

Lyndhurst, Ohio
August 7, 2017

The Council of the City of Lyndhurst held its Regular Meeting on Monday, August 7, 2017 at 7:34 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives, L. A. Schlessel, J. Price,
J. A. Gambatase, S. 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;
A. Fioritto, Director of Service;
J. Maichle, Building Commissioner;
M. J. Carroll, Chief of Fire;
K. L. Miller, Assistant Clerk of Council.

Absent: M. A. Kovalchik, Director of Finance.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that the reading of the minutes of the Regular Meeting of Council held Wednesday, July 5, 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. Frey, that the reading of the minutes of the Special Meeting of Council held Wednesday, July 5, 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 announced on this date 100 years ago, 63 residents of the Village of Euclidville, which would later be named the City of Lyndhurst, voted to incorporate their village to gain control over their schools. Mayor Ward offered recognition and extended a debt of gratitude to the foundation of those 63 residents who decided it was the best thing to do to take charge of the city's own destiny.

Mayor Ward reported National Night Out took place on Tuesday August 1, 2017. The event took place in the Lyndhurst Park with over 400 residents in attendance. It was deemed everyone in attendance had an awesome time and enjoyed the police, fire and service department vehicles on display as well as the rocket ship rides. Mayor Ward thanked all the departments and employees that volunteered their time to help make the event run smoothly. In addition, Mayor Ward acknowledged the council members, their wives and one council daughter, for pitching in and stated how proud he is to work with such a great and dedicated group of employees, council representatives and families who are so generous with their time making the experience for our residents wonderful.

Mayor Ward stated the next issue of Lyndhurst Life Magazine went to print and will be in the mail next week. He thinks this issues historians' article is the best Thom Treer has written to date. Mayor Ward explained the person featured is 103 years old,

born in Lyndhurst in the family home on Richmond Road where still lives today. He announced she is planning to be the grand marshal in the Home Day parade.

Mayor Ward concluded that other than putting the finishing touches on the upcoming Home Day event, attending numerous block parties and other city events as well as managing the large list of construction projects going on around town, it has been a quiet summer.

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 had no report.

LEGISLATIVE COMMITTEE – Chairman Schlessel had no report.

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 – Prior to announcing the recipients of the Property of Distinction Awards, Mayor Ward explained he had another special presentation.

Mayor Ward explained how Lane Schlessel is one of our esteemed council members and we are fortunate to have his in-laws with us this evening as well as his lovely wife Marla.

Mayor Ward announced Marv Lockman, Lane Schlessel's father-in-law, recently got a hole-in-one at St. Denis Golf Course in Chardon. He congratulated Mr. Lockman and presented him with a Proclamation.

Mayor Ward announced the recipients of the Property of Distinction Awards:

- 831 Roland – Roland & Jane Salcer
- 1183 Gordon - Helene Grande
- 5137 Chickadee – Jeffrey Engel
- 5453 Kilbourne – Stanley & Francene Freeman

Mayor Ward explained that although Roland & Jane Salcer could not be here this evening, they sent him a thank you note. The Salcer's have lived in Lyndhurst for 38 years and are very pleased to be chosen for this award.

Mayor Ward thanked the residents for their hard work and stated pictures of all homes receiving awards this summer would be in the upcoming issue of the Lyndhurst Life Magazine.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Resolution Numbers 2017-47 and 2017-48 be added to the Agenda.

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

Motion carried.
Resolution Numbers 2017-47 and
2017-48 are added to the Agenda.

The meeting was opened to public comment.

Linda Radkowsky, 1152 Irene Road, thanked council for an impressive night out. She also thanked the Service Department for coming out to clear 2 sewers that were backed up causing flooding. She stated everything was good after the last rainfall.

Ms. Radkowsky voiced continued concerns regarding her neighbor. She explained how her neighbor drives slowly past when she exits her home to walk to her car. She further explained how her neighbor is taking pictures of everything. Ms. Radkowsky stated the noise coming from her neighbors' home is excessive and very intimidating to her and others.

Ms. Radkowsky concluded that she appreciates everything being done to help her through this situation and happy birthday to Lyndhurst.

Elyzabeth DeGiovanni, 5169 Thornbury, inquired why a variance is being requested after an ordinance was recently passed only allowing board-on-board fences.

