

Lyndhurst, Ohio  
January 7, 2019

The Council of the City of Lyndhurst held its Organizational Meeting on Monday, January 7, 2019 at 7:32 P.M., Vice Mayor David A. Frey, presiding.

Members Present: Council Representatives J. Price, S. Grushetsky, J. A. Marko,  
C. A. LoPresti.

Others Present: P. A. Ward, Mayor;  
P. T. Murphy, Director of Law;  
R. F. Porrello, Chief of Police;  
T. Fioritto, Director of Service;  
J. Maichle, Building Commissioner;  
K. L. Miller, Assistant Clerk of Council.

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

It was moved by Mr. Marko, seconded by Mr. Price, that the reading of the minutes of the Regular Meeting of Council held Monday, December 3, 2018, copies of which were distributed to all Members, be dispensed with and said minutes stand approved as circulated.

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

It was moved by Mr. Schlessel, seconded by Mr. Marko, that the reading of the minutes of the Special Meeting of Council held Monday, December 3, 2018, copies of which were distributed to all Members, be dispensed with and said minutes stand approved as circulated.

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

The floor was opened to nominations for the position of Vice Mayor for the 2019 calendar year.

It was moved by Mr. Price, seconded by Mr. Marko, that David A. Frey be nominated as Vice Mayor for the 2019 calendar year.

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

Motion carried.  
Mr. Frey is elected Vice Mayor  
for the year 2019.

The floor was opened to nominations for the Council's representative to the Planning Commission and Architectural Board of Review for the year 2019.

It was moved by Mr. Marko, seconded by Mr. Price, that Charles A. LoPresti be nominated as Council's Representative to the Planning Commission and to the Architectural Board of Review for the 2019 calendar year.

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

Motion carried.  
Mr. LoPresti is elected as Council's Representative to the Planning Commission and Architectural Board of Review for the year 2019.

**MAYOR'S REPORT** – Mayor Ward announced the year ended strong with wonderful holiday events, including the Christmas Concert, the Menorah Lighting and the Holiday Lighting. He expressed how all the events were packed and appreciated everyone who came out!

Mayor Ward acknowledged being behind on the financial calendar, stating the capital budget has not been provided to the committees yet. He reminded everyone of the data conversion, and shared there are about 40 reports still needing to be reconciled; the year end should be closed out tomorrow. Mayor Ward mentioned Mrs. Kovalchik is in her office and indicated she is disappointed they are not further along with the development. He voiced that once we get past this road block, the 2019 financials will be provided and committee meetings should be scheduled.

**FINANCE COMMITTEE** – In the absence of Chairman Schlessel, Vice Mayor Frey reiterated for committee chairs to start scheduling meetings as soon as possible in order to keep on the cycle for capital and budget reviews to take place in late February or early March.

**PUBLIC LANDS AND BUILDINGS COMMITTEE** – Chairman Price had no report at this time.

**ROADS AND UTILITIES COMMITTEE** – Chairman Gambatese was absent; therefore, no report was given.

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

**SAFETY COMMITTEE** – Chairman LoPresti did not have a formal report; however, he reminded everyone on the first Thursday of each even month, there will be a blood mobile, starting February 7<sup>th</sup>. He also mentioned that if you live in the city of Lyndhurst, own and occupy your home, are 65 or older, on a fixed income or disabled, and you agree to have a Home Safety Evaluation done by a Fire Department representative, then you may be eligible for a free photoelectric smoke alarm compliments of the city of Lyndhurst. Mr. LoPresti suggested that if you fall in to those categories, to check the website or contact the fire department.

**LEGISLATIVE COMMITTEE** – Chairman Marko had no report.

**PLANNING COMMISSION** – Chairman LoPresti stated they did not have a meeting last month or yet this month; therefore, there was nothing to report.

**SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION** – No representative was present; however, Vice Mayor Frey announced the Board is holding their first meeting tomorrow night and will be scheduling their rotation of representatives to attend our Council meetings.

The meeting was opened to public comment.

Pete Allison, 5012 North Sedgewick, remarked how 65% of the property taxes are going to the schools and inquired whether there was anything that could be done about it as it seems unfair.

Mayor Ward responded school funding is a sore subject for many and has been a subject for litigation and court order. He stated the legislature have not stepped up with a new funding formula for Ohio schools. Mayor Ward confirmed 65-67% of property tax dollar goes to fund school operations in our district, adding the city of Lyndhurst, by comparison, gets about 11.5 cents per dollar for its operations.

Mr. Allison commented there are not a lot of kids on his street, maybe other streets, it just seems a bit unfair.

Mayor Ward stated, the last time we checked, the city of Lyndhurst provided about 58% of the revenue to the city schools, by comparison, the population of Lyndhurst provides approximately 23% of the school population, so it is a little skewed.

**RESOLUTION NO. 2019-1  
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION RATIFYING AND ADOPTING THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY OF LYNDHURST, OHIO AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (NON-DISPATCH FULL-TIME PERSONNEL), RATIFYING AND APPROVING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2019-1 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Resolution No. 2019-1 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Price, that Resolution No. 2019-1 be adopted.

