

Lyndhurst, Ohio
November 7, 2016

The Council of the City of Lyndhurst held its Regular Meeting on Monday, November 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, 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;
F. E. Glady III, Director of Service;
M. A. Kovalchik, Director of Finance;
J. Maichle, Building Commissioner;
M. A. Franco, Assistant Clerk of Council.

Absent: M. J. Carroll, Chief of Fire.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, October 17, 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 unanimously.

MAYOR'S REPORT – Mayor Ward stated the deer survey results have been made public online.

Mayor Ward said the Safety Committee met prior to the council meeting to discuss the results and answer any questions council had.

Mayor Ward aired Live Long Lyndhurst, Cleveland Clinic and Healthy Mayfield will be hosting a panel discussion regarding the heroin epidemic, Wednesday, November 16th, 6:00PM to 8:00PM at the Lyndhurst Community Center.

FINANCE COMMITTEE – Chairman Marko had no report.

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 echoed the comments of the Mayor, stating the committee met prior to the council meeting to discuss the deer survey results.

LEGISLATIVE COMMITTEE – Chairman Frey stated the Legislative Committee met October 4th to discuss lodging tax. Ordinance 2016-83 is on tonight's agenda. Mr. Frey said the committee's recommendation is to place the legislation on third reading for passage this evening.

PLANNING COMMISSION – Mr. Frey had no report; however Mr. Frey aired the Architectural Board of Review will meet Thursday to discuss a porch addition.

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

The meeting was opened to public comment.

Linda Radkowsky, 1152 Irene, thanked Council for placing a moratorium on Bed and Breakfast; however, she stated 1148 Irene is still operating a Bed and Breakfast. Ms. Radkowsky also stated the owner of 1148 Irene has been harassing her.

Elyzabeth DeGiovanni, 5169 Thornbury, inquired if NOPEC is only for electric and if residents can opt out.

Mayor Ward explained residents can opt out of participating with NOPEC. Mayor Ward said he encourages residents to compare apples to apples before changing carriers.

Ms. DeGiovanni asked for an explanation of 2016-90. (Moratorium on telecommunications towers) Mayor Ward explained neighboring communities have had issues arise with a large number of permit requests for installation of mini cells. Mayor Ward said the city is being proactive.

Ms. DeGiovanni inquired when construction at Brainard and 271 would begin.

Mayor Ward stated work has begun, infrastructure has been moved and right of way work has been done, actual road work will not begin until next year.

Laura Thompson, 1671 Edgefield, stated she and others had campaign signs taken from their yards. Ms. Thompson inquired if the city has a plan for public safety at the polling locations.

Chief Porrello said officers will be doing random patrols at the polling locations.

Jill Walker, 5167 Haverford, voiced her concern about the Lyndhurst Deer Management program. Ms. Walker provided information from Rochester Hills, Bryan K. Barnett, and a list of residents from Lyndhurst Deer Advocates.

Susannah Cohen, 5150 Three Village, stated she attended the meeting tonight to support Jill Walker.

David Haas, 5388 Beacon, voiced his concern regarding the deer. Mr. Haas stated he cannot walk his grandchild down the street in the stroller without deer snorting and stomping at them.

E. Dale Inkley, 5126 E. Farnhurst, said he feels the City of Lyndhurst's Deer Management program is needed and the city has done a wonderful job in researching deer population and solutions, and he urges Council and the Mayor to continue investigating the deer control program and initiate a strong action.

(Many residents at the meeting applauded Mr. Inkley's comment.)

Janet Fillmore, 5295 Lynd, voiced her concern about the deer. Ms. Fillmore inquired if she could see the comments from the deer survey.

Mayor Ward told Ms. Fillmore to call his secretary to schedule an appointment to view the comments.

