

Lyndhurst, Ohio
May 16, 2016

The Council of the City of Lyndhurst held its Regular Meeting on Monday, May 16, 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.

Others Present: P.A. Ward, Mayor;
P. T. Murphy, Director of Law;
M. A. Kovalchik, Director of Finance;
M. J. Carroll, Chief of Fire;
J. Maichle, Building Commissioner;
M. A. Franco, Assistant Clerk of Council.

Absent: Council Representative C. A. LoPresti;
Council Representative D.A. Frey;
R. F. Porrello, Chief of Police;
F. E. Glady III, Director of Service.

It was moved by Mr. Marko, seconded by Mr. Price, that the reading of the minutes of the Regular Meeting of Council held Monday, May 2, 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.

MAYOR'S REPORT – Mayor Ward said he attended the National Junior Honors Society Induction Ceremony at Memorial Junior High, 32 students were inducted.

Mayor Ward stated he and Mr. Schlessel attended a leadership conference in Washington DC.

Mayor Ward aired the Dad's Club is commemorating their 50th anniversary, a plaque has been placed by the flag pole at Brainard Park.

FINANCE COMMITTEE – Chairman Marko had no report.

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

ROADS AND UTILITIES COMMITTEE – Chairman Gambatese said construction will begin in a few weeks on Blubell Drive, Chickadee Lane, Larkspur Drive and Wellington Road.

SERVICE AND SEWERS COMMITTEE – Chairman Marko had no report.

SAFETY COMMITTEE – Chairman LoPresti was absent; therefore, he had no report.

LEGISLATIVE COMMITTEE – Chairman Frey was absent; therefore, he had no report.

PLANNING COMMISSION – Mr. Frey was absent; therefore, he had no report.

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

The meeting was opened to public comment.

Dennis Gustavson, 4907 Westbourne, inquired about the grass nuisance policy. Mayor Ward explained if grass is longer than 8 inches, the resident will receive a notice, if the resident does not mow the lawn the city will mow the lawn.

THIRD READING
RESOLUTION NO. 2016-27
INTRODUCED BY: MAYOR
PATRICK A. WARD

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A STORMWATER MANAGEMENT PROGRAM SERVICE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT TO PROVIDE FOR IMPLEMENTATION OF THE REGIONAL STORMWATER MANAGEMENT PROGRAM.

It was moved by Mr. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 Codified Ordinances be suspended for full reading and that Resolution No. 2016-27-19 be placed on third reading for final adoption.

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

Motion carried.
Resolution No. 2016-27 is adopted.

It was moved by Mr. Price, seconded by Mr. Marko, that Ordinance Numbers 2016-30, 2016-31, 2016-32, 2016-33, 2016-34, 2016-35 and 2016-36 be considered together.

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

Motion carried.
Ordinance Nos. 2016-30, 2016-31, 2016-32,
2016-33, 2016-34, 2016-35 and 2016-36 are
considered together.

**ORDINANCE NO: 2016-30
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1351.09 OF THE CODIFIED
ORDINANCES OF THE CITY TITLED “BUILDING, DEMOLITION, HOUSE
MOVING, SIGN AND DRIVEWAY PERMIT FEES” AND DECLARING AN
EMERGENCY**

**ORDINANCE NO: 2016-31
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1351.10 OF THE CODIFIED
ORDINANCES OF THE CITY TITLED “HEATING AND AIR CONDITIONING
PERMIT FEES” AND DECLARING AN EMERGENCY**

**ORDINANCE NO: 2016-32
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1351.11 OF THE CODIFIED
ORDINANCES OF THE CITY TITLED “PLUMBING AND SEWER WORK
PERMIT FEES” AND DECLARING AN EMERGENCY**

**ORDINANCE NO: 2016-33
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1351.12 OF THE CODIFIED
ORDINANCES OF THE CITY TITLED “ELECTRICAL PERMIT FEES” AND
DECLARING AN EMERGENCY**

**ORDINANCE NO: 2016-34
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1351.13 OF THE CODIFIED
ORDINANCES OF THE CITY TITLED “FEES FOR INSPECTION” AND
DECLARING AN EMERGENCY**

**ORDINANCE NO: 2016-35
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1351.14 OF THE CODIFIED
ORDINANCES OF THE CITY TITLED “MISCELLANEOUS PERMIT FEES”
AND DECLARING AN EMERGENCY**

**ORDINANCE NO: 2016-36
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1351.16 OF THE CODIFIED
ORDINANCES OF THE CITY TITLED “CASH DEPOSIT FOR
CONSTRUCTION REQUIRED” 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 for full reading, that Ordinance Nos. 2016-30, 2016-31, 2016-32, 2016-33, 2016-34, 2016-35 and 2016-36 be placed on third reading for final passage and that they be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance Nos. 2016-30, 2016-31, 2016-32, 2016-33, 2016-34, 2016-35 and 2016-36 was highlighted by Mrs. Franco, with Section 4 being read in their entirety.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance Nos. 2016-30, 2016-31, 2016-32, 2016-33, 2016-34, 2016-35 and 2016-36 be passed.

