

Lyndhurst, Ohio
March 7, 2016

The Council of the City of Lyndhurst held its Regular Meeting on Monday, March 7, 2016 at 7:32 P.M., Vice Mayor Lane A. Schlessel, presiding.

Members Present: Council Representatives J. A. Marko, J. Price, J. A. Gambatese, A. Mendelsohn, D. A. Frey, C. A. LoPresti.

Others Present: P.A. Ward, Mayor;
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;
M. J. Carroll, Chief of Fire;
J. Maichle, Building Commissioner;
M. A. Franco, Assistant Clerk of Council.

Absent:

It was moved by Mr. Marko, seconded by Mr. Price, that the reading of the minutes of the Regular Meeting of Council held Monday, February 15, 2016, 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 with Mr. Frey and Mr. LoPresti abstaining.

MAYOR'S REPORT – Mayor Ward stated the first issue of Lyndhurst Life Magazine has been approved and will be arriving in mailboxes around the 14th of the month.

FINANCE COMMITTEE – Chairman Marko read the following minutes into the record:

The Finance Committee met Wednesday, February 24, 2015 at 6:00 PM. Present were members of Council, Mr. Frey, Mr. Gambatese, Mr. Marko, Mr. Schlessel and Mr. LoPresti. Also present were Finance Director Mary Kovalchik and Mayor Ward along with four members of the public. Mr. Price and Mr. Mendelsohn were excused because of commitments for their respective jobs. The purpose of this meeting was the annual review of budget appropriations for 2016. A copy of the Draft Appropriation Budget had been distributed to all members of Council electronically along with detailed Financial Review information in advance of the meeting for their careful evaluation in preparation for this session.

Mr. Marko opened the meeting pointing out the continued positive impact that the administration has had on returning funds to the general fund on a yearly basis. Certainly the discussions of funding the City's general operations can be approached from a solid, but cautious, footing looking forward. The Chairmen then directed the members' attention to the estimated revenues and budget for the general fund and pointed out the impact of the Legacy Village obligation for the Tax increment financing agreement. Chairman Marko then turned the Committee's discussion to the consideration of General Fund Expense items as they had been presented by the various departments. The Committee considered and recommended funding the operations of the City as follows:

| | |
|---------------------------|-------------|
| Police Department | \$4,302,419 |
| Fire Department | \$2,880,057 |
| Public Health | \$ 54,884 |
| Planning Commission | \$ 12,462 |
| Board of Zoning | \$ 12,736 |
| Architectural Board | \$ 7,522 |
| Building Department | \$ 484,017 |
| Parks | \$ 217,436 |
| Brainard SprayPark | \$ 77,353 |
| Lyndhurst Pool | \$ 281,079 |
| Recreation Events | \$ 17,000 |
| CPOA | \$ 156,970 |
| Refuse Collection | \$ 688,969 |
| Recycling | \$ 244,853 |
| Leaves | \$ 154,457 |
| Trees | \$ 180,471 |
| Mayor | \$ 232,275 |
| Income Tax Administration | \$ 575,000 |
| Finance Department | \$ 500,576 |
| Law Department | \$ 196,177 |
| Service Department | \$ 514,312 |
| Civil Service Commission | \$ 36,934 |
| Council | \$ 135,873 |
| Municipal Court | \$1,202,910 |
| General Administrative | \$ 408,166 |

| | |
|-------------------|-------------|
| Lands & Buildings | \$ 489,951 |
| Statutory | \$ 410,250 |
| Transfers | \$1,500,607 |
| Engineering | \$ 41,243 |
| Unclaimed | \$ 5,000 |

For a total GENERAL FUND amount of \$16,021,959, which will leave an anticipated balance, if every appropriated dollar is expended, of \$1,468,556.80 at the end of the year.

A motion was made by Mr. Schlessel, seconded by Mr. Gambatese that the General Fund appropriations in the amount of \$ 16,021,959 be approved. A Voice vote was taken with members voting, YES.

Other Funds are budgeted as follows:

| | |
|---------------------------|----------------|
| Special Revenue Funds | \$1,208,816.00 |
| Law Enforcement Fund | \$ 10,000.00 |
| Law Enforcement ESA Fund | \$ 7,500.00 |
| Debt Service Fund | \$1,126,500.00 |
| Special Assessment Funds | \$1,577,368.14 |
| Trust & Agency Funds | \$1,140,062.67 |
| Capital Improvement Funds | \$3,126,903.00 |

It was moved by Mr. Schlessel, seconded by Mr. Frey that the amounts recommended for Special Revenue, Assessment, Debt Service, Trust & Agency and Capital Improvement Funds in the amount of \$8,197,149.00 be approved. All members voted yes.

