

Lyndhurst, Ohio  
January 4, 2021

The Council of the City of Lyndhurst held its Organizational Meeting on Monday, January 4, 2021 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. Fey, 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.

The floor was opened to nominations for the position of Vice Mayor for the 2021 calendar year.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Lane A. Schlessel be nominated as Vice Mayor for the 2021 calendar year.

Mr. Schlessel accepted the nomination.

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

Motion carried.

Mr. Schlessel is elected Vice Mayor  
for the year 2021.

The floor was opened to nominations for the Council's representative to the Planning Commission and Architectural Board of Review for the year 2021.

It was moved by Mr. Frey, seconded by Mr. Price, that Charles A. LoPresti be nominated as Council's Representative to the Planning Commission and to the Architectural Board of Review for the 2021 calendar year.

Mr. LoPresti accepted the nomination.

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

Motion carried.

Mr. LoPresti is elected as Council's Representative to the Planning Commission and Architectural Board of Review for the year 2021.

It was moved by Mr. Grushetsky, seconded by Mr. Price, that the reading of the minutes of the Regular Meeting of Council held Monday, December 7, 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 he is closing the door on 2020 and doesn't want to go back! He said he is thankful for so many things that our residents stepped up to do for others this past year. Mayor Ward commented on the recent food drive led by the local Brownie Troop that brought in 1,739 pounds of food which was donated to the local Cleveland Foodbank. He also spoke about the extremely successful Olivia's Dream Toys for Tots Campaign Drive. Mayor Ward acknowledged a young resident who dedicated her 10<sup>th</sup> birthday to raise over \$1,000 which was used to buy hundreds of toys. He expressed how lucky we are to have such selfless members in our community!

Mayor Ward stated that despite pandemic challenges, city employees maintained services for all residents this past year. He remarked about their dedication and commitment to our community. He also thanked City Council for their continued support. Mayor Ward said he is looking forward to times that are more normal and will continue to provide information about testing and vaccines as soon as it is available. He mentioned the Fire department has already started receiving the vaccine, while Police should begin in the coming week.

**FINANCE COMMITTEE** – Chairman Schlessel commented as the newly elected Vice Mayor, he will have new committee assignments. He stated budget hearings and committee meetings will be held throughout January and February with the Finance meeting being held at the end of February. Mr. Schlessel mentioned a meeting calendar will be sent out this week.

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. 2020-111 (AMENDED)  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 1383 OF THE CODIFIED  
ORDINANCES OF THE CITY WITH REGARD TO THE RIGHT TO ENTER  
BUILDINGS**

It was moved by Mr. Frey, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2020-111 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. 2020-111 was highlighted by Mrs. Miller, with section 6 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2020-111 be passed.

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

Motion carried.  
Ordinance No. 2020-111 is passed.

**SECOND READING:**  
**ORDINANCE NO. 2020-119**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTING CHAPTER 759 OF THE BUSINESS  
REGULATION CODE OF THE CITY TITLED "CERTIFICATE OF BUSINESS  
OCCUPANCY" AND DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. Grushetsky, that Ordinance No. 2020-119 be placed on second reading.

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

Motion carried.  
Ordinance No. 2020-119 is placed on second  
reading.

**SECOND READING:**  
**ORDINANCE NO. 2020-123**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTING CHAPTER 761 OF THE OF THE CODIFIED  
ORDINANCES OF THE CITY OF LYNDBURST TITLED "MOBILE FOOD SERVICE  
OPERATION" AND DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2020-123 be placed on second reading.

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

Motion carried.  
Ordinance No. 2020-123 is placed on second reading.

**ORDINANCE NO. 2021-01  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING 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. Grushetsky, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2021-01 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. 2021-01 was highlighted by Mrs. Miller, with section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2021-01 be passed.

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

Motion carried.  
Ordinance No. 2021-01 is passed.

**ORDINANCE NO. 2021-02  
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 STORM SEWER INSPECTION AND MAINTENANCE**

It was moved by Mr. Grushetsky, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2021-02 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. 2021-02 was highlighted by Mrs. Miller, with section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2021-02 be passed.

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

Motion carried.  
Ordinance No. 2021-02 is passed.

**ORDINANCE NO. 2021-03  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 WITH BARBICAS  
PAVING LLC, FOR THE 2020 ASPHALT PROGRAM, AUTHORIZING THE  
CLOSEOUT OF SAID CONTRACT AND DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2021-03 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. 2021-03 was highlighted by Mrs. Miller, with section 6 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2021-03 be passed.

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

Motion carried.  
Ordinance No. 2021-03 is passed.

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

Recommendation made to Council to confirm the decision of the Board in Case No. 2020-08 to grant requested variance to Ryan Bell, Contractor, on behalf of Phillip Alberhasky, Homeowner, 5389 Kilbourne Drive, for an area variance from the provisions of Section 1160.05 of the Lyndhurst Zoning Code. The request is to erect a patio enclosure which will encroach fourteen (14) feet into the required forty (40) foot setback.

The findings in Case No. 2020-08 as recorded in the minutes of the meeting of the Board of Zoning Appeals held December 14, 2020 were read by Mrs. Miller.

Mayor Ward noted the Board of Zoning Appeals secretary confirmed with the property owner that he received a letter from one rear yard neighbor affirming there was no objection to the enclosure. The other rear yard neighbors' house is vacant at this time. The owner confirmed he made several attempts to contact his neighbor.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2020-08 and grant the requested variance.

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

Motion carried.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that correspondence from the Ohio Division of Liquor Control regarding a transfer from both BL Restaurant Operations LLC dba Bar Louie, 24337 Cedar Road to BLH Acquisition Co. LLC dba Bar Louie, 24337 Cedar Road and N & AS Hideaway Inc. dba Avas Alley, 5415 Mayfield Road to GAC Industries LLC dba Avas Alley, 5415 Mayfield Road were noted with no hearing being requested.

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 7:51 P.M.

Approved: January 18, 2021

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

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