

Lyndhurst, Ohio
August 1, 2016

The Council of the City of Lyndhurst held its Regular Meeting on Monday, August 1, 2016 at 7:33 P.M., Vice Mayor Lane A. Schlessel, presiding.

Members Present: Council Representatives, J. A. Marko, J. A. Gambatese,
S. C. Grushetsky, D.A. Frey, C. A. LoPresti.

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

Absent: Council Representative J. Price;
M. A. Kovalchik, Director of Finance;
F. E. Glady III, Director of Service.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that the reading of the minutes of the Regular Meeting of Council held Tuesday, July 5, 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 the Deer Survey has been out since the beginning of July, through electronic media, newspaper article last week and it will be in the upcoming issue of Lyndhurst Life Magazine, which will be in mailboxes around the 15th of August.

Mayor Ward stated the West Virginia Delegation stayed at the new Hyatt facility in Legacy Village. Mayor Ward said they were extremely thrilled with the facility, security and their visit here.

Mayor Ward stated the Wartko Construction Farnhurst Road project is our portion of the project. Wartko will be replacing almost all of the sidewalks on the north side.

Mayor Ward said the demolition of the house on Irene will take place once the fire department has completed their training exercises.

FINANCE COMMITTEE – Chairman Marko had no report.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Chairman Price was absent; therefore, he 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 had no report.

LEGISLATIVE COMMITTEE – Chairman Frey stated a joint Legislative/Safety Meeting was held prior to the Council meeting to discuss Ordinance 2016-42, Ordinance 2016-52, Ordinance 2016-55, street lighting assessments, tree assessments and sewer assessments.

Mr. Frey said rain barrels were also discussed.

PLANNING COMMISSION – Mr. Frey had no report.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION (First meeting of the month) – No representative was present.

SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD – Mayor Ward announced the recipients of the Property of Distinction Awards:

- Mary and Richard Fratianne - 4996 Delevan Drive
- Michael Virostek - 1556 Lyndhurst Road
- Joy Landis - 2002 Aldersgate Drive
- Paul and Kathleen Monahan - 1599 Clubside Road

The meeting was opened to public comment.

Cal Ryan, 1180 Croyden, informed Council he is on the do not call list; however, he is still receiving unwanted solicited phone calls from realtors. Mr. Ryan said he does not want Lyndhurst to become involved with block busting activity.

Linda Radkowsky, 1152 Irene, voiced her concern regarding the ongoing rental of rooms at 1148 Irene that is running a B&B out of their home.

Elyzabeth DeGiovanni, 5169 Thornbury, inquired what the tele town hall meetings are for.

Mayor Ward explained South Euclid is having tele town hall meetings, not Lyndhurst; however, South Euclid is using the same consultant Lyndhurst used in the past, it must be a typographical error.

Ms. DeGiovanni asked the City's cost for the RNC.

Mayor Ward said the City did not tabulate the cost of security, the Hyatt paid for additional security/off duty officers.

Ms. DeGiovanni inquired what the house on Irene will be used for.

Mayor Ward said it will be used for additional parking.

Ms. DeGiovanni asked if people do not have a computer can they take the deer survey.

Mayor Ward stated anyone can obtain a paper deer survey at City Hall; however, their residency will still be verified and only one survey per household will be accepted.

Councilman Gambatese thanked the Mayor and Service Department for their help with the handicap parking at the Rae parking lot.

SECOND READING
ORDINANCE NO. 2016-52
INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING SECTION 660.03 OF THE CODIFIED ORDINANCES OF THE CITY WITH REGARD TO LITTERING AND DECLARING AN EMERGENCY

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2016-52 be placed on second reading.

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

Motion carried.
Ordinance No. 2016-52 is placed on second reading.

ORDINANCE NO: 2016-54
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

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. 2016-54 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-54 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. 2016-54 be passed.

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

Motion carried.
Ordinance No. 2016-54 is passed.

**ORDINANCE NO. 2016-55
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING CHAPTER 618 OF THE CODIFIED
ORDINANCES OF THE CITY ENTITLED "ANIMALS" BY AMENDING
SECTION 618.24, 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. 2016-55 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2016-55 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance No. 2016-55 be passed.

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

Motion carried.
Ordinance No. 2016-55 is passed.

**RESOLUTION NO. 2016-56
INTRODUCED BY: ADMIN**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT KNOWN AS THE EUCLID CREEK WATERSHED
PARTNERSHIP AGREEMENT, APPROPRIATING FUNDS TO COMPLY WITH
SAID AGREEMENT, 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. 2016-56 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2016-56 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Resolution No. 2016-56 be adopted.

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

Motion carried.
Resolution No. 2016-56 is adopted.

**RESOLUTION NO. 2016-57
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS
CUYAHOGA COUNTY PERMANENT PARCEL NO. 714-01-038, 5372 BLUE
BELL DRIVE, 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. Marko, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2016-57 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2016-57 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that Resolution No. 2016-57 be adopted.

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

Motion carried.
Resolution No. 2016-57 is adopted.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Ordinance Number 2016-42 be removed from table.

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

Motion carried.
Ordinance Number 2016-42 is
removed from table.

ORDINANCE NO. 2016-42 (AMENDED)
INTRODUCED BY: ADMIN

**AN ORDINANCE ENACTING CHAPTER 777 OF THE CODIFIED
ORDINANCES OF THE CITY OF LYNDBURST REGARDING DONATION
DROP BOXES 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. 2016-42 (Amended) be placed on third reading for final passage.

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

Motion carried.
Ordinance No. 2016-42 (Amended)
is passed.

Recommendation made to Council to confirm the decision of the Board in Case No. 2016-06 to **deny** the requested variance of Joe Schervich of 1850 Aldersgate Drive from the provisions of Section 1160.05 of the Planning and Zoning Code. The variance request is for three (3) feet from the minimum side yard requirement. The minimum side yard requirement for a single family home in the 10,000 Square Foot Single Family District is six (6) feet.

The findings in Case No. 2016-06 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 11, 2016 were read by Mrs. Franco.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2016-06.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2016-07 to **grant** requested variance of Timothy & Jennifer Lowery of 1219 Rae Road, from the provisions of Section 1160.05 of the Planning and Zoning Code. The variance request is for additional deck area to be added along with a new paver patio into the minimum forty (40) foot rear yard setback requirement. The proposed distance of a portion of the deck to the rear property line would be two (2) feet. The proposed distance of the new patio to the rear property line would be twenty-one (21) feet.

The findings in Case No. 2016-07 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 11, 2016 were read by Mrs. Franco.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2016-07.

Roll Call: Yeas: Marko, Gambatese, Grushetsky, Frey, LoPresti, 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 8:06 P.M.

Approved: September 6, 2016

Attest: _____
Clerk of Council

Vice Mayor