

Lyndhurst, Ohio
November 17, 2014

The Council of the City of Lyndhurst held its Regular Meeting on Monday, November 17, 2014 at 8:02 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives C. A. LoPresti, P. A. Ward,
J. Price, 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;
L. M. Puskas, Building Inspector;
M. J. Carroll, Chief of Fire;
M. A. Franco, Assistant Clerk of Council.

Absent: Council Representative L. A. Schlessel;
Council Representative J. A. Gambatese;
M. A. Kovalchik, Director of Finance.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that the reading of the minutes of the Regular Meeting of Council held Monday, November 3, 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.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that the reading of the minutes of the Special Meeting of Council held Monday, November 3, 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 the Service Department for their hard work in picking up leaves and snow removal.

FINANCE COMMITTEE – Chairman Ward had no formal report; however, he reminded committee chairs to schedule budget meetings.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Chairman Schlessel was absent; therefore, he 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 had no report.

LEGISLATIVE COMMITTEE – Chairman Ward had no report.

PLANNING COMMISSION – Mr. Frey had no report.

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

The meeting was opened to public comment.

Elyzabeth DeGiovanni, 5169 Thornbury, asked whether the City was still picking up leaves after the recent snowfall.

Mr. Gladly responded it depended on the weather. If there was an opportunity to continue to collect leaves they will continue to do so, otherwise they will be collected in the spring, and at that time the city will not be able to vacuum the leaves, they will have to be bagged in paper bags or yard waste containers.

Ms. DeGiovanni then noted the matter on the Agenda concerning the Board of Appeals, and asked several questions regarding the type of commercial vehicle that could be allowed to be parked on Beaconfield.

Councilman Ward responded that it was a regular sized panel van which would be parked in the driveway.

Ms. DeGiovanni then asked if this would open a can of worms, and Mr. Ward replied it would not. Ms. DeGiovanni then asked if she would be able to park a dump truck in her driveway, and Councilman Ward responded she would not without a variance; if a variance were requested it would be weighed along with the same criteria as all other requests are weighed.

Ms. DeGiovanni then asked about the Sunshine Law, and requested Mr. Murphy to elaborate on its application.

Mr. Murphy provided a short summary, and indicated state law required all meetings of public bodies to be open to the public, and notice of same provided, unless it is for one of the exceptions stated in Section 121.22 of the Ohio Revised Code. Some of those exceptions are to discuss personnel matters, to discuss union negotiations, to discuss pending or imminent litigation with an attorney, to discuss the purchase or sale of real property, and to discuss matters that should be kept confidential because of security.

Ms. DeGiovanni then referred to a closed meeting which was held by Lyndhurst City Council two weeks ago, and Mr. Murphy stated that meeting was in compliance with the Sunshine Law and reiterated the City follows the Sunshine Law to the letter.

Ms. DeGiovanni then expressed her concern that real property would be purchased, and the public would not know about it. Mr. Murphy replied discussions regarding the purchase and sale of real property may be conducted in executive session, but the actual action to purchase or sell real property had to be done in public session.

Mr. Marko and the rest of Council wished Assistant Clerk of Council Melissa Franco a Happy Birthday.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance Numbers 2014-77, 2014-78 2014-79, and 2014-80 be added to the Agenda.

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

Motion carried.
Ordinance Numbers 2014-77, 2014-78
2014-79, and 2014-80 are added to the
Agenda.

ORDINANCE NO. 2014-74
INTRODUCED BY: ADMIN

**AN ORDINANCE AUTHORIZING TRANSFERS AND ADVANCES AND
DECLARING AN EMERGENCY**

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 Ordinance No. 2014-74 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-74 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2014-74 be passed.

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

Motion carried.
Ordinance No. 2014-74 is passed.

**ORDINANCE NO. 2014-75
INTRODUCED BY: ADMIN**

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND
OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD
BEGINNING JANUARY 1, 2015 AND ENDING MARCH 31, 2015 AND
DECLARING AN EMERGENCY**

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 Ordinance No. 2014-75 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-75 was highlighted by Mrs. Franco, with Section 10 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2014-75 be passed.

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

Motion carried.
Ordinance No. 2014-75 is passed.

**ORDINANCE NO. 2014-76
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. 2014-72 AND
DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-76 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-76 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2014-76 be passed.

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

Motion carried.
Ordinance No. 2014-76 is passed.

**ORDINANCE NO. 2014-77
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH A&J
CEMENT CONTRACTORS, INC. FOR THE 2014 CONCRETE REPAIR
PROGRAM AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-77 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-77 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2014-77 be passed.

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

Motion carried.
Ordinance No. 2014-77 is passed.

**ORDINANCE NO. 2014-78
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 WITH
A&J CEMENT CONTRACTORS, INC. FOR THE 2014 CONCRETE
REPAIR PROGRAM AND DECLARING AN EMERGENCY**

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 Ordinance No. 2014-78 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-78 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2014-78 be passed.

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

Motion carried.
Ordinance No. 2014-78 is passed.

**ORDINANCE NO. 2014-79
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
CHAGRIN VALLEY PAVING, INC. FOR THE 2014 ASPHALT PROGRAM
AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-79 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-79 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2014-79 be passed.

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

Motion carried.
Ordinance No. 2014-79 is passed.

**ORDINANCE NO. 2014-80
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH
CHAGRIN VALLEY PAVING, INC. FOR THE 2014 ASPHALT PROGRAM
AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-80 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2014-80 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2014-80 be passed.

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

Motion carried.
Ordinance No. 2014-80 is passed.

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2014-09 to grant the request of Jodi Turk of 1424 Beaconfield Road, for a variance from the provisions of Chapter 1160.04 (a) (2) A & B of the Planning and Zoning Code to permit parking and/or storing of a commercial vehicle outside at any time in plain view.

The findings in Case No. 2014-09 as recorded in the minutes of the meeting of the Board of Zoning Appeals held November 10, 2014 were read by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. Frey, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2014-09.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2014-10 to **grant** requested variance to Michael Gale of 1074 Roland Road to erect a four (4) foot decorative fence along the his entire Ridgebury Boulevard property line. The applicant requests a front yard variance from the provisions of Chapter 1329.06 of the Planning and Zoning Code to permit the fence to run beyond the front setback line of the house.

The findings in Case No. 2014-10 as recorded in the minutes of the meeting of the Board of Zoning Appeals held November 10, 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. 2014-10.

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

Motion carried.

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

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

Approved: December 1, 2014

Meeting adjourned at 8:17 P.M.

Attest: _____
Clerk of Council

Vice Mayor