

Lyndhurst, Ohio
February 1, 2021

The Council of the City of Lyndhurst held its Regular Meeting on Monday, February 1, 2021 at 7:42 P.M., Vice Mayor Lane A. Schlessel, presiding.

Members Present: Council Representatives J. A. Marko, 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;
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. Frey, seconded by Mr. Price, that the reading of the minutes of the Regular Meeting of Council held Monday, January 18, 2021, 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 read the following report into record:

As all are well aware, Ordinance 2020-123 was passed at Council's last meeting following months of study, discussion, meetings, and several drafts. This Ordinance governs the operation of mobile food vending units or food trucks in the city whether participating in events or at singular locations.

Over the weekend questions were raised as to why this Ordinance was necessary and some very salacious, wholly inaccurate representations as to the motivation behind this new set of regulations were made.

First: The City of Lyndhurst is not the only municipality in Northeast Ohio to have such regulations, in fact our Ordinance was modeled after pieces from many of them.

Second: The City of Lyndhurst does not draft regulations, laws or policies based upon the "who" of any situation, we focus on the "what"; what is the activity, what assures the safety of the public, what are the concerns that need to be addressed and what reasonable ways can the city address all of the above.

Third: There has been an inference that this is racially motivated which could not be further from the truth. We are a diverse community both in our residential makeup and in our business ownership. We extend ourselves in every way imaginable to be supportive of our business community, not matter the ownership, as their success is the community's success.

The pandemic has presented any number of challenges for our business community and challenges for the food truck industry as well. Food trucks thrive on events - most of which were cancelled in the past year – which has inspired these entrepreneurs to seek other venues to conduct business and we have had a host of them popping up in neighborhoods from time-to-time over the summer and early fall for commercial activity instead of conducting private catering which was how the need to regulate such activity first came to the city’s attention. The mischaracterization of how this Ordinance came to be is truly unfortunate and somewhat shameful.

We are, again, a diverse community and a community of neighbors; we support our business community in every way imaginable which at times requires us to enact measures to protect them as well. Thank you.

FINANCE COMMITTEE – Chairman Schlessel thanked the Mayor, the Finance Director and all the department heads for their budget preparations. He also thanked his Council colleagues for hosting their respective committee meetings. Mr. Schlessel stated the Finance Committee will hold a budget meeting at the end of February.

SAFETY COMMITTEE – Chairman Gambatese stated an update was made to the requested budget for the Police Department to \$443,562.00; which is a difference of \$3 from his previous report. The grand total for capital requests recommended by the Safety committee is \$584,005.00; there were no changes to the Fire Department request.

SERVICE & SEWERS COMMITTEE – Chairman Price stated the committee met prior to Council this evening and the minutes will be forthcoming.

ROADS & UTILITIES COMMITTEE – Chairman Grushetsky stated the committee also met earlier this evening. Working with the City Engineer, he announced the committee approved \$1,262,673.00 for the preliminary road program, pending the availability of funds. The minutes from the meeting will be forthcoming.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION – School Board member Erin Lee Harris delivered the following report:

With today being the start of the 2nd quarter of the school year, Mrs. Harris stated students had the option to continue with remote learning or return to in-person learning for the 3rd semester. She noted the classes are very small with approximately 10 kids per classroom. Mrs. Harris shared that masks are required; they are taking many breaks throughout the day to remove their masks.

Mrs. Harris announced 585 faculty members have signed up to receive the Moderna vaccine starting next week.

Superintendent Reid is working on re-vamping the strategic plan due to the pandemic.

Mrs. Harris mentioned construction projects are coming to an end; socially distant tours will be scheduled within the next couple of weeks to see the updates at Brush High School.

Mrs. Harris shared the transportation garage is finally finished. She thanked Council for their generosity in allowing them to use the parking lot at Brush for the school buses.

Mr. Gambatese remarked how great the transportation garage looks and inquired whether the temporary fence will be coming down.

Mrs. Harris said she will find out about the fence and provide an update.

Mrs. Harris remarked they are working on a Recovery and Relief Plan utilizing the Federal funding they received due to the CARES Act.

Graduation is currently slated for June 9, 2021 at Korb Field with each student receiving 2 tickets. Depending on the status of the pandemic in May, Mrs. Harris indicated that details may have be altered to an individual graduation as was done in 2020.

Mrs. Harris stated there continues to be challenges as they navigate through these trying times. She asked if anyone has any questions to please call the Board of Education office.

Vice Mayor Schlessel asked whether the teachers are feeling any backlash about receiving the vaccine.

Mrs. Harris said SELTA recently put together a newsletter and as of now, nothing has been brought to the board members or Superintendent Reid. She expressed how grateful they are to be able to receive the vaccine.

Mayor Ward spoke about the fence at Brush High between the parking lot and the residences. He stated part of it will remain while part of it will be reused as originally requested. He asked for an update once available.

The floor was opened for public comment with none being heard. Vice Mayor Schlessel 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. 2021-10
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH EQUIX INTEGRITY, INC. FOR THE 2019 SEWER INSPECTION & CLEANING 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, that Ordinance No. 2021-10 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2021-10 was highlighted by Mrs. Miller, with section 6 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2021-10 be passed.

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

Motion carried.
Ordinance No. 2021-10 is passed.

**ORDINANCE NO. 2021-11
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 48 WITH GREENSPACE
CONSTRUCTION SERVICES (GCS) FOR THE FIRE DEPARTMENT EXPANSION
AND RENOVATION PROJECT, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2021-11 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2021-11 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2021-11 be passed.

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

Motion carried.
Ordinance No. 2021-11 is passed.

It was moved by Mr. Frey, seconded by Mr. Grushetsky, that the meeting be adjourned.

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

Meeting adjourned at 8:00 P.M.

Approved: February 15, 2021

Attest: _____
Clerk of Council

Vice Mayor