

Lyndhurst, Ohio  
September 3, 2019

The Council of the City of Lyndhurst held its Regular Meeting on Tuesday, September 3, 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. Grushetsky, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, August 5, 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 unanimously.

**MAYOR'S REPORT** – Mayor Ward remarked by now everyone should have received the August edition of the Lyndhurst Life Magazine. He commented that everything you need to know about the upcoming Home Day event can be found in the magazine. Mayor Ward stated there will be great vendors and entertainment all weekend. He also mentioned there are still opportunities to volunteer in the ticket booth if anyone is interested.

**FINANCE COMMITTEE** – Chairman Schlessel had no report.

**PUBLIC LANDS AND BUILDINGS COMMITTEE** – Chairman Price did not have a formal report; however, he noted the pool and spray park are both closed for the season. He also stated the minutes from the last meeting have been submitted.

**ROADS AND UTILITIES COMMITTEE** – Chairman Gambatese did not have anything to report.

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

**SAFETY COMMITTEE** – Chairman LoPresti did not have a formal report; however, he reminded everyone the next bloodmobile is scheduled on October 3<sup>rd</sup>.

**LEGISLATIVE COMMITTEE** – Chairman Marko stated there will be a committee meeting scheduled before the next Council meeting, prior to the Public Hearing. He asked for any updates from the Law Director.

Mr. Murphy commented he would like to discuss the legislation that will be on third reading at the next Council meeting as well as the three items being placed on first reading this evening.

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

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

The floor was opened for public comment.

E. Dale Inkley, 5126 E. Farnhurst Road, inquired about the payment to the South Euclid-Lyndhurst School District from the hotel. He asked for clarification as to why it comes through the city.

Mayor Ward explained how the city collects the tax as part of the Tax Incremental Finance agreement with a portion of the tax going to the school district.

George DiSanto 1960 Caronia Road, Alberta Park Estates, thanked Mr. Fioritto and the Service Department for an excellent job with the services they are providing, especially when it comes to storm damage clean up.

Additionally, Mr. DiSanto asked if there have been any developments regarding the increase in traffic on Brainard Road. He also inquired about the traffic counter.

Mayor Ward responded they are still gathering information. He agreed there has been an uptick in traffic, especially travelling north bound in the afternoons. Mayor Ward mentioned how they were waiting to see if there was any adjustment after the construction was over on Cedar Road. He will check with the engineer regarding the traffic counter.

Councilman Schlessel complimented Kelly Miller for her efforts with the concessions stands this summer.

Mayor Ward added there were no complaints to the Mayor's Office. He explained how over the past several years they have tried to find a third party vendor to operate concessions. He acknowledged we had quality products and gave good service, which everyone agreed is representative of the community.

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

**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. Schlessel, that Ordinance No. 2019-54 be placed on second reading.

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

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

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

**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 second reading.

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

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

**ORDINANCE NO. 2019-58**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING ORDINANCE NO. 2019-40 WHICH  
ESTABLISHED THE SALARY, COMPENSATION, AND HOURLY RATES OF  
PAY FOR NON-BARGAINING EMPLOYEES IN THE VARIOUS OFFICES AND  
DEPARTMENTS, INCLUDING MEMBERS OF BOARDS AND COMMISSIONS,  
AND WHICH CONFIRMED LONGEVITY COMPENSATION, VACATIONS,  
HOLIDAYS AND OTHER BENEFITS, IN THE CITY OF LYNDHURST, OHIO,  
REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 2019-40  
INCONSISTENT HEREWITH, 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.  
2019-58 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. 2019-58 was highlighted by Mrs. Miller, with section 14 being read  
in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti that Ordinance No.  
2019-58 be passed.

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

Motion carried.  
Ordinance No. 2019-58 is passed.

**RESOLUTION NO. 2019-59**  
**INTRODUCED BY: MAYOR WARD AND ALL MEMBERS OF COUNCIL**

**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. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2019-59 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. 2019-59 was highlighted by Mrs. Miller, with section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese that Resolution No. 2019-59 be adopted.

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

Motion carried.  
Resolution No. 2019-59 is adopted.

**ORDINANCE NO. 2019-60**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE TO LEVY ASSESSMENTS FOR THE CONSTRUCTION OR REPAIR OF SIDEWALKS ON CERTAIN STREETS IN THE CITY OF LYNDHURST, 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. 2019-60 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. 2019-60 was highlighted by Mrs. Miller, with section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti that Ordinance No. 2019-60 be passed.

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

Motion carried.  
Ordinance No. 2019-60 is passed.

**ORDINANCE NO. 2019-61  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTING CHAPTER 757 OF THE BUSINESS  
REGULATION CODE OF THE CITY TITLED “REGISTRATION AND  
INSPECTION OF RENTAL PROPERTY,” AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance No. 2019-61 be placed on first reading.

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

Motion carried.  
Ordinance No. 2019-61 is placed on first  
reading.

**ORDINANCE NO. 2019-62  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTING CHAPTER 1521 OF THE CODIFIED  
ORDINANCES OF THE CITY TITLED “BUILDING MARKING SYSTEM  
PROGRAM”, AND DECLARING AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2019-62 be placed on first reading.

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

Motion carried.  
Ordinance No. 2019-62 is placed on first  
reading.

