

Lyndhurst, Ohio
April 6, 2020

The Council of the City of Lyndhurst held its Regular Meeting on Monday, April 6, 2020 at 7:39 P.M., Vice Mayor Joseph A. Marko, presiding.

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

Others Present: P. A. Ward, Mayor;
J. P. Luskin, Director of Law;
K. L. Miller, Assistant Clerk of Council.

Absent: P. A. Rhode, Chief of Police;
M. J. Carroll, Chief of Fire;
T. Fioritto, Director of Service;
J. Maichle, Building Commissioner;
M. A. Kovalchik, Director of Finance.

*NOTE: Due to social distancing regulations, the Vice Mayor excused all Department Heads from attending the meeting. Council members participated virtually via the Zoom application. The meeting was streamed live on the City of Lyndhurst, Ohio Facebook page for public viewing.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, March 16, 2020, 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. Frey abstaining.

MAYOR'S REPORT – Mayor Ward delivered the following report:

As we begin week three of the Stay at home Order issued and extended by the Ohio Department of Health I am pleased to report that our residents, for the most part, do seem to be adhering to the order and recommendations issued. It is indeed helping. We are all in this together and it will take every single one of us to win the battle against this disease. That being said there are still those who feel the rules do not apply to them and feel it is okay to have gatherings of people in their yards or homes. Trust me, your neighbors will report you and we will show up to disperse you. This needs to be taken seriously. As you can see, we are well spaced out here and most members of Council are participating from home which is essential to keep us all healthy!

I am so proud of our employees who come to work every day. We have had to change a number of things with regard to how we operate but have found ways to provide our high level of service to our residents in ways that keep our employees, our residents and the public safe while assuring critical needs are still met. As I have told all of our employees, we may be the only part of normal our residents can look out their window to see.

As you may be aware, the State Legislature extended the Presidential Primary voting to April 28th VIA ABSENTEE BALLOT ONLY! Applications can be requested on the Board of Elections Website boe.cuyahogacounty.us or by calling 216-443-8683, press 3 and answer a few brief questions. Applications are also available just inside the lobby at City Hall. Elections are important so PLEASE remember to request your absentee ballot as soon as possible!

One of our residents, a University Hospitals' employee has asked we help connect her with those resident who can sew. UH is trying to have 200,000 face masks sewn and has kits available. The response to this has already been awesome! There is a link on our website with a brief video on how it is done. If you or someone you know can sew and would be willing to help please contact City Hall and we can pass your information along to get some kits to you.

Thank you to our employees who have, and it is worth repeating, they have made me so proud at their dedication to what we do here, I thank our City Council for their support and encouragement of our employees and our Department Heads for their guidance and care for all who work here. I also want to offer a shout-out to those employees working in our groceries and our markets our banks and gas stations who work to assure all have access to the necessities. Without these workers we will not get to the other side of this crisis.

I want our residents to be assured that we are in weekly contact with our health care partners, updated as to their capacity and preparedness and we are in a good place in that regard. Our Fire Chief is working with our entire region's assets – Police, Fire and Medical - through the County's Emergency Operations Center where all resources are being monitored and strategically deployed. We must conquer this as a region, not alone and it will only be through partnership that is accomplished.

Please remember your neighbors, some who could just use a wave or a telephone call or perhaps someone to run an errand. And let us not forget our many local restaurants and other businesses who are still operating trying to survive and have carry-out and delivery options – There is a listing on our website which we try to keep as updated as possible with those options.

Vice Mayor Marko commented that no other committee has held a meeting with the exception of the Planning Commission; therefore, all other committees have been excused from reporting.

PLANNING COMMISSION – Councilman LoPresti stated the Planning Commission met Thursday March 26th to discuss Ordinance 2020-10 which allows for the installation of Little Free Library structures. The recommendation to Council was to allow them with a post depth of 42” and the box must be 20” from the sidewalk or from the curb on streets without sidewalks.

Mr. LoPresti stated the Commission also discussed the regulations limiting the construction of backyard storage sheds to wood and/or brick and requiring a concrete pad. He said the Commission did recommend the allowance of premanufactured resin, vinyl or plastic sheds provided all sheds continue to be installed or built upon a concrete pad which is the current requirement.

