

Lyndhurst, Ohio
September 16, 2013

The Council of the City of Lyndhurst met in Regular Session on Monday, September 16, 2013 at 8:02 P.M., Vice Mayor Patrick A. Ward, presiding.

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

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

Absent: M. J. Carroll, Chief of Fire;
M. A. Kovalchik, Director of Finance.

It was moved by Mr. Marko, seconded by Mr. Schlessel, that the reading of the minutes of the Regular Meeting of Council held Monday, September 3, 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.

It was moved by Mr. Marko, seconded by Mr. Packard, that reading of the minutes of the Special Meeting of Council held Monday, September 3, 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.

MAYOR'S REPORT – Mayor Cicero thanked Mr. Ward for serving in his capacity while he was out for surgery. Mayor Cicero also thanked the Homedays Committee, Council participants and residents for a wonderful Homedays.

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 had no report.

SAFETY COMMITTEE – Chairman LoPresti had no report.

LEGISLATIVE COMMITTEE – Chairman Frey stated the committee met prior to the Council Meeting and minutes will be forthcoming.

AD HOC COMMITTEE ON PERFORMANCE AUDITS – Mr. Gambatese asked that his name be removed from the Agenda.

PLANNING COMMISSION – Chairman Schlessel had no report.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION – Stefanie Rhine spoke of the upcoming SEL Speaker Series the first one is Thursday, September 19th at 7:00PM. Ms. Rhine stated it has been a quiet start to the school year. Ms. Rhine stated that the environment at footballs games have improved, they are very fun and interactive. Ms. Rhine said the schools are working with the Spielman Foundation, sponsoring a Go Pink Promotion all funds will go to Spielman Foundation; shirts are on sale for twenty dollars (\$20.00). Ms. Rhine said district report cards have come out and was not what the district was hoping for, but the district will continue to make further improvements.

Mayor Cicero asked that Ms. Rhine forward information regarding the speaker series to his office.

Ms. Rhine thanked Council for their help with the busing situation.

The meeting was opened to public comment:

Tina Tricarichi, 5610 Chelmsford, thanked Council for allowing a booth at Homedays for Save the South Euclid Lyndhurst Mansion Library Committee. Ms. Tricarichi asked Council to attend the County Library Board Meeting on September 24, at 6:00PM, Ms. Tricarichi stated that she received information that the Board will be voting on the sale of the library at that meeting.

Paul Lidrbauch, 947 Professor, read the following statement into the record:

TO: South Euclid and Lyndhurst Officials.

I'd like to review the activities on Professor Road off Anderson Road for this summer. First, Gas lines were replaced on Anderson. This brought mountains of dirt, sand, gravel and debris on the South Euclid (west) tree lawns; and 520' lengths of 5" welded plastic pipe, and 320' lengths of welded 8" pipe across the sidewalks and driveways of the east side. The crews did lift the pipe assemblies up when we needed to cross the drives.

Next, Longo Construction Company of South Euclid cut up the west side road surface so crews could replace the water main. Starting at the south (Ridgebury) end of the street and working north, the 6 man crew using 6 pieces of equipment took roughly 6 days to replace the main. Digging down 15' to expose the pipe, pulling the old out and replacing it with new, a section at a time. Thankfully, this was done before the road bed was replaced which was done next by Tri-Mor Construction.

The South Euclid side was done first; stripped down 3', new ground base was spread, and the new concrete surface put in to both the road and the driveways.

Neighbors became good neighbors. The South Euclid side using the opposite side drives for parking and the favor returned when the Lyndhurst side was done.

Interesting that the concrete laying machine did both the road surface and the curbs at one pass.

Larry Osborne, the recording engineer, and a Brush High School grad, told me 40 truckloads of concrete (400 yards) were used per side, plus additional for the driveways and the catch basins and manhole sections. The catch basins were very accurately placed to match the curbs and the road drainage slope. Finally, grass was spread along the curbs and the drives. The curbs were interesting in that the old were backed by clay drain tiles. The new are backed by corrugated plastic piping. It should help keep the roads and curbs in better shape.

As a representative of the residents who petitioned for the road repaving I'd like to thank a lot of people:

Both Mayor Cicero and Mr. Gladly of Lyndhurst for mentioning the needed water main replacement at a Council Coffee meeting, that led to communications with Water Commissioner Bernardo Garcia, and then interim commissioner Slattery of Cleveland. A letter to the South Euclid side residents confirmed the replacement and Jim Anderson copied it to me. Both City Councils passed resolutions and allocated funds for the road replacement, We thank them.

