

Lyndhurst, Ohio
August 5, 2019

The Council of the City of Lyndhurst held its Regular Meeting on Monday, August 5, 2019 at 7:32 P.M., Vice Mayor David A. Frey, presiding.

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

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

Absent: M. A. Kovalchik, Director of Finance.

It was moved by Mr. Schlessel, seconded by Mr. Price, that the reading of the minutes of the Regular Meeting of Council held Monday, July 1, 2019, 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 both Mr. Marko and Mr. Gambatese abstaining.

The Oath of Office was administered to newly promoted Fire Captain Jeff Fisher and Fire Lieutenant Brian Ford.

MAYOR'S REPORT – Mayor Ward announced the official ceremonial ground breaking of the Fire Station Renovation Project took place earlier this evening. He said they are now out of destruction mode and moving in to construction mode. Mayor Ward remarked how the residents have not noticed a difference in fire services because this plan enabled us to keep our fire fighters and equipment central to the city by not having to move it off site.

Mayor Ward aired tomorrow night is National Night Out and everyone is invited to Lyndhurst Park. He explained this is a law enforcement community rooted event, occurring in thousands of communities across the country all on the first Tuesday in the month of August. Mayor Ward commented there will be free hot dogs, chips, ice cream, entertainment and ID's for the little ones available from the Finance Department. He remarked how this has turned in to an all-city community event with all departments having equipment in the park for the kids to enjoy.

Lastly, Mayor Ward stated Home Day is coming up with a great line up of entertainment. He also mentioned the next issue of the Lyndhurst Life Magazine will be arriving soon with a full schedule as well as other activities going on in the community.

FINANCE COMMITTEE – Chairman Schlessel did not have a report at this time.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Chairman Price announced the committee met prior to the Council meeting and those minutes will be forthcoming.

ROADS AND UTILITIES COMMITTEE – Chairman Gambatese did not have a formal report; however, he mentioned Gordon Road, from Rae to Mayfield and Sheldon to Ridgebury, is being re-surfaced so please be careful when travelling.

SERVICE AND SEWERS COMMITTEE – Chairman Grushetsky did not have a report.

SAFETY COMMITTEE – Chairman LoPresti did not have a formal report; however, he aired August 9th is Car Seat Round Up Day sponsored by AAA and will be held from 12 noon -3pm at 5356 Mayfield Road. He gave a general reminder that door-to-door solicitors must be registered with the City of Lyndhurst and have an identification badge displayed. Mr. LoPresti noted there are “No Soliciting” stickers available at City Hall.

LEGISLATIVE COMMITTEE – Chairman Marko had no report.

PLANNING COMMISSION – Councilman LoPresti stated the commission has not met since the last meeting; therefore, there is nothing to report.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION – A representative was not in attendance to present a report.

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

- 1299 Richmond Road – Janet Mismas
- 1132 Haverston Road – Mr. and Mrs. Robert Mickshaw
- 5652 Alberta Drive – Jesse & MaryClare Lydic
- 4956 Countryside Road – Susan Remer

The floor was opened for public comment.

Susan Remer, 4956 Countryside Road, inquired about the construction at Hawken School.

John Maichle stated there is a cafeteria expansion project which should be completed prior to school beginning. He added they are also expanding the parking lot and repaving.

**ORDINANCE NO. 2019-51
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 LYNDHURST FOR THE TAX YEARS 2020, 2021 and 2022 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. 2019-51 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2019-51 was highlighted by Mrs. Miller, with section 10 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Grushetsky that Ordinance No. 2019-51 be passed.

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

Motion carried.
Ordinance No. 2019-51 is passed.

ORDINANCE NO. 2019-52
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 2020, 2021 AND
2022**

It was moved by Mr. Grushetsky, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2019-52 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2019-52 was highlighted by Mrs. Miller, with section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese that Ordinance No. 2019-52 be passed.

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

Motion carried.
Ordinance No. 2019-52 is passed.

**ORDINANCE NO. 2019-53
INTRODUCED BY: ADMIN**

AN ORDINANCE DECLARING THE NECESSITY OF CONTROLLING THE BLIGHT AND DISEASE OF SHADE TREES WITHIN PUBLIC RIGHTS-OF-WAY AND ON PUBLIC PROPERTY AND PROVIDING FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS OF THE CITY OF LYNDHURST; ESTABLISHING A SINGLE DISTRICT FOR THAT PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.011 OF THE OHIO REVISED CODE; PROVIDING FOR THE ASSESSMENT OF THE COST OF THOSE SERVICES 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. 2019-53 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2019-53 was highlighted by Mrs. Miller, with section 11 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti that Ordinance No. 2019-53 be passed.

