

Lyndhurst, Ohio
April 3, 2017

The Council of the City of Lyndhurst held its Regular Meeting on Monday, April 3, 2017 at 7:33 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives, L. A. Schlessel, 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;
F. E. Glady III, Director of Service;
M. A. Kovalchik, Director of Finance;
M. J. Carroll, Chief of Fire;
R. F. Porrello, Chief of Police;
J. Maichle, Building Commissioner;
M. A. Franco, Assistant Clerk of Council.

Absent:

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that the reading of the minutes of the Regular Meeting of Council held Monday, March 20, 2017, 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. Schlessel, seconded by Mr. Price, that the reading of the minutes of the Special Meeting of Council held Monday, March 20, 2017, 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 said the annual Breakfast with the Bunny was held yesterday, the beneficiary this year was the local Girl Scouts and they did a great job.

Mayor Ward aired community shred day will be Saturday, April 15th from 11:30AM to 3:30PM.

Mayor Ward stated he spoke to a group of children at Sunview, kindergarten through 3rd grade about leadership. Mayor Ward said he was amazed how insightful and intelligent our young people are.

Mayor Ward said Lyndhurst Life Magazine should be in mailboxes mid-month.

Mayor Ward stated Ordinance Number 2017-21 on the Agenda tonight is a grant to help the city with inflow and infiltration on Irene, Churchill and Gordon.

Mayor Ward stated the new owners of the former Bolton property met with the Planning Commission and reviewed the site plans for compliance with the city's zoning code and other numerous requirements. Mayor Ward said the commission found no deficiencies and in fact noted the applicant's proposal required no relaxation of any city standards.

Mayor Ward stated the expectation for the new owner to be a good neighbor but the expectation to be a good neighbors is on both sides of the property line.

FINANCE COMMITTEE – Chairman Schlessel 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 Grushetsky had no report.

SAFETY COMMITTEE – Chairman LoPresti said residents can pick up free no solicitors stickers from city hall.

Mr. LoPresti stated Codified Ordinance 618.19(c) requires by law, to pick up after your dog.

LEGISLATIVE COMMITTEE – Chairman Schlessel had no report.

PLANNING COMMISSION – Mr. Frey stated Planning Commission met March 23rd and the recommendation is on this evening's agenda

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION (First meeting of the month)

– Stefanie Rhine stated the lights on the Bolton Property were being leased from CEI, when the Bolton Property transferred from the school district to the new owner the district called to terminate the lease. The district forwarded the information to the new owner so they can have the lights turned back on.

Ms. Rhine said the 5 year strategic plan is going well; however, the district will be reviewing the plan to include discussions regarding both additions to facilities and new construction to be able to offer more opportunities to the students like surrounding school districts are doing.

Ms. Rhine stated the district is renting space in Beachwood for bus parking, but with the sale of Bolton property the district will be able to begin construction on a new facility on the side of Brush High School.

Ms. Rhine offered accolades to the following:

Sunview Elementary School for being named Fox 8 News "Cool School" of the Week.

The district recently sent several excelling science students to a STREAM workshop at the Tri-C eastern campus. Students participated in several STREAM activities (science, technology, recreation, engineering, arts, and mathematics).

Brush High School is 1 of 3 schools selected in Ohio to be awarded the OIAAA/OHSAA Award of Excellence this year. The award, a collaboration between the Ohio High School Athletic Association and the Ohio Interscholastic Athletic Administrators Association, recognizes schools that provide exemplary support and promotion of education-based athletic programming in their school and community.

Brush High School's Julia Kiefer, Joshua Lashley, Joseph (Josh) Laurienzo and Darby Shafron competed at John Carroll University at state level for Academic Decathlon. The Brush Academic Decathlon team performed remarkably well. Brush's Josh Lashley was honored as the highest scorer in the novice division and was lauded for his remarkable essay.

Ms. Rhine aired Brush High School will be presenting Footloose at Brush High School Performing Arts Center on Friday and Saturday, April 7 and 8 at 7:30 p.m. and Sunday, April 9 at 2:30 p.m., an Art Showcase featuring senior students work will be open in the library during the school day and will also be open during the musical.

There will be a spring cabaret April 22nd at 7:00PM.

Come get your run on to celebrate moms, South Euclid Lyndhurst City Schools district will be hosting a 5K run and 1 Mile walk on Saturday, May 13, 2017. The 5K race will start at 9:30 a.m. and the 1 mile walk will start at 9:45 a.m.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Resolution Numbers 2017-22 and 2017-23 be added to the Agenda.

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

Nays: None.

Motion carried.

