

Lyndhurst, Ohio  
October 20, 2014

The Council of the City of Lyndhurst held its Regular Meeting on Monday, October 20, 2014 at 8:02 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives 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: Council Representative J. A. Gambatese.

It was moved by Mr. Ward, seconded by Mr. Schlessel, that the reading of the minutes of the Regular Meeting of Council held Monday, October 6, 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, with Mr. Frey abstaining.

It was moved by Mr. Ward, seconded by Mr. Schlessel, that the reading of the minutes of the Special Meeting of Council held Monday, October 6, 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, with Mr. Frey abstaining.

**MAYOR'S REPORT** – Mayor Cicero thanked Ahuja Medical Center for a donation to the Police Department of 12 trauma control kits. Mayor Cicero said he understands the concerns about Ebola; however he asked that we be cautious, but not overreact. Mayor Cicero said the City is well prepared for any issues.

**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 was absent; therefore, he had no report.

**SAFETY COMMITTEE** – Chairman LoPresti recapped the Lyndhurst Fire Department Smoke Detector Program. Mr. LoPresti stated the Fire Department will assist residents over the age of 65 or the disabled with the installation of smoke detectors purchased by the resident, also the Lyndhurst Fire Department's new Smoke Detector Program offers free photoelectric smoke alarms plus installation to residents that meet the following criteria: 1.) Live in the City of Lyndhurst; 2.) Own and occupy your home; 3.) Are A) Elderly, B) On a fixed income, or C) Handicapped; 4.) Agree to have a Home Safety Evaluation done by a Fire Department representative, for further information contact Captain David Holtz.

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

**PLANNING COMMISSION** – Mr. Frey had no formal report. Mr. Frey stated the committee will not meet in the month of October.

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

The meeting was opened to public comment.

Tina Tricarichi, 5610 Chelmsford, stated her displeasure with the way the Cuyahoga County Library conducted their online survey.

**SECOND READING**  
**ORDINANCE NO. 2014-64**  
**INTRODUCED BY:**  
**COUNCILMAN WARD**

**AN ORDINANCE AMENDING CHAPTER 618 OF THE CODIFIED ORDINANCES OF THE CITY ENTITLED “ANIMALS” BY AMENDING SECTION 618.24, AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. Schlessel, that Ordinance No. 2014-64 be placed on second reading.

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

Motion carried.  
Ordinance No. 2014-64 is place on second reading.

**RESOLUTION NO. 2014-68**  
**INTRODUCED BY: ADMIN**

**A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO OHIO REVISED CODE SECTION 321.34**

It was moved by Mr. Ward, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-68 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Resolution No. 2014-68 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2014-68 be adopted.

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

Motion carried.  
Resolution No. 2014-68 is adopted.

**ORDINANCE NO. 2014-69**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE AWARDING A DIRECT CONTRACT WITHOUT COMPETITIVE BIDDING ON AN EMERGENCY BASIS TO DON WARTKO CONSTRUCTION, INC., FOR A PORTION OF THE 2014 SIDEWALK REPLACEMENT PROGRAM, AUTHORIZING THE MAYOR TO ENTER INTO THE CONTRACT, 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. 2014-69 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2014-69 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2014-69 be passed.

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

Motion carried.  
Ordinance No. 2014-69 is passed

**ORDINANCE NO. 2014-70  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 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. 2014-70 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2014-70 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Ward, that Ordinance No. 2014-70 be passed.

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

Motion carried.  
Ordinance No. 2014-70 is passed

**RESOLUTION NO. 2014-71  
INTRODUCED BY: ADMIN**

**A RESOLUTION PROVIDING FOR HALLOWEEN OBSERVANCE  
UPON THE STREETS AND OUT-OF-DOORS FOR OCTOBER 31, 2014,  
BETWEEN THE HOURS OF 6:00 P.M. AND 8:00 P.M.**

It was moved by Mr. Ward, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-71 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Resolution No. 2014-71 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2014-71 be adopted.

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

Motion carried.  
Resolution No. 2014-71 is adopted.

**Board of Zoning Appeals Recommendations:**

Recommendation made to Council to confirm the decision of the Board in Case No. 2014-07 to **grant** the request of James R. Charnock, 1430 Clearview Road, for a variance from the provisions of Chapter 1160.05 of the Planning and Zoning Code. The applicant requests a twelve (12) foot rear yard variance to allow an addition to be built.

The findings in Case No. 2014-07 as recorded in the minutes of the meeting of the Board of Zoning Appeals held October 13, 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. 2014-07.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2014-08 to **grant** the requested variance to A. Perrino Construction, Acacia Country Club Estates, from the provisions 1161.11 (o) (2) of the Planning and Zoning Code. The applicant requests up to and not to exceed a fifteen (15') foot rear yard variance to allow a deck to be built on Sub Lot 47.

The findings in Case No. 2014-08 as recorded in the minutes of the meeting of the Board of Zoning Appeals held October 13, 2014 were read by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2014-08 with the stipulation that it not be in excess of fifteen (15') foot, but be in accordance with the drawings dated September 4, 2014.

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

Motion carried.

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

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

Approved: November 3, 2014

Meeting adjourned at 8:21 P.M.

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

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