Mayor Ward mentioned that Council reviews the assessments for Street Lighting, Sewers and Shade Trees every three years.

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

Motion carried.
Ordinance No. 2019-53 is passed.

**ORDINANCE NO. 2019-54
INTRODUCED BY: ADMIN**

AN ORDINANCE AMENDING SECTION 1110.04 OF THE PLANNING AND ZONING CODE OF THE CITY TITLED "MEETINGS"

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance No. 2019-54 be placed on first reading.

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

Motion carried.
Ordinance No. 2019-54 is placed on first reading.

Mr. Marko commented there will be a Public Hearing scheduled for Ordinance No. 2019-54.

**ORDINANCE NO. 2019-55
INTRODUCED BY: ADMIN**

AN ORDINANCE ENACTING CHAPTER 779 OF THE CODIFIED ORDINANCES OF THE CITY OF LYNDHURST, OHIO, TITLED "TATTOO AND BODY PIERCING BUSINESSES," AND DECLARING AN EMERGENCY

It was moved by Mr. Schlessel, seconded by Mr. Price, that Ordinance No. 2019-55 be placed on first reading.

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

Motion carried.
Ordinance No. 2019-55 is placed on first reading.

Mr. Gambatese inquired whether there will also be a Public Hearing on this Ordinance.

Mayor Ward confirmed there will be a Public Hearing scheduled for both Ordinance No. 2019-54 and 2019-55.

**ORDINANCE NO. 2019-56
INTRODUCED BY: ADMIN**

AN ORDINANCE PARTIALLY SUSPENDING THE RULES AND REGULATIONS REGARDING THE SALE, POSSESSION AND CONSUMPTION OF BEER AND WINE AT THE LYNDHURST PARK DURING LYNDHURST HOME DAYS FOR 2019 AND DECLARING AN EMERGENCY

It was moved by Mr. Marko, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2019-56 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2019-56 was highlighted by Mrs. Miller, with section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti that Ordinance No. 2019-56 be passed.

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

Motion carried.
Ordinance No. 2019-56 is passed.

**RESOLUTION NO. 2019-57
INTRODUCED BY: MAYOR WARD AND ALL MEMBERS OF COUNCIL**

**A RESOLUTION EXPRESSING COMMENDATION AND SINCERE
APPRECIATION TO DAVID YOUNG FOR LONG AND FAITHFUL SERVICE TO
THE RESIDENTS OF LYNDBURST AS A MEMBER OF THE LYNDBURST FIRE
DEPARTMENT**

It was moved by Mr. Marko, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2019-57 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2019-57 was read in its entirety by Mrs. Miller.

It was moved by Mr. LoPresti, seconded by Mr. Grushetsky that Resolution No. 2019-57 be adopted.

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

Motion carried.
Resolution No. 2019-57 is adopted.

Confirm decision of the Board of Zoning Appeals:

Recommendation made to Council to confirm the decision of the Board in Case No. 2019-03 to grant requested variance to Albert Haddad, Jr., of Ellis Sign Company, on behalf of Julie Billiard School, 4982 Clubside Road, to erect a ground sign on school property, which is not permitted in a single family residential zoning district.

The findings in Case No. 2019-03 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 8, 2019 were read by Mrs. Miller.

It was moved by Mr. Marko seconded by Mr. Grushetsky, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2019-03 and grant the requested variance.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2019-05 to grant requested variance to Perrino Construction for a variance at 390 Acacia Circle from the provisions of 1161.11 (n)(3)(B) of the Zoning Code to permit additional steps for a second floor deck in the rear yard to encroach 6.05 feet into the required fifty (50) foot rear setback.

The findings in Case No. 2019-05 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 23, 2019 were read by Mrs. Miller.

It was moved by Mr. Marko seconded by Mr. LoPresti, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2019-05 and grant the requested variance.

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

Motion carried.

Mr. Murphy stated a 30 day notice of a Public Hearing is required for a zoning change; therefore, the Public Hearing for Ordinance No. 2019-54 and 2019-55 will be held on September 16, 2019 at 7:15pm.

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

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

Meeting adjourned at 8:06 P.M.

Approved: September 3, 2019

Attest: _____
Clerk of Council

Vice Mayor