Resolution Numbers 2017-22 and
2017-23 are added to the Agenda.

The meeting was opened to public comment.

Ken Lombardo, 5247 Spencer, voiced his concern regarding the increased traffic from the proposed nursing facility. Mr. Lombardo said he doesn't think a nursing facility is appropriate for a residential area.

Larry Reichert, 1280 Gordon, asked for an explanation of Ordinance 2017-21.

Mayor Ward explained the lines will be relined so everything will be sealed so no infiltration of storm water can enter into the sanitary lines.

Paula Stone, 1898 Edenhall, voiced her concern regarding the Bolton Field property and relationship between the buyer and Councilman Schlessel.

Sharon Willour, 1303 Haverston, voiced her concern about environmental safety when digging begins at Bolton Field.

Mayor Ward explained it is the property owner's responsibility to have environmental testing done, it is a private arrangement between a private property owner and his contractor it is not public information and not something the city has an interest in. The owner has an obligation to himself and his investors to ensure he is making a good investment.

Joe Consolo, 1334 Beaconfield, inquired when core testing will begin on Bolton Field property.

Eitan Flank owner of Progressive Lyndhurst Real Estate, LLC, stated some core testing has been completed; however, there will be further testing in the near future. Mr. Flank said everything has been and will be done to EPA standards.

Lynn Edelman, 1201 Haverston, inquired if there will be an Alzheimer unit. Mr. Flank said there will not be.

Councilman Joseph Gambatese read the following into the record:

Mr. Chairman, I would like to make a comment on the recommendation from Planning Commission that we have before us this evening.

I would first like to acknowledge the people that ran the grass roots campaign, who went out and got signatures on the petitions that read: "We, The Bolton Fields Lyndhurst Neighborhood Residents, are opposed to the elimination of the existing Bolton Fields for construction of a nursing facility". I understand what goes into a grass roots campaign and want to say that I have heard you. I have listened to the many concerns, read the volume of comments posted on Face Book and had conversations with many residents. My take-away from the signatures on those petitions is that the development of Bolton Field by a developer to build an assisted living facility is not wanted, you do not want it to change, and you desire it to stay an open field. I want to let you know that if I were able to be voting this evening, on whether to build anything or nothing at all on Bolton Field I would vote for nothing at all. I repeat, if I were able to be voting this evening, on whether to build anything or nothing at all on Bolton Field I would vote for nothing at all. Unfortunately, we had no input on whether or not the property was even sold and so, things are not that simple.

This evening we have before us the recommendation from our Planning Commission made in response to plans the owner of Bolton Field has presented in open meetings for their property. They bought Bolton Field at auction from the South Euclid Lyndhurst Board of Education that owned the property. The Board sold it in compliance with the process outlined in the Ohio code for sale of such property. The new owner had to present plans that met the requirements contained in our zoning code for development in the 10,000 square foot single-family zoned district. What they presented to the Planning Commission is, in fact, one of the uses already allowed as a Conditional Use in that zoning district. They applied with no request for variances. Through the process it became apparent that the owner wants to work with the City and our residents. After the first Planning Commission Meeting and the Town Hall what was presented at the second

Planning Commission meeting showed they had listened to the concerns of Council, the Planning Commission and our residents. They came back with plans to move the west end entrance to be directly across from Beaconfield Road. Also with that change they were able to add a lot of landscaping to aid as a buffer from Rae Road and behind the building and to incorporate some fencing.

As a Ward Councilman my responsibility is to be a voice, an advocate for my residents. It is a responsibility I care about deeply and affect passionately. While I do represent the area surrounding the Bolton Field property I also represent the many other neighborhoods that make up my Ward and I am also a Councilman for the City and must consider the interests of all. No matter the direction Council chooses this evening this property is privately owned and will indeed be developed. My charge, my responsibility, will be to assure that the impacts to my residents living around or close to that property are given the highest priority and consideration.

The finding of the Planning Commission will be read and it will be Council's decision to accept, modify or deny those findings. This is what I will be voting on this evening. I will be carefully following the laws that were in place for development in the City of Lyndhurst when the applicant filed his plans.

SECOND READING
ORDINANCE NO. 2017-17
INTRODUCED BY: ADMIN

**AN ORDINANCE ENACTING CHAPTER 1178 OF THE
CODIFIED ORDINANCES OF THE CITY OF LYNDHURST, OHIO,
TITLED "BED AND BREAKFAST INNS" AND DECLARING AN
EMERGENCY.**

It was moved by Mr. Schlessel, seconded by Mr. Price, that Ordinance No. 2017-17 be placed on second reading and referred to Legislative Committee.