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

Motion carried.  
Resolution No. 2019-1 is adopted.

**RESOLUTION NO. 2019-2**  
**INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE MAYOR TO IMPLEMENT  
HEALTH CARE COVERAGE FOR THE EMPLOYEES OF THE CITY AND  
DECLARING AN EMERGENCY**

It was moved by Mr. Grushetsky, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2019-1 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Resolution No. 2019-1 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Price, that Resolution No. 2019-1 be adopted.

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

Motion carried.  
Resolution No. 2019-1 is adopted.

**ORDINANCE NO. 2019-3**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING A MEMORANDUM OF  
UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER  
CONSERVATION DISTRICT AND THE NORTHEAST OHIO REGIONAL SEWER  
DISTRICT TO PROVIDE TECHNICAL ASSISTANCE REGARDING PUBLIC  
INFORMATION AND PUBLIC EDUCATION**

It was moved by Mr. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2019-7 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2019-7 was highlighted by Mrs. Miller, with Section 5 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti that Ordinance No. 2019-7 be passed.

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

Motion carried.  
Ordinance No. 2019-7 is passed.

**ORDINANCE NO. 2019-4  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 WITH TERRACE CONSTRUCTION COMPANY, INC. FOR THE WATERLINE REPLACEMENT PROJECT ON CHICKADEE AND LEARIDGE ROADS, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, AND DECLARING AN EMERGENCY**

It was moved by Mr. Grushetsky, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2019-7 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2019-7 was highlighted by Mrs. Miller, with Section 6 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Price that Ordinance No. 2019-7 be passed.

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

Motion carried.  
Ordinance No. 2019-7 is passed.

**ORDINANCE NO. 2019-5  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH  
SPECIALIZED CONSTRUCTION, INC. FOR THE 2018 ASPHALT PROGRAM,  
AUTHORIZING THE CLOSEOUT OF SAID CONTRACT AND RELEASE OF THE  
RETAINAGE, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2019-7 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2019-7 was highlighted by Mrs. Miller, with Section 6 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti that Ordinance No. 2019-7 be passed.

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

Motion carried.  
Ordinance No. 2019-7 is passed.

**RESOLUTION NO. 2019-6  
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A  
MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA COUNTY  
BOARD OF HEALTH REGARDING THE PROVISION OF PHASE II  
STORMWATER SERVICES IN 2019-2021, AND DECLARING AN EMERGENCY**

It was moved by Mr. Grushetsky, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2019-1 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Resolution No. 2019-1 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Grushetsky, seconded by Mr. LoPresti, that Resolution No. 2019-1 be adopted.

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

Motion carried.  
Resolution No. 2019-1 is adopted.

**ORDINANCE NO. 2019-7**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 1388 OF THE BUILDING CODE OF THE CITY TITLED “REGISTRATION AND INSPECTION OF RESIDENTIAL REAL PROPERTY” BY AMENDING SECTIONS 1388.01 AND 1388.02, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2019-7 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2019-7 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Grushetsky that Ordinance No. 2019-7 be passed.

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

Motion carried.  
Ordinance No. 2019-7 is passed.

**Board of Zoning Appeals Recommendation:**

Recommendation made to Council to confirm the decision of the Board in Case No. 2018-11 to grant requested variance to Eric S. Lawrence DDS, and Zachary and Laura Lawrence, the owners of 5259 Mayfield Road LLC, for a variance from the uses listed in Section 1168.03 of the Zoning Code to allow the property located at 5263 Mayfield Road to be used as a business office and also a residence for one of the owners, in a Class A Community Business District. The schedule of permitted buildings and uses listed in Section 1168.03 of the Zoning Code does not permit residential occupancies in a Class A Community Business District unless one has been preexisting.

The findings in Case No. 2018-11 as recorded in the minutes of the meeting of the Board of Zoning Appeals held December 10, 2018 were read by Mrs. Miller.

It was moved by Mr. Grushetsky seconded by Mr. Marko, that Council add verbiage to the condition to include “the current owner” in Case No. 2018-11.

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

Motion carried.

It was moved by Mr. Grushetsky seconded by Mr. Marko, that Council confirm the amended decision of the Board of Zoning Appeals in Case No. 2018-11.

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

Motion carried.

It was moved by Mr. Marko, seconded by Mr. LoPresti that the meeting be adjourned into Executive Session to discuss pending and imminent litigation.

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

Motion carried.

Council adjourned into Executive  
Session at 7:56 P.M.

It was moved by Mr. Price, seconded by Mr. LoPresti that the Executive Session of Council recess and Council reconvene in a Regular Meeting.

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

Motion carried.

Council reconvened in a Regular  
Meeting at 8:35 P.M.

It was moved by Mr. Marko, seconded by Mr. Price, that the meeting be adjourned.

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

Meeting adjourned at 8:35 P.M.

Approved: January 21, 2019

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

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