

Lyndhurst, Ohio
September 8, 2020

The Council of the City of Lyndhurst held its Regular Meeting on Tuesday, September 8, 2020 at 7:33 P.M., Council Member David A. Frey, presiding.

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

Others Present: P. A. Ward, Mayor;
J. P. Luskin, Director of Law;
R. J. Schmidlin, Assistant 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 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. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, August 3, 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.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that the reading of the minutes of the Special Meeting of Council held Monday, August 3, 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 stated the Lyndhurst Life Magazine has been distributed and everyone should be receiving a copy. He mentioned there will be a socially distant concert in the park this Saturday, September 12th from 4-8pm, weather depending. There will be a band and residents are encouraged to bring a picnic; adult beverages will be permitted for this event. A decision will be finalized tomorrow and an update will be sent out.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION – Mr. Frey stated he received a message from School Board President Cassandra Jones that she would like to attend the September 21, 2020 Council meeting to give an update.

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

SECOND READING
RESOLUTION NO. 2020-82
INTRODUCED BY: ADMINISTRATION

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. Grushetsky, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2020-82 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2020-82 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. 2020-82 be adopted.

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

Motion carried.
Resolution No. 2020-82 is adopted.

ORDINANCE NO. 2020-84
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT AND THE CITY OF LYNDHURST FOR THE 2020 SEWER INSPECTION AND CLEANING PROGRAM

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. 2020-84 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2020-84 was highlighted by Mrs. Miller, with section 3 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that Ordinance No. 2020-84 be passed.

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

Motion carried.
Ordinance No. 2020-84 is passed.

**ORDINANCE NO. 2020-85
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT AND THE CITY OF LYNDHURST FOR THE STORM SEWER INSPECTION CAMERA PURCHASE PROJECT

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. 2020-85 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2020-85 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. 2020-85 be passed.

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

Motion carried.
Ordinance No. 2020-85 is passed.

**ORDINANCE NO. 2020-86
INTRODUCED BY: ADMINISTRATION**

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 DAY FOR 2020 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. 2020-86 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2020-86 was highlighted by Mrs. Miller, with section 3 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No. 2020-86 be passed.

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

Motion carried.
Ordinance No. 2020-86 is passed.

**ORDINANCE NO. 2020-87
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH BARBICAS
PAVING LLC, FOR THE 2020 ASPHALT 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. 2020-87 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2020-87 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. Price, that Ordinance No. 2020-87 be passed.

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

Motion carried.
Ordinance No. 2020-87 is passed.

**RESOLUTION NO. 2020-88
INTRODUCED BY: ADMINISTRATION**

**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. 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. 2020-88 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2020-88 was highlighted by Mrs. Miller, with section 5 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Resolution No. 2020-88 be adopted

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

Motion carried.
Resolution No. 2020-88 is adopted.

Confirm decision of the Board of Zoning Appeals:

Recommendation made to Council to confirm the decision of the Board in Case No. 2020-05 to grant requested variance to Ezra Azulay of 5357 Kilbourne Drive, from the provisions of Chapter 1160.04 (2) A, B, C and D of the Lyndhurst Zoning Code, to park a commercial vehicle a the property on any day of the week, and at any hour of the day.

The findings in Case No. 2020-05 as recorded in the minutes of the meeting of the Board of Zoning Appeals held August 10, 2020 were read by Mrs. Miller.

It was moved by Mr. Schlessel seconded by Mr. Gambatese, that Council amend the recommendation to include the following additional conditions:

1. Add “at no less than 8 feet” to the shrubbery condition;
2. Permission is granted for only this one vehicle and for only this one business. It will not apply to any other vehicles or other businesses conducted at this location.
3. At no time can any vehicle block the sidewalk.

It was moved by Mr. Price seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2020-05 and grant the requested variance with amended conditions.

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

Motion carried.

Planning Commission Recommendations:

Recommendation made to Council to allow for Low Rise Office, Class A zoning at the building existing at 5845 Landerbrook Drive as a Conditional Use.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Council confirm the decision of the Planning Commission.

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

Motion carried.

Traffic Directive #167:

Pursuant to recommendations by the Lyndhurst Police Department: Place a “No Parking Between Signs” sign across from 5843 Alberta, with an additional “No Parking Between Signs” sign between 1949 and 1957 Caronia. Add an additional two (2) “No Parking Anytime” signs between the aforementioned signs. Signs are needed to allow for a safe flow of traffic in both directions around a blind curve between 5843 Alberta and 1949 Caronia. These additional signs would be consistent with signage placed on a similar curve on Alberta, directly north of this location.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese that Traffic Directive #167 be approved with no changes.

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

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

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

Meeting adjourned at 7:58 P.M.

Approved: September 21, 2020

Attest: _____
Clerk of Council

Vice Mayor