

Lyndhurst, Ohio
August 5, 2013

The Council of the City of Lyndhurst met in Regular Session on Monday, August 5, 2013 at 8:04 P.M., Vice Mayor Patrick A. Ward, presiding.

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

Others Present: P. T. Murphy, Director of Law;
R. F. Porrello, Chief of Police;
F. E. Glady III, Director of Service;
M. A. Kovalchik, Director of Finance;
L. M. Puskas, Building Inspector;
M. J. Carroll, Chief of Fire;
M. A. Franco, Assistant Clerk of Council.

Absent: Council Representative, K. C. Packard;
J. M. Cicero, Jr., Mayor;
T. P. Kunz, Building Commissioner.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, July 1, 2013, copies of which were mailed to all Members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed unanimously, with Mr. Marko abstaining.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that reading of the minutes of the Special Meeting of Council held Monday, July 1, 2013, copies of which were mailed to all Members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed unanimously, with Mr. Marko abstaining.

MAYOR'S REPORT – Mayor Cicero was absent, therefore he had no report.

FINANCE COMMITTEE – Chairman Ward had no report.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Chairman Marko had no report.

ROADS AND UTILITIES COMMITTEE
SERVICE AND SEWERS COMMITTEE – Chairman Packard was absent, therefore he had no report.

SAFETY COMMITTEE – Chairman LoPresti had no report.

LEGISLATIVE COMMITTEE – Chairman Frey had no report.

AD HOC COMMITTEE ON PERFORMANCE AUDITS – Mr. Gambatese had no report.

PLANNING COMMISSION – Chairman Schlessel had no report.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION – Lisa Marko said the Administration Office has been very busy over the summer. Ms. Marko announced the hiring of Greg Pollock, Director of Human Resources, Jennifer Moles, Director of Special Education, Dana Stearns, Director of Business Affairs and Kathybel Ortiz, Memorial Junior High Principal. Ms. Marko stated there is a work session scheduled for August 6th.

Mr. Ward asked if any final decisions have been made regarding bussing.

Ms. Marko stated there is a temporary plan for parking buses at the lot in front of the High School and at the Arc Tech building but no long term plan has been made.

Mr. Ward stated that the temporary plan for parking buses is not allowed. Mr. Ward asked Ms. Marko to please pass that information along to Dana and the rest of the school board.

SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD – Mr. Ward presented awards to the following residents:

Joseph and Barbara Principe – 4927 North Sedgewick
Valerie Ziernicki – 5129 Thornbury
Charles and Jill Kandrac – 5355 Chickadee
Patrick and Barbara Dearden – 1304 Haverston

The meeting was opened to public comment:

Dennis Gustavson, 4907 Westbourne, inquired if the school board notified residents around Southlyn that Arc Tech is moving to that area.

Mr. Ward said Ms. Marko does not have that information.

Ms. Marko stated that question should be asked at a board meeting.

Mr. Ward read the following comment from Mr. Packard into the record:

Please excuse my absence at the August 3, 2013 City Council meeting as I will be on vacation with my family in North Carolina.

I have no formal report from the Streets & Service Committee nor the Roads & Utilities Committee.

I would, however, like to extend my sincere thanks to the City Service Department, Police Department and Fire Department for their response to the storms which occurred on July 20, 2013. At 3:25am on Saturday, July 20, 2013, my wife and I were awakened by the sound of a jet engine outside of our bedroom window. I went outside to assess the damage, which was reminiscent of my experience with the May 31, 1985 tornado in Trumbull County.

I began walking up and down Farnhurst Road from Clearview to Professor seeing trees down and damaged and generally a mess. One tree in my neighbor's yard, approximately 35 feet tall, fell in between two cars without damaging either one. I also talked with many neighbors who also were awakened by the storm as we began cleaning up. Not more than 15 minutes later, Police and Fire showed up to assess the scene. In all, Farnhurst lost nearly a dozen trees and several more have been removed due to storm damage. At 5:00am that Saturday morning, the Service Department began their first round of cleanup from the city streets by grinding up debris on the road and in the tree lawns. By daylight, the damage had been mitigated by the work of our Service Department and certainly did not look like it did at 3:30am.

To Rick Gladly and his team, Chief Porrello and the Police Department, Chief Carroll and the Fire Department, First Energy and anyone else who helped out the residents of Farnhurst Road, please accept my sincerest thanks for your time and work. Also, a special thank you to Councilman's Ward and Schlessel and Mayor Cicero who continually checked in on my family as we were without power for 36 hours (drove my kid's nuts because they couldn't play on the Wii or watch television). It's because of all of you that Lyndhurst is such a great "Community of Neighbors". Thankfully, no one was injured and loss of property was minimal. As I've heard from many residents and family, it could have been worse. Thank you, Keith C. Packard & family

FIRST READING

ORDINANCE NO. 2013-55

INTRODUCED BY: ADMIN

AN ORDINANCE ENACTING SECTION 1359.051 OF THE CODIFIED ORDINANCES OF THE CITY WITH REGARD TO THE CURTAILMENT OF WATER USE, AND DECLARING AN EMERGENCY.

