

Lyndhurst, Ohio  
August 3, 2020

The Council of the City of Lyndhurst held its Regular Meeting on Monday, August 3, 2020 at 7:33 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;  
R. J. Schmidlin, Assistant Director of Law;  
M. A. Kovalchik, Director of Finance;  
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.

\*NOTE: Due to social distancing regulations, the Vice Mayor excused all Department Heads from attending the meeting. Council members participated virtually via the Zoom meeting 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. Frey, that the reading of the minutes of the Regular Meeting of Council held Monday, July 6, 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 unanimously.

**MAYOR'S REPORT** – Mayor Ward announced the 3<sup>rd</sup> annual National Night Out event, scheduled for August 4<sup>th</sup>, has been postponed until October 6<sup>th</sup> with a possibility of being cancelled. He commented how this event focuses on building good relationships between law enforcement and the community.

Mayor Ward stated the next Concert in the Park will be August 19<sup>th</sup> featuring the Erie Street Brass Ensemble, weather permitting.

Mayor Ward confirmed the 2020 Home Days festival has been cancelled. He mentioned the committee is holding out hope to possibly craft a one day event, which is also dependent upon the weather.

**SERVICE AND SEWERS COMMITTEE** – Chairman Grushetsky did not have a formal report; however, he stated the committee will hold a virtual meeting on September 8, 2020 prior to the Council meeting.

**SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION** – School Board President Cassandra Jones and Superintendent Reid were in attendance to provide information regarding the school district.

Mrs. Jones began with a recap of the school year. She stated with the school buildings closed in March, teachers and students rose to the challenge and spent the last spring quarter online. She gave kudos to the district on the technology efforts they have been implementing leading up to this year.

Mrs. Jones commented how the board members often wonder if they are spending funds in the right categories. They embraced the technology realm and recently started the chrome book initiative, which came in handy during the spring when they had to go virtual; more than 80% of the students already had chrome books they were used to using. Mrs. Jones remarked how the district was able to quickly reach out to families to figure out who needed chrome book devices as well as who had internet access at home. She was pleased to report the majority of students were provided chrome books and the ones that did not was simply because they lacked internet access.

Mrs. Jones shared how they sent out a family survey at the close of the school year to find how families thought the district served them. They received a great deal of feedback which allowed them to better prepare for the upcoming school year. Mrs. Jones reported 58% of families wanted their children to remain learning virtually, while 42% wanted their children to be educated in person. With these numbers, the board knew they had to offer parents a choice. As they were ready to roll out their plan, the Board of Health issued a recommendation that public schools should be remote for the first 9 weeks.

Mrs. Jones turned the floor over to Superintendent Reid to speak about the upcoming school year.

Superintendent Linda Reid started out by sharing that Paolo DeMaria, the Ohio Superintendent of Public Instruction, told them to plan for the worst, hope for the best and be ready to pivot on a dime.

Dr. Reid acknowledged the changes have been constant. She remarked how upon reviewing the family surveys it was clear parents wanted choices. Being we serve the communities of South-Euclid and Lyndhurst, Dr. Reid said the school administration was prepared for parents to have an option; they developed their return to school plan to include how to assess students upon arrival, sanitization and hand washing, and social distancing. She stated they are planning to pass a face covering policy at the Board meeting tomorrow evening because the studies prove wearing a mask makes a difference. She also commented how the working conditions of the staff and the learning conditions of the students are continuously changing.

Dr. Reid mentioned the recent recommendation from the Cuyahoga County Board of Health. She said they are ready and willing to open the schools; however, if the recommendation is that it's not safe to have kids in school, then we need to listen to the experts. Regarding extra-curricular activities, she stated the kids need an outlet, especially when school is not a choice. While the district has a good plan to open up the schools, she said the recommendation to go remotely for the first 9 weeks is a hard decision to make.

Dr. Reid concluded by saying there will probably be new information in a few weeks and she would be happy to come back to discuss those updates; the district will continue to work through the changes.

Vice Mayor Marko thanked Mrs. Jones and Dr. Reid for their updates. He gave a reminder that the School Board always has a place on the Agenda as it's important to partner together to serve our community and keep people informed.

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

- 4974 N Barton Road – Eileen Farrell Zelenskas
- 5420 Beacon Avenue – Robert and Barbara Dew
- 1727 Lyndhurst Road – Diana Keis Miller
- 5137 Chickadee Lane – Jeffrey Engel

Vice Mayor Marko mentioned that Resolution No. 2020-83 will be moved up to first place on the Agenda.