The City also administers several Court Funds which have appropriations as follows:

| | |
|------------------------------|---------------|
| Court Probation Services | \$ 16,215.38 |
| Court Special Projects | \$ 245,733.17 |
| Court Special Projects IDIAM | \$ 13,500.00 |
| Court Computer Fund | \$ 268,709.73 |
| DUI-Indigent | \$ 40,000.00 |

Each fund was put to a voice vote that the expenditures outlined for the various Court Funds in the amount of \$584,158.28 be approved as presented. The question passed unanimously.

The Committee's discussion then turned to consideration of the Capital Requests that had been presented by the various Departments and the Lyndhurst Municipal Court to the various Committees of Council for their consideration and recommendations. The Finance Director had prepared an illustration of the various funds that service the City's capital needs which clearly shows caution must be exercised in this regard. It is fortunate the City basically has no debt but funding future needs will be a tremendous challenge.

The following individual Department amounts for Capital purchases have been approved:

| | AMOUNT |
|------------------------------------|-------------------|
| Police Department requests | \$ 259,565 |
| Fire Department requests | \$ 270,500 |
| Building Department Requests | \$ 0.00 |
| Lyndhurst Municipal Court requests | \$ 135,000 |
| Public Lands & Bldg. Requests | \$ 217,295 |
| Community Center Requests | \$ 23,450 |
| Finance Dept./Council requests | \$ 10,400 |
| Service Department requests | \$ 385,500 |
| Street Improvement requests | \$1,584,393 |
| Storm Sewer requests | \$ 155,000 |
| Sanitary Sewer requests | \$ 385,650 |
| Technology Upgrades | \$ 25,000 |
| Miscellaneous Engineering requests | <u>\$ 375,000</u> |
| TOTAL ALL REQUESTS | \$3,826,753 |

It was moved by Mr. Schlessel, seconded by Mr. Gambatese that all items be approved for funding. A voice vote was taken with all members voting aye.

The Grand Total of all Funds is \$ 24,803,267.46

It was moved by Mr. Frey, seconded by Mr. Schlessel, that the meeting be adjourned, a vote was taken and meeting was adjourned at 6:55pm with no other business discussed.

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

ROADS AND UTILITIES COMMITTEE – Chairman Gambatese had no report.

SERVICE AND SEWERS COMMITTEE – Chairman Marko had no report.

SAFETY COMMITTEE – Chairman LoPresti said A "Community CPR Class" will be held Wednesday, March 30th 2016 at 6:00 PM at the Lyndhurst Community Center. The Class is \$25 for residents and \$35 for non-residents, and includes the book. Reservations can be made by calling Clarice at (440) 442-5777.

LEGISLATIVE COMMITTEE – Chairman Frey had no report.

PLANNING COMMISSION – Mr. Frey stated the Planning Commission met on Thursday, February 25th to discuss Ordinance 2016-07, 2016-08 and 2016-12. Mr. Frey explained the changes to Ordinance 2016-07 and 2016-08 is to memorialize the current procedure. Mr. Frey said the change to Ordinance 2016-12 regarding fences changed to read only permitted fences in any part of the yard, side or rear yard, would be board on board. Planning Commission recommends to Council to pass 2016-07 and 2016-08 in lieu of the Public Hearing scheduled for April 4, 2016 at 7:15PM. Recommendation is for Council to pass Ordinance 2016-12 tonight.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION – No representative was present.

The meeting was opened to public comment.

The following residents voiced thoughts and or concerns about deer, deer trapping and culling:

Albert Ryan, 5200 Spencer
Andrea Bleich, 4928 Emmet (later found to be Andrea Bleich Zemel,
of 18210 Snyder Road, Chagrin Falls)
Judi Cunningham, 1664 Winchester
Elaine Turner, 1395 Richmond
Jill Walker, 5167 Haverford

Elyzabeth DeGiovanni, 5169 Thornbury, asked if all new fences need to be board on board.

Mr. Frey said 6 feet tall fences have to be board on board.

Ms. DeGiovanni asked the status of the new bus garage.

Mayor Ward said the school is working on the new facility, the district acquired more property so they have been able to morph their plans with the new facility along with practice fields.

Ms. DeGiovanni inquired if the building would be shielded from the street.

Mayor Ward stated it will be.

Mayor Ward said what is most upsetting, are the people who stand up and spread misinformation, and don't stay to listen to what really is fact.

Mayor Ward stated Ms. Bleich stood up and said it costs \$5,000.00 per deer, it does not, it costs the City \$346.00 per animal total, including the traps. The City has provided over 2000 meals with this program.

