

**PUBLIC LANDS AND BUILDINGS COMMITTEE** – Chairman Marko had no report; however he announced Homedays are this weekend.

**ROADS AND UTILITIES COMMITTEE**

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

**SAFETY COMMITTEE** – Chairman LoPresti had stated the Safety Committee met prior to the Council Meeting this evening and minutes will be forthcoming.

**LEGISLATIVE COMMITTEE** – Chairman Frey had no report; however, he stated the Legislative Committee would be meeting prior to the next Council Meeting on September 16<sup>th</sup> at 7:00pm.

**AD HOC COMMITTEE ON PERFORMANCE AUDITS** – Mr. Gambatese had no report.

**PLANNING COMMISSION** – Chairman Schlessel had no report; however he stated the August meeting that was cancelled may be rescheduled for September.

**REPORT ON THE LEGACY FUND GRANTS – ARLENE SCHREIBER, BOARD MEMBER** – Ms. Schreiber presented the history of the fund. Ms. Schreiber stated the main purpose of her visit is to encourage the cities and schools to apply for a grant.

**SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION** – No representative was present.

The meeting was opened to public comment:

Tina Tricarichi, 5610 Chelmsford, expressed her concern regarding the Homedays Committee decision to not allow Save the Mansion Library Committee to have booth at Homedays.

Mr. Packard stated that Council collectively agreed that a booth will be available for Save the Mansion Library Committee.

Carmen Labbatto, 5238 Thornbury, voiced his opinion regarding the decision of the Board of Zoning Appeals regarding his neighbor Jason Sefcik that resides at 5235 Thornbury.

Mr. Ward acknowledged that Mr. Sefcik was not present and informed Mr. Labbatto that if Mr. Sefcik does not come to the meeting and request Council's consideration Council will not overturn the decision of the Board of Zoning Appeals.

Mr. Ward announced the different entertainment groups that will be performing at homedays, he also reminded everyone the Parade will be on Sunday. Mr. Ward stated Council of Councils Breakfast is Saturday and September 21<sup>st</sup> is Council Coffee from 9:00AM to 12:00PM at the Community Center.

**SECOND READING**  
**ORDINANCE NO. 2013-55**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE ENACTING SECTION 1359.051 OF THE CODIFIED ORDINANCES OF THE CITY WITH REGARD TO THE CURTAILMENT OF WATER USE, AND DECLARING AN EMERGENCY.**

It was moved by Mr. Marko, seconded by Mr. Frey, that Ordinance No. 2013-55 be placed on second reading.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Ordinance No. 2013-55 is placed on second reading.

**SECOND READING**  
**RESOLUTION NO. 2013-58**  
**INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO. 711-08-047 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. Marko, seconded by Mr. Packard, that Resolution No. 2013-58 be placed on second reading.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Resolution No. 2013-58 is placed on second reading.

**SECOND READING**  
**ORDINANCE NO. 2013-59**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTIONS 145.01 AND 145.02 OF THE CODIFIED ORDINANCES OF THE CITY WITH REGARD TO THE BUILDING COMMISSIONER, AND DECLARING AN EMERGENCY.**

It was moved by Mr. Marko, seconded by Mr. Schlessel, that Ordinance No. 2013-59 be placed on second reading.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Ordinance No. 2013-59 is placed on second reading.

**SECOND READING**  
**ORDINANCE NO. 2013-61**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE ENACTING SECTION 159.151 OF THE CODIFIED ORDINANCES OF THE CITY WITH REGARD TO VOLUNTARY DEDUCTIONS FOR THE OHIO TUITION TRUST AUTHORITY'S COLLEGE ADVANTAGE SAVINGS PLAN, AND DECLARING AN EMERGENCY.**

It was moved by Mr. Schlessel, seconded by Mr. Packard, that Ordinance No. 2013-61 be placed on second reading.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Ordinance No. 2013-61 is placed on second reading.

**ORDINANCE NO. 2013-65**  
**INTRODUCED BY: ADMIN**

**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 LYNDHURST AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2013-65 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Rules Suspended.

Ordinance No. 2013-65 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Packard, that Ordinance No. 2013-65 be passed.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Ordinance No. 2013-65 is passed

**RESOLUTION NO. 2013-66  
INTRODUCED BY: ADMIN**

**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. Packard, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2013-66 be placed on third reading for final adoption and that it be highlighted.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Rules Suspended.

Resolution No. 2013-66 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Packard, that Resolution No. 2013-66 be adopted.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Resolution No. 2013-66 is adopted

**ORDINANCE NO. 2013-67  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MUNICIPAL BUILDING INSPECTION SOLUTIONS, LLC, TO PROVIDE FOR BUILDING INSPECTION SERVICES IN THE CITY OF LYNDHURST, AND DECLARING AN EMERGENCY.**

It was moved by Mr. Marko, seconded by Mr. Packard, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2013-67 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Rules Suspended.

Ordinance No. 2013-67 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Packard, that Ordinance No. 2013-67 be passed.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Ordinance No. 2013-67 is passed

**RESOLUTION NO. 2013-68  
INTRODUCED BY: ADMIN**

**A RESOLUTION PROCLAIMING SEPTEMBER 2013 AS NATIONAL PREPAREDNESS MONTH**

It was moved by Mr. Marko, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2013-68 be placed on third reading for final adoption and that it be highlighted.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Rules Suspended.

Resolution No. 2013-68 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Packard, that Resolution No. 2013-68 be adopted.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.  
Resolution No. 2013-68 is adopted

**Board of Zoning Appeals Recommendations:**

Recommendation made to Council to confirm the decision of the Board in Case No. 2013-01 to **deny** requested variance to Jason Sefcik, 5235 Thornbury Bl., from the provisions of Chapter 1160.04 (a)(2) A & B of the Planning and Zoning Code to permit parking and/or storage of a commercial vehicle outside at any time in plain view.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Council table the decision of the Board of Zoning Appeals in Case No. 2013-01.

Roll Call: Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.  
Nays: None.

Motion carried.

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.

Approved: September 16, 2013

Meeting adjourned at 8:33 P.M.

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

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