The water pipe crew said the "Road was Bad." And a Ridgebury resident watching the last section paved at the Ridgebury and Professor intersection said, he'd watched the Professor Road paving originally done in 1952. After 62 years it was time to "retire it". While we often grumble about people standing around or not being present in work zones; that couldn't be said of the crews on Professor and Anderson. They ate lunch on the run, and they helped resident access as needed.

Thanks also to the service crews who manhandled the garbage and recycle bins to trucks when the autoloader couldn't get access. It was appreciated.

As the grass was being put in a South Euclid resident came up the street. He liked the smooth surface; beat the uneven sidewalk, and with that, I'd like to invite Councilman Frey to resume his jogging down Professor as part of his running course. I haven't seen him lately. So I'm inviting him to use Professor as his new course, it's smooth, no holes, no slippery gravel, no speed bumps. Just smooth all the way.

Thanks to all of you, for making Professor Road a better place.

Sincerely, The Residents (South Euclid on the West) and Lyndhurst (on the East) of Professor Road.

Elyzabeth DeGiovanni, 5169 Thornbury, inquired if the City had an Ordinance regarding the feeding of undomesticated animals or fowl.

Mr. Ward stated there is an Ordinance prohibiting the feeding of deer; however, wild birds and feral cats are not included in that Ordinance.

Mr. Ward announced Council's nomination for the Legacy Village Fund Board is Ms. DeGiovanni.

Mr. Marko echoed Ms. Rhine's statement regarding football games. Mr. Marko stated the new interactive scoreboard is the only one at an Ohio high school. Mr. Marko said the new scoreboard cost was approximately one hundred and eighty thousand dollars (\$180,000.00), which is being funded by advertising revenue with hopes of being paid in full within four (4) years.

Mr. Frey informed Mr. Lidrbauch that he and his wife would walk nightly inspecting the Professor Road project.

Mr. Ward stated Tri Mor also received a compliment from a Harwich resident.

Mr. Ward said he was impressed to see Tri More watering grass on Winchester last year after completing a project.

Mr. Lidrbauch stated that Tri Mor has also been watering the grass on Professor.

Mr. Ward thanked everyone for a wonderful Homedays.

Mr. Ward aired this Saturday is Council Coffee and City Expo from 9:00AM until 12:00PM, there will be representatives available from every department for questions. Saturday, August 28th in the front parking lot will be shedding from 11:30AM until 3:30PM.

THIRD 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. LoPresti, that rules set forth under Section 123.01 Codified Ordinances be suspended for full reading and that Ordinance No. 2013-55 be placed on third reading for final passage.

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

Motion carried.

Ordinance No. 2013-55 is passed.

THIRD 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. Frey, seconded by Mr. Schlessel, that rules set forth under Section 123.01 Codified Ordinances be suspended for full reading and that Ordinance No. 2013-58 be placed on third reading for final passage.

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

Motion carried.
Resolution No. 2013-58 is passed.

THIRD 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. Schlessel, seconded by Mr. LoPresti, that rules set forth under Section 123.01 Codified Ordinances be suspended for full reading and that Ordinance No. 2013-59 be placed on third reading for final passage.

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

Motion carried.
Ordinance No. 2013-59 is passed.

THIRD 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. Schlessel, seconded by Mr. LoPresti, that rules set forth under Section 123.01 Codified Ordinances be suspended for full reading and that Ordinance No. 2013-61 be placed on third reading for final passage.

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

Motion carried.
Ordinance No. 2013-61 is passed.

**ORDINANCE NO. 2013-69
INTRODUCED BY: ADMIN**

AN ORDINANCE PROVIDING FOR THE FUNDING OF THE OPTIONAL REDEMPTION OF CERTAIN OF THE CITY'S OUTSTANDING RECREATIONAL FACILITIES IMPROVEMENT BONDS, SERIES 2003, DATED AS OF AUGUST 1, 2003, AND AUTHORIZING AND DIRECTING THE CALL FOR OPTIONAL REDEMPTION OF THOSE BONDS, AND DECLARING AN EMERGENCY.

It was moved by Mr. Marko, seconded by Mr. Packard, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2013-69 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2013-69 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2013-69 be passed.

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

Motion carried.
Ordinance No. 2013-69 is passed

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2013-02 to **deny** requested variance to Simon A. Lewis, 1317 Churchill Road, from the provisions of Chapter 1160.04 (a)(2) A & B of the Planning and Zoning Code to permit a commercial motor vehicle to be parked and or stored outside of a garage overnight.

It was moved by Mr. Marko, seconded by Mr. Schlessel, that Council table the decision of the Board of Zoning Appeals in Case No. 2013-02.

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

Motion carried.

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

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

Approved: October 7, 2013

Meeting adjourned at 8:40 P.M.

Attest: _____
Clerk of Council

Vice Mayor