Mayor Ward said Ms. Turner gave him information regarding Mentor's program for Deer Deter Signs and he is currently looking into that.

Mayor Ward stated he has spoken to several naturalists about our program, and anyone who says our program is inhumane is full of hooley. Mayor Ward said humanity is the basis of our program.

Mayor Ward said he appreciates the interest about this, but interest based on misinformation is unfounded. Mayor Ward stated he is not putting a peaceful solution on anybody but don't put every solution on us. If you have suggestions, effective proven solutions let us know. If you just want to criticize that's fine congratulations you have accomplished that, only criticisms.

Mayor Ward stated the deer management program has ended for now, 13 deer were culled, \$346.00 per deer.

Planning Commission Recommendations:

Recommendation made to Council to approve proposed Ordinances Nos. 2016-07 and 2016-08 as written.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Council approve the recommendation of the Planning Commission to approve proposed Ordinances Nos. 2016-07 and 2016-08 as written.

Roll Call: Yeas: Marko, Price, Gambatese, Mendelsohn, Frey, LoPresti, Schlessel.

Nays: None.

Motion carried.

Recommendation made to Council to modify Chapter 1329.03, Fences, to allow only board on board type fences (fifty percent open) in the side yard and the rear yard of residential properties.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Council modify Chapter 1329.03, Fences, to allow only board on board type fences (fifty percent open) in the side yard and the rear yard of residential properties.

Roll Call: Yeas: Marko, Price, Gambatese, Mendelsohn, Frey, LoPresti, Schlessel.

Nays: None.

Motion carried.

THIRD READING
ORDINANCE NO. 2016-7
INTRODUCED BY: ADMIN

**AN ORDINANCE AMENDING SECTION 1110.02 OF THE PLANNING
AND ZONING CODE OF THE CITY TITLED “MEMBERSHIP”**

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2016-7 be placed on table.

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

Motion carried.
Ordinance No. 2016-7 is placed on
Table.

THIRD READING
ORDINANCE NO. 2016-8
INTRODUCED BY: ADMIN

**AN ORDINANCE AMENDING SECTION 1154.02 OF THE PLANNING
AND ZONING CODE OF THE CITY TITLED “ORGANIZATION”**

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2016-8 be placed on table.

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

Motion carried.
Ordinance No. 2016-8 is placed on
table.

ORDINANCE NO. 2016-12
INTRODUCED BY: ADMIN

**AN ORDINANCE AMENDING CHAPTER 1329 OF THE CODIFIED
ORDINANCES OF THE CITY ENTITLED “FENCES”**

It was moved by Mr. Marko, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2016-12 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Marko, Price, Gambatese, Mendelsohn, Frey, LoPresti,
Schlessel.

Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2016-12 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2016-12 be passed.

Roll Call: Yeas: Marko, Price, Gambatese, Mendelsohn, Frey, LoPresti,
Schlessel.

Nays: None.

Motion carried.
Ordinance No. 2016-12 is passed.

ORDINANCE NO. 2016-13
INTRODUCED BY: ADMIN

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND
OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD
ENDING DECEMBER 31, 2016 REPEALING ORDINANCE NO. 2015-99 AND
DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2016-13 be placed on third reading for final passage and that it be highlighted.

Roll Call: Yeas: Marko, Price, Gambatese, Mendelsohn, Frey, LoPresti,
Schlessel.

Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2016-13 was highlighted by Mrs. Franco, with Section 11 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Ordinance No. 2016-13 be passed.

Roll Call: Yeas: Marko, Price, Gambatese, Mendelsohn, Frey, LoPresti,
Schlessel.

Nays: None.

Motion carried.
Ordinance No. 2016-13 is passed.

**RESOLUTION NO. 2016-14
INTRODUCED BY: ADMIN**

**A RESOLUTION AUTHORIZING THE MAYOR TO IMPLEMENT
DENTAL AND LIFE INSURANCE COVERAGE FOR THE EMPLOYEES OF
THE CITY, REPEALING RESOLUTION NO. 2016-11 ADOPTED FEBRUARY
15, 2016, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2016-14 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2016-14 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Resolution No. 2016-14 be passed.

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

Motion carried.
Resolution No. 2016-14 is adopted.

Correspondence from the Ohio Division of Liquor Control permit for Ramb Company III, LLC, DBA Buffalo Wild Wings Grill and Bar, 5433 Mayfield Road, was noted with no hearing being requested.

It was moved by Mr. Price, seconded by Mr. Gambatese, that the meeting be adjourned.

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

Meeting adjourned at 8:15 P.M.

Approved: March 21, 2016

Attest: _____
Clerk of Council

Vice Mayor