**ORDINANCE NO. 2019-63  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING SECTION 636.15 OF THE CODIFIED  
ORDINANCES OF THE CITY TITLED TELECOMMUNICATION HARASSMENT  
BY INCLUDING THE RESTRICTIONS AND THE PROHIBITIONS IMPOSED BY  
FEDERAL AND STATE LAW, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Schlessel, that Ordinance No. 2019-63 be placed on first reading.

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

Motion carried.  
Ordinance No. 2019-63 is placed on first reading.

**ORDINANCE NO. 2019-64**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH UNITED SURVEY, INC., FOR THE 2018 SEWER LATERAL LINING PROGRAM, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, 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. 2019-64 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. 2019-64 was highlighted by Mrs. Miller, with section 6 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti that Ordinance No. 2019-64 be passed.

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

Motion carried.  
Ordinance No. 2019-64 is passed.

**ORDINANCE NO. 2019-65**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH LAKE COUNTY SEWER CO., INC., FOR THE 2018 SEWER INSPECTION AND CLEANING PROGRAM, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, AND DECLARING AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2019-65 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. 2019-65 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. 2019-65 be passed.

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

Motion carried.  
Ordinance No. 2019-65 is passed.

**ORDINANCE NO. 2019-66  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH  
GREENSPACE CONSTRUCTION SERVICES (GCS) FOR THE FIRE  
DEPARTMENT EXPANSION AND RENOVATION PROJECT, 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. 2019-66 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. 2019-66 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese that Ordinance No. 2019-66 be passed.

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

Motion carried.  
Ordinance No. 2019-66 is passed.

**ORDINANCE NO. 2019-67  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 WITH  
GREENSPACE CONSTRUCTION SERVICES (GCS) FOR THE FIRE  
DEPARTMENT EXPANSION AND RENOVATION PROJECT, 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. 2019-67 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. 2019-67 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese that Ordinance No. 2019-67 be passed.

Mayor Ward commented the two change orders were as a result of code reviews. He stated the independent planner that reviews all submittals came up with the suggestions for additional lighting and an independent ventilation system. He explained the previous change order was just to note the additional time because there are liquidated damages at the end of the contract; therefore, they wanted to note the time it took to complete the asbestos abatement.

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

Motion carried.  
Ordinance No. 2019-67 is passed.

**RESOLUTION NO. 2019-68**  
**INTRODUCED BY: MAYOR WARD AND ALL MEMBERS OF COUNCIL**

**A RESOLUTION RECOGNIZING THE NATIONAL EVENT OF  
WELCOMING WEEK AND SALUTING GLOBAL CLEVELAND FOR HOSTING  
THE LOCAL CELEBRATION OF THE CONTRIBUTIONS MADE BY THOSE  
WHO HAVE IMMIGRATED TO THIS COUNTRY**

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 Resolution No. 2019-68 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. 2019-68 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti that Resolution No. 2019-68 be adopted.



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

Motion carried.  
Resolution No. 2019-68 is adopted.

**ORDINANCE NO. 2019-69**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY  
ADOPTING CURRENT REPLACEMENT PAGES 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. 2019-69 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. 2019-69 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese that Ordinance No. 2019-69 be passed.

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

Motion carried.  
Ordinance No. 2019-69 is passed.

**ORDINANCE NO. 2019-70**  
**INTRODUCED BY: ADMINISTRATION**

**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 LYNDHURST AND THE LYNDHURST MUNICIPAL COURT 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. 2019-70 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. 2019-70 was highlighted by Mrs. Miller, with section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese that Ordinance No. 2019-70 be passed.

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

Motion carried.  
Ordinance No. 2019-70 is passed.

**ORDINANCE NO. 2019-71  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO  
ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC)  
ENERGIZED COMMUNITY GRANT(S), 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. 2019-71 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. 2019-71 was highlighted by Mrs. Miller, with section 3 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. Grushetsky that Ordinance No. 2019-71 be passed.

Prior to the vote, Mayor Ward explained that this is the second year NOPEC has offered the Energized Community Grants, noting last year the city received \$61,000.00 and this year will be in a like amount. He affirmed those funds will be used on energy efficient aspects of the fire department renovation.

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

Motion carried.  
Ordinance No. 2019-71 is passed.

**Confirm decision of the Board of Zoning Appeals:**

Recommendation made to Council to confirm the decision of the Board in Case No. 2019-06 to grant requested variance to Wendy and David Simpson of 5191 Edenhurst Avenue, for a variance from the provisions of Chapter 1160.04 (A) of the Planning and Zoning Code, to erect a ten (10) foot by sixteen (16) foot storage shed in lieu of the permitted ten (10) foot by twelve (12) foot, one hundred twenty (120) square foot storage shed.

The findings in Case No. 2019-06 as recorded in the minutes of the meeting of the Board of Zoning Appeals held August 12, 2019 were read by Mrs. Miller.

It was moved by Mr. Marko seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2019-06 and grant the requested variance.

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

Motion carried.

Correspondence from the Ohio Division of Liquor Control regarding a new permit for El Paisano, LLC, 5722 Mayfield Road, was noted with no hearing being requested.

It was moved by Mr. Schlessel, 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 16, 2019

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

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