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.

It was moved by Mr. Schlessel seconded by Mr. Gambatese, that Resolution No. 2020-83 be moved to the first item.

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

Motion carried.  
Resolution No. 2020-83 is moved to first.

**RESOLUTION NO. 2020-83  
INTRODUCED BY: MAYOR WARD AND ALL MEMBERS OF COUNCIL**

**A RESOLUTION EXPRESSING COMMENDATION AND SINCERE APPRECIATION TO SHAWN KESSLER FOR LONG AND FAITHFUL SERVICE TO THE RESIDENTS OF LYNDHURST AS MEMBER OF THE LYNDHURST POLICE DEPARTMENT**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2020-83 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.  
Rules Suspended.

Resolution No. 2020-83 was read in its entirety by Mrs. Miller.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti that Resolution No. 2020-83 be adopted.

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

Motion carried.  
Resolution No. 2020-83 is adopted.

**ORDINANCE NO. 2020-76  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 43 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. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2020-76 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. 2020-76 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. 2020-76 be passed.

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

Motion carried.  
Ordinance No. 2020-76 is passed.

**ORDINANCE NO. 2020-77  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 44 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. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2020-77 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. 2020-77 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2020-77 be passed.

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

Motion carried.  
Ordinance No. 2020-77 is passed.

**RESOLUTION NO. 2020-78  
INTRODUCED BY: ADMIN**

**A RESOLUTION RECOGNIZING THE EXTRAORDINARY AND  
NECESSARY EXPENDITURE OF FUNDS NECESSITATED BY THE PUBLIC  
HEALTH EMERGENCY DECLARED WITH RESPECT TO THE COVID 19  
PANDEMIC 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 Resolution No. 2020-78 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.

Resolution No. 2020-78 was highlighted by Mrs. Miller, with section 3 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Resolution No. 2020-78 be passed.

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

Motion carried.  
Resolution No. 2020-78 is passed.

**ORDINANCE NO. 2020-79  
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, 2020 REPEALING ORDINANCE  
NO. 2020-67 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 Ordinance No. 2020-79 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. 2020-79 was highlighted by Mrs. Miller, with section 11 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2020-79 be passed.

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

Motion carried.  
Ordinance No. 2020-79 is passed.

**ORDINANCE NO. 2020-80  
INTRODUCED BY: ADMIN**

**AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY  
ADOPTING CURRENT REPLACEMENT PAGES 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 Ordinance No. 2020-80 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. 2020-80 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No. 2020-80 be passed.

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

Motion carried.  
Ordinance No. 2020-80 is passed.

**ORDINANCE NO. 2020-81  
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH  
BARBICAS PAVING LLC, FOR THE 2020 ASPHALT PROGRAM AND  
DECLARING AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Grushetsky, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2020-81 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. 2020-81 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2020-81 be passed.

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

Motion carried.  
Ordinance No. 2020-81 is passed.

**RESOLUTION NO. 2020-82  
INTRODUCED BY: ADMIN**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE  
AGREEMENT FOR SOLID WASTE DISPOSAL AND RECYCLING  
PROCESSING SERVICES BETWEEN THE CITY OF LYNDHURST AND  
KIMBLE COMPANY AND DECLARING AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution No. 2020-82 be placed on first reading.

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

Motion carried.  
Resolution No. 2020-82 is placed on first reading.

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

Recommendation made to Council to confirm the decision of the Board in Case No. 2020-02 to grant requested variance to Steven & Maureen MacIntyre, of 5185 Ridgebury Boulevard, from the provisions of Chapter 1160.04 (6) A of the Lyndhurst Zoning Code, to construct a one hundred ninety-two (192) square foot shed, in lieu of the permitted one hundred twenty (120) square feet allowed when on a lot with a rear yard greater than forty (40) feet in depth.

The findings in Case No. 2020-02 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 13, 2020 were read by Mrs. Miller.

It was moved by Mr. Schlessel seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2020-02 and grant the requested variance.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2020-03 to grant requested variance to Steve & Annette Johnston of 5277 Marian Drive, from the provisions of Chapter 1160.05 of the Lyndhurst Zoning Code, to erect a proposed deck which will encroach five point seventy-nine (5.79) feet into the forty (40) foot required rear yard setback.

The findings in Case No. 2020-03 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 13, 2020 were read by Mrs. Miller.

It was moved by Mr. Frey seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2020-03 and grant the requested variance with the recommended condition.

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

Motion carried.

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 8:15 P.M.

Approved: September 8, 2020

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

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