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

Motion carried.
Ordinance Nos. 2016-30, 2016-31, 2016-32,
2016-33, 2016-34, 2016-35 and 2016-36 are
passed.

**ORDINANCE NO. 2016-37
INTRODUCED BY: ADMIN**

**AN ORDINANCE ENACTING SECTION 175.03 OF THE ZONING
CODE OF THE CITY TITLED “FEE SCHEDULE” 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 for full reading, that Ordinance No. 2016-37 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-37 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Ordinance No. 2016-37 be passed.

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

Motion carried.
Ordinance No. 2016-37 is passed.

ORDINANCE 2016-38
INTRODUCED BY: ADMIN

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HENDERSON, SCHMIDLIN & MCGARRY CO., L.P.A. TO PROVIDE LEGAL SERVICES FROM JANUARY 1, 2016, THROUGH DECEMBER 31, 2016, 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 for full reading, that Ordinance No. 2016-38 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-38 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Ordinance No. 2016-38 be passed.

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

**RESOLUTION NO. 2016-39
INTRODUCED BY: ADMIN**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INDEPENDENT CONTRACTOR AGREEMENT WITH ANTHONY CARBONE TO ASSIST THE BUILDING DEPARTMENT IN CARRYING OUT CERTAIN ASPECTS OF BUILDING INSPECTIONS, 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 for full reading, that Resolution No. 2016-39 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2016-39 was highlighted by Mrs. Franco, with Section 2 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Resolution No. 2016-39 be passed.

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

Motion carried.
Resolution No. 2016-39 is adopted.

**RESOLUTION NO. 2016-40
INTRODUCED BY: ADMIN**

A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT (018-17) FOR ROAD SALT 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 for full reading, that Resolution No. 2016-40 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2016-40 was highlighted by Mrs. Franco, with Section 2 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Resolution No. 2016-40 be passed.

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

Motion carried.
Resolution No. 2016-40 is adopted.

**RESOLUTION NO. 2016-41
INTRODUCED BY: ADMIN**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY WITH THE CITIES OF MAYFIELD HEIGHTS, HIGHLAND HEIGHTS, RICHMOND HEIGHTS, CLEVELAND HEIGHTS, SHAKER HEIGHTS AND PEPPER PIKE, AND THE VILLAGE OF GATES MILLS, TO COLLABORATE AND APPLY FOR AN ASSISTANCE TO FIREFIGHTERS GRANT; AUTHORIZING THE MAYOR TO ACCEPT SAID GRANT IF AWARDED; 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 for full reading, that Resolution No. 2016-41 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2016-41 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Resolution No. 2016-41 be passed.

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

Motion carried.
Resolution No. 2016-41 is adopted.

FIRST READING
ORDINANCE NO. 2016-42
INTRODUCED BY: ADMIN

**AN ORDINANCE ENACTING CHAPTER 777 OF THE CODIFIED
ORDINANCES OF THE CITY OF LYNDHURST REGARDING DONATION
DROP BOXES AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Price, that Ordinance No. 2016-42 be placed on first reading.

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

Motion carried.
Ordinance No. 2016-42 is placed on
first reading.

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2016-03 to **deny** the requested variance of Beth Goldstein of 1721 Richmond Road, from the provisions of Section 1329.03 of the Building Code. The applicant requests a six (6) foot high stockade fence in the rear yard, in lieu of the required fifty (50) percent open, shadow box fence.

The findings in Case No. 2016-03 as recorded in the minutes of the meeting of the Board of Zoning Appeals held May 9, 2016 were read by Mrs. Franco.

It was moved by Mr. Marko, seconded by Mr. Price, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2016-03.

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

Motion carried.

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

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

Meeting adjourned at 7:56 P.M.

Approved: June 6, 2016

Attest: _____
Clerk of Council

Vice Mayor