The floor was opened for public comment with none being heard. Vice Mayor Marko stated, as outlined in the Pandemic Continuity Plan, any public comment relative to items contained in the published meeting Agenda was to be received by the Assistant Clerk of Council via email or phone call prior to 6:00pm.

**ORDINANCE NO. 2020-26
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 13 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. 2020-26 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2020-26 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. 2020-26 be passed.

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

Motion carried.
Ordinance No. 2020-26 is passed.

**ORDINANCE NO. 2020-27
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO
ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2020
ENERGIZED COMMUNITY GRANT(S) 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. 2020-27 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2020-27 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. 2020-27 be passed.

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

Motion carried.
Ordinance No. 2020-27 is passed.

**ORDINANCE NO. 2020-28
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE RATIFYING AND AUTHORIZING PARTICIPATION IN
THE OHIO ASSOCIATION OF PUBLIC TREASURERS WORKERS
COMPENSATION GROUP RETROSPECTIVE RATING PROGRAM,
AUTHORIZING AN AGREEMENT WITH COMP MANAGEMENT INC. AS PART
OF PARTICIPATION IN SUCH PROGRAM 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. 2020-28 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2020-28 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. 2020-28 be passed.

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

Motion carried.
Ordinance No. 2020-28 is passed.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Ordinance Numbers 2020-29, 2020-30, 2020-31, 2020-32, 2020-33 and 2020-34 be considered jointly as they all pertain to change orders for the Fire Department project.

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

Motion carried.
Ordinance No. 2020-29, 2020-30, 2020-31,
2020-32, 2020-33 and 2020-34 will be
considered jointly.

**ORDINANCE NO. 2020-29, 2020-30, 2020-31, 2020-32, 2020-33, 2020-34
INTRODUCED BY: ADMINISTRATION**

**ARE ORDINANCES AUTHORIZING CHANGE ORDERS NO. 14, 15, 16, 17,
18 & 19 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. 2020-29, 2020-30, 2020-31, 2020-32, 2020-33 and 2020-34 be placed on third reading for final passage and that they be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2020-29, 2020-30, 2020-31, 2020-32, 2020-33 and 2020-34 were 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. 2020-29, 2020-30, 2020-31, 2020-32, 2020-33 and 2020-34 be passed.

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

Motion carried.
Ordinance No. 2020-29, 2020-30, 2020-31,
2020-32, 2020-33 and 2020-34 are passed.

**RESOLUTION NO. 2020-35
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD
SALT CONTRACTS AWARDED IN 2020 AND DECLARING AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2020-35 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2020-35 was highlighted by Mrs. Miller, with the emergency clause being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Resolution No. 2020-35 be adopted.

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

Motion carried.
Resolution No. 2020-35 is adopted.

**RESOLUTION NO. 2020-36
INTRODUCED BY: JOSEPH MARKO**

**A RESOLUTION EXEMPTING RETAILERS WITHIN THE CITY OF
LYNDHURST, OHIO AND PLACING A MORATORIUM UPON THE
ENFORCEMENT OF THE COUNTYWIDE DISPOSABLE BAG BAN ADOPTED
BY CUYAHOGA COUNTY COUNCIL AS ORDINANCE O2019-0005, ON MAY 28,
2019 AND A RESOLUTION PROHIBITING THE USE OF REUSABLE BAGS AND
REQUIRING THE COLLECTION AND RECYCLING OF DISPOSABLE PLASTIC
BAGS AT CERTAIN RETAIL BUSINESS ESTABLISHMENTS WITHIN THE CITY
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 Resolution No. 2020-36 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2020-36 was highlighted by Mrs. Miller, with section 7 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Resolution No. 2020-36 be adopted.

Vice Mayor Marko commented how this Resolution is in response to his recent experience at a local grocery store. He stated that in the interest of public health and not spreading COVID-19, he spoke with a few local retailers who thought this was a great idea. With the help of the Mayor and the Law Director, Vice Mayor Marko developed this Resolution to support the retailers. He also thanked Mr. Schmidlin for his input.

Mayor Ward added that he heard from the Governor's office there are several county Boards of Health that have prohibited the use of reusable shopping bags at this time because it is a health hazard.

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

Motion carried.
Resolution No. 2020-36 is adopted.

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: April 20, 2020

Attest: _____
Clerk of Council

Vice Mayor