

Lyndhurst, Ohio
September 2, 2014

The Council of the City of Lyndhurst held its Regular Meeting on Tuesday, September 2, 2014 at 8:02 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives J. A. Gambatese, C. A. LoPresti, P. A. Ward, J. Price, 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;
M. A. Kovalchik, Director of Finance.
F. E. Glady III, Director of Service.
L. M. Puskas, Building Inspector;
M. J. Carroll, Chief of Fire;
M. A. Franco, Assistant Clerk of Council.

Absent:

It was moved by Mr. Frey, seconded by Mr. Gambatese, that the minutes of the Regular Meeting of Council held Monday, August 4, 2014, be amended to correct the spelling of Mick Lizalde to Nick Lizalde.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, August 4, 2014, copies of which were mailed to all Members, be dispensed with and said minutes stand approved as amended.

The question was put to a voice vote and passed unanimously, with Mr. Frey abstaining.

MAYOR'S REPORT – Mayor Cicero did not have a formal report; however, he reminded everyone Homedays is this weekend.

FINANCE COMMITTEE – Chairman Ward had no report.

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

ROADS AND UTILITIES COMMITTEE – Chairman Price had no report.

SERVICE AND SEWERS COMMITTEE – Chairman Gambatese had no report.

SAFETY COMMITTEE – Chairman LoPresti had no report.

LEGISLATIVE COMMITTEE – Chairman Ward stated the committee met prior to the Council Meeting and the minutes will be forthcoming.

PLANNING COMMISSION – Mr. Frey had no report.

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

SPECIAL PRESENTATION – AHUJA HOSPITAL DONATION – Susan Juris, President of Ahuja Medical Center and Dan Ellenberger, Director of EMS Institute, presented the City of Lyndhurst with a Lucas Chest Compression System donation for use by our Fire Department.

The meeting was opened to public comment.

Richard Clark, 5347 Chickadee, invited the police to come and observe traffic behavior at the intersection of Winchester and Chickadee.

Rebecca Maurer, 5196 Haverford, voiced her concerns regarding her neighbor's pit bull.

Mayor Cicero informed Ms. Maurer he just learned of her situation and he and the police chief will look into the problem and get back to her.

Mr. Ward stated Homedays is this weekend, with new family fun night on Friday, and great entertainment all weekend long.

Mr. Schlessel aired September 20th will be the Council Coffee.

Mr. Ward stated Community Shredding Day will be held September 27th.

SECOND READING

ORDINANCE NO. 2014-47

INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING SECTIONS 925.01 AND 925.02 OF CHAPTER 925 OF THE CODIFIED ORDINANCES TO ESTABLISH A RATE AND CHARGE OF RENTS TO BE PAID FOR THE USE OF THE SYSTEM OF SEWERAGE IN THE CITY OF LYNDHURST FOR TAX YEARS 2014, 2015 AND 2016 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. 2014-47 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-47 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2014-47 be passed.

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

Motion carried.
Ordinance No. 2014-47 is passed

SECOND READING
ORDINANCE NO. 2014-48
INTRODUCED BY: ADMIN

AN ORDINANCE TO PROVIDE FOR THE ASSESSMENT AND MAINTENANCE CHARGE OF THE COST AND EXPENSE OF LIGHTING CERTAIN STREETS, PUBLIC ROADS AND PARTS THEREOF, IN THE CITY OF LYNDBURST FOR THE TAX YEARS 2014, 2015, and 2016 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 Ordinance No. 2014-48 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-48 was highlighted by Mrs. Franco, with Section 9 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2014-48 be passed.

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

Motion carried.
Ordinance No. 2014-48 is passed

**RESOLUTION NO. 2014-54
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. 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. 2014-54 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2014-54 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution No. 2014-54 be adopted.

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

Motion carried.
Resolution No. 2014-54 is adopted.

**ORDINANCE NO. 2014-55
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 LYNDBURST 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. 2014-55 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-55 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-55 be passed.

Mr. Ward thanked the Finance Director for her hard work on obtaining great rates.

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

Motion carried.
Ordinance No. 2014-55 is passed

ORDINANCE NO. 2014-56
INTRODUCED BY: ADMIN

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 791
OF THE CODIFIED ORDINANCES OF THE CITY OF LYNDHURST
ENTITLED "EARNED INCOME TAX"**

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. 2014-56 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-56 was highlighted by Mrs. Franco, with Section 7 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-56 be passed.

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

Motion carried.
Ordinance No. 2014-56 is passed

**ORDINANCE NO. 2014-57
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH A&J
CEMENT CONTRACTORS, INC., FOR THE 2014 CONCRETE PROGRAM
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. 2014-57 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-57 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-57 be passed.

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

Motion carried.
Ordinance No. 2014-57 is passed

**ORDINANCE NO. 2014-58
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH
AMERICAN PIPE SEALING FOR THE 2013 LATERAL REHABILITATION
PROGRAM 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. 2014-58 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-58 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-58 be passed.

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

Motion carried.
Ordinance No. 2014-58 is passed

ORDINANCE NO. 2014-59
INTRODUCED BY: ADMIN

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
LONGO CONSTRUCTION, INC. FOR THE 2013 SEWER REPAIR PROGRAM
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. 2014-59 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-59 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2014-59 be passed.

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

Motion carried.
Ordinance No. 2014-59 is passed

ORDINANCE NO. 2014-60
INTRODUCED BY: ADMIN

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH
LONGO CONSTRUCTION, INC., FOR THE 2013 SEWER REPAIR PROGRAM
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 Ordinance No. 2014-60 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-60 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Ward, that Ordinance No. 2014-60 be passed.

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

Motion carried.
Ordinance No. 2014-60 is passed

**RESOLUTION NO. 2014-61
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS
CUYAHOGA COUNTY PERMANENT PARCEL NO. 711-23-041 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. 2014-61 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2014-61 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution No. 2014-61 be adopted.

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

Motion carried.
Resolution No. 2014-61 is adopted.

**ORDINANCE NO. 2014-62
INTRODUCED BY: ADMIN**

**AN ORDINANCE TO LEVY ASSESSMENTS FOR THE
CONSTRUCTION OR REPAIR OF SIDEWALKS ON CERTAIN STREETS IN
THE CITY OF LYNDBURST, 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. 2014-62 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-62 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2014-62 be passed.

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

Motion carried.
Ordinance No. 2014-62 is passed

Correspondence from the Ohio Division of Liquor Control for a permit for STCR Acquisition, LLC, DBA Stir Crazy, 25385 Cedar Road, was noted with no hearing being requested.

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

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

Approved: September 15, 2014

Meeting adjourned at 8:45 P.M.

Attest: _____
Clerk of Council

Vice Mayor