**ORDINANCE NO: 2016-86
INTRODUCED BY: ADMIN**

AN ORDINANCE AMENDING ORDINANCE NO. 2015-110 WHICH ESTABLISHED THE SALARY, COMPENSATION, AND HOURLY RATES OF PAY FOR NON-BARGAINING EMPLOYEES IN THE VARIOUS OFFICES AND DEPARTMENTS, INCLUDING MEMBERS OF BOARDS AND COMMISSIONS, AND WHICH CONFIRMED LONGEVITY COMPENSATION, VACATIONS, HOLIDAYS AND OTHER BENEFITS, IN THE CITY OF LYNDHURST, OHIO, REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 2015-110 INCONSISTENT HEREWITH, 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. 2016-86 be placed on third reading for final passage and that it be highlighted.

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

Nays: None.

Motion carried.

Rules Suspended.

Ordinance No. 2016-86 was highlighted by Mrs. Franco, with Section 14 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. LoPresti, that Ordinance No. 2016-86 be passed.

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

Nays: None.

Motion carried.
Ordinance No. 2016-86 is passed.

**ORDINANCE NO: 2016-87
INTRODUCED BY: ADMIN**

AN ORDINANCE AMENDING ORDINANCE NO. 2016-25 WHICH ESTABLISHED THE SALARY, COMPENSATION, AND HOURLY RATES OF PAY FOR BARGAINING EMPLOYEES IN THE VARIOUS OFFICES AND DEPARTMENTS, AND WHICH CONFIRMED LONGEVITY COMPENSATION, VACATIONS, HOLIDAYS AND OTHER BENEFITS, IN THE CITY OF LYNDHURST, OHIO, REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 2016-25 INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY

It was moved by Mr. Frey, seconded by Mr. Marko, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2016-87 be placed on third reading for final passage and that it be highlighted.

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

Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2016-87 was highlighted by Mrs. Franco, with Section 16 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Ordinance No. 2016-87 be passed.

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

Nays: None.

Motion carried.
Ordinance No. 2016-87 is passed.

**ORDINANCE NO: 2016-88
INTRODUCED BY: ADMIN**

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD BEGINNING JANUARY 1, 2017 AND ENDING MARCH 31, 2017 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. 2016-88 be placed on third reading for final passage and that it be highlighted.

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

Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2016-88 was highlighted by Mrs. Franco, with Section 10 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Ordinance No. 2016-88 be passed.

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

Nays: None.

Motion carried.
Ordinance No. 2016-88 is passed.

ORDINANCE 2016-89
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, 2017, THROUGH DECEMBER 31, 2017, 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. 2016-89 be placed on third reading for final passage and that it be highlighted.

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

Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2016-89 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. 2016-89 be passed.

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

Nays: None.

Motion carried.

Ordinance No. 2016-89 is passed.

**ORDINANCE NO. 2016-90
INTRODUCED BY: ADMIN**

**AN ORDINANCE PLACING A MORATORIUM ON THE
CONSTRUCTION, INSTALLATION AND OPERATION OF NEW
TELECOMMUNICATIONS TOWERS IN THE CITY, INCLUDING BUT NOT
LIMITED TO OUTDOOR SMALL CELLS AND DISTRIBUTED ANTENNA
SYSTEMS, AS WELL AS THE ADDITION OF ANY NEW FACILITIES TO
EXISTING TELECOMMUNICATIONS TOWERS, AND DECLARING AN
EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2016-90 be placed on third reading for final passage and that it be highlighted.

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

Nays: None.

Motion carried.

Rules Suspended.

Ordinance No. 2016-90 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that Ordinance No. 2016-90 be passed.

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

Nays: None.

Motion carried.

Ordinance No. 2016-90 is passed.

Correspondence from the Ohio Division of Liquor Control permit transfer for Pooja LLC dba Lyndhurst Beverage, 5343 Mayfield Road, was noted with no hearing being requested.

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

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

Meeting adjourned at 8:13 P.M.

Approved: November 21, 2016

Attest: _____
Clerk of Council

Vice Mayor