

Lyndhurst, Ohio
October 7, 2019

The Council of the City of Lyndhurst held its Regular Meeting on Monday, October 7, 2019 at 7:33 P.M., Vice Mayor David A. Frey, presiding.

Members Present: Council Representatives L. A. Schlessel, J. Price, J. A. Gambatese, S. C. 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;
T. Fioritto, Director of Service;
J. Maichle, Building Commissioner;
K. L. Miller, Assistant Clerk of Council.

Absent: 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, September 16, 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 began by commenting on the posters displayed behind him. He explained the students from Sunview Elementary prepared the posters as a “thank you” to the Service, Police and Fire departments, the Mayor and members of City Council for their responsiveness to the storm on September 13th. Mayor Ward remarked how impressed he was by the teachers and parents for teaching the lesson that the services of our community are truly valuable. He expressed how proud he is of these children and how humbling it is to receive them.

Mayor Ward announced the City continues to get accolades regarding the clean-up from the storm. He mentioned how thankful he is for the help from Pepper Pike, Highland Heights, Richmond Heights and Bedford Heights.

Mayor Ward stated Council Coffee was a wonderful event and very well attended. He thanked each department for their participation as well as partner agencies NOPEC, Cleveland Water, the Sewer District, the Municipal Court, the South Euclid-Lyndhurst City Schools, and the Cuyahoga County Consumer Affairs department and their representative from the SCAM Squad. He expressed how much he values those relationships and how much they mean to our residents.

Mayor Ward acknowledged Kevin Smalley, representative from The Illuminating Company, who was in attendance. He thanked Mr. Smalley for making sure the residents were well served during the storm. Mayor Ward mentioned both the President and Vice President were also on the scene with him, which is very much appreciated. He commented there was frustration from residents who were without power for many days; however, some of the restoration was very complex involving multiple poles.

Mayor Ward aired his appreciation of the Lyndhurst residents. He remarked that what they did for each other was outstanding; going door to door to help neighbors, cooking at the community center, and getting donations of food. He said “it really was a crazy blast”.

Lastly, Mayor Ward clarified the blanket vendor items on the Board of Control agenda were all within the scope of the general contract; adding they were nothing new.

FINANCE COMMITTEE – Chairman Schlessel had no report.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Chairman Price had nothing to report.

ROADS AND UTILITIES COMMITTEE – Chairman Gambatese had no formal report. He commented the road program is moving the in the right direction with streets getting their first and second coating of asphalt. Mr. Gambatese stated the program will be winding down in the next several weeks.

SERVICE AND SEWERS COMMITTEE – Chairman Grushetsky had no report.

SAFETY COMMITTEE – Chairman LoPresti did not have a report. He mentioned it is fire place season and everyone should have a smoke detector in their home. He gave a reminder of the Smoke Detector Program offered by the city, and explained the guidelines. He stated if you are a resident, own your home, age 65 years or older, on a fixed income or disabled you can get a Home Safety Evaluation done by the Fire department. Mr. LoPresti noted it is recommended to replace your smoke detector every 10 years.

LEGISLATIVE COMMITTEE – Chairman Marko had no report.

PLANNING COMMISSION – Councilman LoPresti stated the commission has not met since summer; therefore, he has nothing to report.

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

Mr. Murphy stated Ordinance No. 2019-55 is currently on table. He noted Council tabled this Ordinance at the last meeting in order to provide him an opportunity to look through it one more time to make sure that it was in proper format.

Mr. Murphy commented he sent a memo to Council on October 4th with an amended version of the legislation and as a result of that memo, he received questions from several Council members including the Mayor regarding certain aspects of the legislation. He is asking for time to research that and get back to Council with perhaps another amended version. In the meantime, he requests the legislation remain on table.

Mr. Murphy also stated, since Ordinance No. 2019-77 is a companion piece of legislation, he requests it be placed on first reading this evening.

The floor was opened for public comment, with none being heard.

**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 passed.

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

Motion carried.
Ordinance No. 2019-61 is passed.

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 tabled.

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

Motion carried.
Ordinance No. 2019-62 is tabled.

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. Gambatese, that Ordinance No. 2019-63 be passed.

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

Motion carried.
Ordinance No. 2019-63 is passed.

ORDINANCE NO. 2019-72
INTRODUCED BY: ADMIN

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD ENDING DECEMBER 31, 2019 REPEALING ORDINANCE NO. 2019-48 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. 2019-72 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. 2019-72 was highlighted by Mrs. Miller, with section 11 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti that Ordinance No. 2019-72 be passed.

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

Motion carried.
Ordinance No. 2019-72 is passed.

**ORDINANCE NO. 2019-73
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 755.12 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED APPLICATION OF
CHAPTER BY ADDING EXEMPTIONS TO THOSE LISTED IN THAT
SECTION, 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. 2019-73 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. 2019-73 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti that Ordinance No. 2019-73 be passed.

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

Motion carried.
Ordinance No. 2019-73 is passed.

**ORDINANCE NO. 2019-74
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
F. P. ALLEGA CONCRETE CONSTRUCTION CORP. FOR THE 2019
SIDEWALK REPAIR PROGRAM, AUTHORIZING THE CLOSEOUT OF
SAID CONTRACT, 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. 2019-74 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. 2019-74 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. 2019-74 be passed.

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

Motion carried.
Ordinance No. 2019-74 is passed.

**ORDINANCE NO. 2019-75
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
UNITED SURVEY, INC., FOR THE 2018 SEWER REHABILITATION
PROGRAM, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT,
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. 2019-75 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. 2019-75 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. 2019-75 be passed.

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

Motion carried.
Ordinance No. 2019-75 is passed.

**ORDINANCE NO. 2019-76
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
M. CAMPBELL CONTRACTING, LLC, FOR THE CHEROKEE DRIVE
AND SHAWNEE DRIVE WATER MAIN REPLACEMENT, 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. 2019-76 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. 2019-76 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti that Ordinance No. 2019-76 be passed.

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

Motion carried.
Ordinance No. 2019-76 is passed.

**ORDINANCE NO. 2019-77
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING CHAPTER 1176 OF THE ZONING
CODE OF THE CITY TITLED "SUPPLEMENTARY REGULATIONS" BY
AMENDING SECTION 1176.07 REGARDING PROHIBITED USES**

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. 2019-77 be placed on first reading.

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

Motion carried.
Ordinance No. 2019-77 is placed on first reading.

**RESOLUTION NO. 2019-78
INTRODUCED BY: ADMIN**

**A RESOLUTION PROVIDING FOR HALLOWEEN OBSERVANCE
UPON THE STREETS AND OUT-OF-DOORS FOR OCTOBER 31, 2019,
BETWEEN THE HOURS OF 6:00 P.M. AND 8:00 P.M.**

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. 2019-78 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.

Resolution No. 2019-78 was highlighted by Mrs. Miller, with section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti that Resolution No. 2019-78 be passed.

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

Motion carried.
Resolution No. 2019-78 is adopted.

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

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

Meeting adjourned at 7:54 P.M.

Approved: October 21, 2019

Attest: _____
Clerk of Council

Vice Mayor