It was moved by Mr. Marko, seconded by Mr. Schlessel, that Ordinance No. 2013-55 be placed on first reading.

Roll Call: Yeas: Marko, Gambatese, Schlessel, Frey, LoPresti, Ward.

Nays: None.

Motion carried.

Ordinance No. 2013-55 is placed on first reading.

**ORDINANCE NO. 2013-56
INTRODUCED BY: ADMIN**

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO ASSOCIATION OF PUBLIC TREASURERS WORKERS COMPENSATION GROUP 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. Marko, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2013-56 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2013-56 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2013-56 be passed.

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

Motion carried.
Ordinance No. 2013-56 is passed

**ORDINANCE NO. 2013-57
INTRODUCED BY: ADMIN**

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD ENDING DECEMBER 31, 2013 REPEALING ORDINANCE NO. 2013-47 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. 2013-57 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2013-57 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2013-57 be passed.

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

Motion carried.
Ordinance No. 2013-57 is passed

FIRST READING
RESOLUTION NO. 2013-58
INTRODUCED BY: ADMIN

A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO. 711-08-047 TO BE A NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE WORK NECESSARY TO ABATE THE NUISANCE, AND DECLARING AN EMERGENCY

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2013-58 be placed on first reading.

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

Motion carried.
Resolution No. 2013-58 is placed on first reading.

FIRST READING
ORDINANCE NO. 2013-59
INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING SECTIONS 145.01 AND 145.02 OF THE CODIFIED ORDINANCES OF THE CITY WITH REGARD TO THE BUILDING COMMISSIONER, AND DECLARING AN EMERGENCY.

It was moved by Mr. Marko, seconded by Mr. Schlessel, that Ordinance No. 2013-59 be placed on first reading.

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

Motion carried.
Ordinance No. 2013-59 is placed on first reading.

**ORDINANCE NO. 2013-60
INTRODUCED BY: ADMIN**

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 DAYS FOR 2013 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 for full reading, that Ordinance No. 2013-60 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2013-60 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2013-60 be passed.

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

Motion carried.
Ordinance No. 2013-60 is passed

**FIRST READING
ORDINANCE NO. 2013-61
INTRODUCED BY: ADMIN**

AN ORDINANCE ENACTING SECTION 159.151 OF THE CODIFIED ORDINANCES OF THE CITY WITH REGARD TO VOLUNTARY DEDUCTIONS FOR THE OHIO TUITION TRUST AUTHORITY'S COLLEGE ADVANTAGE SAVINGS PLAN, AND DECLARING AN EMERGENCY.

It was moved by Mr. Frey, seconded by Mr. Schlessel, that Ordinance No. 2013-61 be placed on first reading.

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

Motion carried.
Ordinance No. 2013-61 is placed on first reading.

**ORDINANCE NO. 2013-62
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH
UTILICON CORPORATION FOR THE 2012 SEWER REPAIR PROGRAM AND
DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2013-62 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2013-62 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Schlessel, that Ordinance No. 2013-62 be passed.

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

Motion carried.
Ordinance No. 2013-62 is passed

**RESOLUTION NO. 2013-63
INTRODUCED BY: ADMIN**

**A RESOLUTION EXPRESSING COMMENDATION AND SINCERE
APPRECIATION TO TOM KUNZ FOR SERVICE RENDERED FOR AND ON
BEHALF OF THE CITIZENS OF THE CITY OF LYNDBURST, OHIO AS CITY
BUILDING COMMISSIONER.**

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 Resolution No. 2013-63 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2013-63 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2013-63 be adopted.

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

Motion carried.
Resolution No. 2013-63 is adopted

**ORDINANCE NO. 2013-64
INTRODUCED BY ADMIN**

**AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY
ADOPTING CURRENT REPLACEMENT PAGES AND DECLARING AN
EMERGENCY.**

It was moved by Mr. Marko, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2013-64 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2013-64 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2013-64 be passed.

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

Motion carried.
Ordinance No. 2013-64 is passed

Correspondence from the Ohio Division of Liquor Control regarding transfer of liquor permit to Dino's Restaurant Group, LLC from Joseph Beth Café, LLC., was 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.

Approved: September 3, 2013

Meeting adjourned at 8:32 P.M.

Attest: _____
Clerk of Council

Vice Mayor