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

Motion carried.
Ordinance No. 2017-17 be placed on
second reading.

RESOLUTION NO. 2017-19
INTRODUCED BY: ADMIN

**A RESOLUTION AUTHORIZING THE MAYOR TO IMPLEMENT LIFE
INSURANCE COVERAGE FOR THE EMPLOYEES OF THE CITY AND
DECLARING AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2017-19 be placed on third reading for final adoption and that it be highlighted.

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

Nays: None.

Motion carried.
Rules Suspended.

Resolution No. 2017-19 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2017-19 be adopted.

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

Nays: None.

Motion carried.
Resolution No. 2017-19 is adopted.

**ORDINANCE NO. 2017-20
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 WITH
CHAGRIN VALLEY PAVING, INC. FOR THE 2016 ASPHALT PROGRAM,
AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, AND DECLARING
AN EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-20 be placed on third reading for final passage and that it be highlighted.

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

Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2017-20 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2017-20 be passed.

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

Motion carried.
Ordinance No. 2017-20 is passed.

**ORDINANCE NO. 2017-21
INTRODUCED BY: ADMIN**

**AN ORDINANCE AUTHORIZING A MEMBER COMMUNITY
INFRASTRUCTURE GRANT PROGRAM AGREEMENT BY AND BETWEEN
NORTHEAST OHIO REGIONAL SEWER DISTRICT AND THE CITY OF
LYNDHURST FOR THE IRENE, CHURCHILL AND GORDON INFLOW &
INFILTRATION REDUCTION PROJECT**

It was moved by Mr. Schlessel, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-21 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2017-21 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2017-21 be passed.

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

Motion carried.
Ordinance No. 2017-21 is passed.

**RESOLUTION NO. 2017-22
INTRODUCED BY: ADMIN**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN
AS CUYAHOGA COUNTY PERMANENT PARCEL NO. 714-03-056, 1548
BILTMORE ROAD, 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. Schlessel, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2017-22 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2017-22 was highlighted by Mrs. Franco, with Section 8 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2017-22 be adopted.

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

Motion carried.
Resolution No. 2017-22 is adopted.

**RESOLUTION NO. 2017-23
INTRODUCED BY: MAYOR
PATRICK A. WARD AND
COUNCIL AS A WHOLE**

A RESOLUTION EXPRESSING SUPPORT FOR THE CITY OF CLEVELAND IN THE CASE CAPTIONED CITY OF CLEVELAND V. STATE OF OHIO, CUYAHOGA COUNTY COURT OF COMMON PLEAS CASE NO. 877584, WHICH CHALLENGES THE CONSTITUTIONALITY OF SB 331, AND THE LEGISLATION ELIMINATING THE ABILITY OF MUNICIPALITIES TO REGULATE UTILITY CONSTRUCTION WITHIN THEIR RIGHTS OF WAY, AND DECLARING AN EMERGENCY

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2017-23 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2017-23 was highlighted by Mrs. Franco, with Section 5 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Resolution No. 2017-23 be adopted.

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

Motion carried.
Resolution No. 2017-23 is adopted.

Planning Commission Recommendations:

Recommendation made to Council to approve the request of Marc H. Cohen of North Coast Architects, Inc. on behalf of Progressive Lyndhurst Real Estate, LLC, for a Conditional Use Permit to construct and operate a nursing home and assisted living facility in a Ten Thousand Square Foot Single Family Zoning District, as per the proposed drawings dated March 20, 2017, due to the fact that it meets all criteria of Chapter 1156. Subject to conditions found in the minutes dated March 23, 2017.

It was moved by Mr. Gambatese, seconded by Mr. Price, that Council confirm the recommendation of the Planning Commission to approve the request of Marc H. Cohen of North Coast Architects, Inc. on behalf of Progressive Lyndhurst Real Estate, LLC, with the conditions found in the Planning Commission Minutes dated March 23, 2017, plus an additional condition that there be no requests for future additions.

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

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Council confirm the recommendation of the Planning Commission to approve the request of Marc H. Cohen of North Coast Architects, Inc. on behalf of Progressive Lyndhurst Real Estate, LLC, for a Conditional Use Permit to construct and operate a nursing home and assisted living facility in a Ten Thousand Square Foot Single Family Zoning District, as per the proposed drawings dated March 20, 2017, due to the fact that it meets all criteria of Chapter 1156. Subject to conditions found in the Planning Commission Minutes dated March 23, 2017 plus an additional condition that there be no requests for future additions.

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

Motion carried.

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

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

Meeting adjourned at 8:23 P.M.

Approved: April 17, 2017

Attest: _____
Clerk of Council

Vice Mayor