

Lyndhurst, Ohio
July 7, 2014

The Council of the City of Lyndhurst held its Regular Meeting on Monday, July 7, 2014 at 8:03 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives J. A. Gambatese, C. A. LoPresti, P. A. Ward, L. A. Schlessel, D. A. Frey.

Others Present: J. M. Cicero, Jr., Mayor;
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:

It was moved by Mr. Ward, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, June 2, 2014, 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.

MAYOR'S REPORT – Mayor Cicero thanked Ahuja Hospital for the LUCAS Device donation.

FINANCE COMMITTEE – Chairman Ward had no report; however he complimented all efforts in regards to the residential outreach.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Chairman Schlessel had no report.

ROADS AND UTILITIES COMMITTEE – Chairman Marko had no report.

SERVICE AND SEWERS COMMITTEE – Chairman Gambatese had no report.

SAFETY COMMITTEE – Chairman LoPresti had no report.

LEGISLATIVE COMMITTEE – Chairman Ward had no report.

PLANNING COMMISSION – Mr. Frey had no report.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION – Cassandra Jones announced the district has hired a principal and orchestra teacher.

Ms. Jones aired the following dates: New family orientation will begin August 12th, Athletic Boosters will meet August 6th at 6:30, Board of Education meeting will be held July 27th.

Ms. Jones reported the scores from the Spring OAAs show significant growth in student performance.

SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD – Mayor Cicero announced the recipients of the Property of Distinction Awards:

Eric and Jodi Nicolli – 5139 Hickory drive
Jayna Tripi – 5525 Dorset Road
Santo and Constance Scolaro – 5789 Alberta Drive
Sue Iaforaro – 5015 Oakland Drive

The meeting was opened to public comment.

There was no public comment.

Mr. Marko explained the process of appointment for a council vacancy. Mr. Marko stated he received a letter of interest from resident, Jeff Price.

Mr. Ward voiced his reasoning for his recommendation of the appointment of Jeff Price.

It was moved by Mr. Marko, seconded by Mr. Schlessel, to appoint Jeff Price to fill the Council vacancy, effective August 1, 2014.

Roll Call: Yeas: Ward, Gambatese, Schlessel, Marko.
Nays: Frey, LoPresti.

Motion carried.

Mr. Ward aired July 16th there will be a concert in the park.

**ORDINANCE NO. 2014-37
INTRODUCED BY: ADMIN**

**ORDINANCE ADOPTING THE 2015 TAX BUDGET AND DECLARING AN
EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-37 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-37 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2014-37 be passed.

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

Motion carried.
Ordinance No. 2014-37 is passed

ORDINANCE NO. 2014-38
INTRODUCED BY: ADMIN

AN ORDINANCE AUTHORIZING CONTRACTS FOR THE DEPOSIT OF INTERIM AND ACTIVE FUNDS OF THE CITY OF LYNDHURST, AND DECLARING AN EMERGENCY

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-38 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-38 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2014-38 be passed.

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

Motion carried.
Ordinance No. 2014-38 is passed

**ORDINANCE NO. 2014-39
INTRODUCED BY: ADMIN**

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND
OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD
ENDING DECEMBER 31, 2014 REPEALING ORDINANCE NO. 2014-11 AND
DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-39 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-39 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2014-39 be passed.

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

Motion carried.
Ordinance No. 2014-39 is passed

**ORDINANCE NO. 2014-40
INTRODUCED BY: ADMIN**

**AN ORDINANCE REPEALING CHAPTER 953 OF THE CODIFIED
ORDINANCES OF THE CITY**

It was moved by Mr. Ward, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-40 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-40 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2014-40 be passed.

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

Motion carried.
Ordinance No. 2014-40 is passed

**RESOLUTION NO. 2014-41
INTRODUCED BY: ADMIN**

**A RESOLUTION AUTHORIZING THE MAYOR TO RETAIN
WALTER HAVERFIELD TO REPRESENT THE CITY IN LABOR AND
EMPLOYMENT MATTERS AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-41 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2014-41 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution No. 2014-41 be adopted.

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

Motion carried.
Resolution No. 2014-41 is adopted.

Mayor Cicero introduced Attorney Sara Fagnilli from Walter Haverfield.

**RESOLUTION NO. 2014-42
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS
CUYAHOGA COUNTY PERMANENT PARCEL NO. 712-09-009 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. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-42 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2014-42 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Ward, that Resolution No. 2014-42 be adopted.

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

Motion carried.
Resolution No. 2014-42 is adopted

**RESOLUTION NO. 2014-43
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS
CUYAHOGA COUNTY PERMANENT PARCEL NO. 714-06-010 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. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-43 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2014-43 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Ward, that Resolution No. 2014-43 be adopted.

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

Motion carried.
Resolution No. 2014-43 is adopted

Mr. Ward thanked the Building Department for their hard work and dedication not only for the nuisances but the Property of Distinction Program as well.

**RESOLUTION NO. 2014-44
INTRODUCED BY: ADMIN**

A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL NO. 711-01-016 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. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-44 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2014-44 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Resolution No. 2014-44 be adopted.

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

Motion carried.
Resolution No. 2014-44 is adopted

**RESOLUTION NO. 2014-45
INTRODUCED BY: ADMIN**

A RESOLUTION EXPRESSING COMMENDATION AND SINCERE APPRECIATION TO KEITH C. PACKARD FOR SERVICE RENDERED FOR AND ON BEHALF OF THE CITIZENS OF THE CITY OF LYNTHURST, OHIO AS A MEMBER OF CITY COUNCIL AND AS AN OUTSTANDING RESIDENT OF THE CITY OF LYNTHURST

It was moved by Mr. Ward, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-45 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2014-45 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Resolution No. 2014-45 be adopted.

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

Motion carried.
Resolution No. 2014-45 is adopted

**RESOLUTION NO. 2014-46
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN
AS CUYAHOGA COUNTY PERMANENT PARCEL NO. 711-01-016 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. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-46 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2014-46 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution No. 2014-46 be adopted.

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

Motion carried.
Resolution No. 2014-46 is adopted

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2014-03 to **deny** the request of Mr. Alex Rybak, of 1970 Winchester Road, to overturn the decision of the Building Commissioner to construct two retaining walls in the front yard setback; Section 1160.09, Architectural Projections.

The findings in Case No. 2014-03 as recorded in the minutes of the meeting of the Board of Zoning Appeals held June 9, 2014 were read by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. Schlessel, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2014-03.

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

Motion carried.

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

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

Approved: August 4, 2014

Meeting adjourned at 8:44 P.M.

Attest: _____
Clerk of Council

Vice Mayor