Mayor Ward stated the property in question abuts the park and a recommendation was made due to the amount of traffic the homeowner gets through his yard. Mayor Ward further stated this is a unique circumstance. Mr. Frey added the owner also requested this privacy barrier because people walk through his yard.

Sunny Simon, 4110 Princeton, South Euclid and Cuyahoga County Council Representative, presented a Proclamation to the City of Lyndhurst in recognition of 100 years. She stated both Richmond Heights and South Euclid are also celebrating 100 years this year. Ms. Simon extended her best wishes for the centennial year.

Ms. Simon presented a county update stating they spent most of the first quarter on the Q and its renovation. She explained that although they passed it as county council, the renovation is tied up in litigation between the City of Cleveland, the union and the GCC. Ms. Simon stated the county was looking forward to having an all-star basketball game anticipating a great deal of activity and revenue which now might be in jeopardy as the deadline of September 15, 2017 approaches.

Ms. Simon reported the county will begin their budget planning in September. She explained this process takes 3 months because they do a biannual budget. She further explained they are facing budget cuts due to the managed Medicaid tax being taken away. She anticipates the cut will be 25 million which will impact what they do. Ms. Simon also stated that a lot of revenue and resources have been used to address the opioid crisis. Ms. Simon stated the county wants to continue to maintain support to the communities in a regional way, and she will come back after the budget is completed to give an update.

Ms. Simon stated the CDBG, Community Development Block Grant, money was delayed because of the charter with the Federal Administration.

Mayor Ward stated although Lyndhurst received the award, it did not impact the city as they have not asked for any funds.

Mayor Ward announced he and his colleagues were asked to write letters of support asking the Governor and legislature to release the funds they were supposed to in order to make up the large managed care tax dollars everyone was losing for both county and RTA.

Ms. Simon concluded that she would see everyone at Home Days!

Vice Mayor Marko announced the new squad purchased this year is being showcased in the parking lot this evening.

**ORDINANCE NO. 2017-46
INTRODUCED BY: ADMIN**

AN ORDINANCE PARTIALLY SUSPENDING THE RULES AND REGULATIONS REGARDING THE SALE, POSSESSION AND CONSUMPTION OF BEER AND WINE AT THE LYNDHURST PARK DURING LYNDHURST HOME DAYS FOR 2017 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. 2017-46 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. 2017-46 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2017-46 be passed.

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

Nays: None.

Motion carried.

Ordinance No. 2017-46 is passed.

**RESOLUTION NO. 2017-47
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL NO. 711-14-011, 4942 SOUTH SEDGEWICK 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. 2017-47 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.

Resolution No. 2017-47 was highlighted by Mrs. Miller, with Section 8 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Resolution No. 2017-47 be passed.

Roll Call: Yeas: Schlessel, Price, Gambatese, Grushetsky, Frey, LoPresti,
Marko.
. Nays: None.
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Motion carried.
Resolution No. 2017-47 is passed.

**RESOLUTION NO. 2017-48
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN
AS CUYAHOGA COUNTY PERMANENT PARCEL NO. 714-13-031, 5392
MEADOWWOOD 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. 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. 2017-48 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.
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Motion carried.
Rules Suspended.

Resolution No. 2017-48 was highlighted by Mrs. Miller, with Section 8 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Resolution No. 2017-48 be passed.

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

Motion carried.

Resolution No. 2017-48 is passed.

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2017-01 to grant the requested variance to Mr. Edward Arushanyan of 5275 Thornbury Boulevard from the provisions of Chapter 1329.03 of the Building Code to permit a six (6) foot high solid vinyl fence along the south side of his property, in lieu of the required fifty (50) percent open, board on board type fence.

The findings in Case No. 2017-01 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 10, 2017 were read by Mrs. Miller.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2017-01.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2017-02 to grant requested size variance to Mr. & Mrs. Steven Newcomer of 5593 Kilbourne Drive from the provisions of Chapter 1160.04 (6) (A) & (E) of the Planning and Zoning Code to permit a one hundred ninety-two (192) square foot, twelve (12) foot by sixteen (16) foot shed.

The findings in Case No. 2017-02 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 10, 2017 were read by Mrs. Miller.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2017-02.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2017-2 to deny requested foundation variance to Mr. & Mrs. Steven Newcomer of 5593 Kilbourne Drive from the provisions of Chapter 1160.04. Request for a gravel foundation for proposed shed.

The findings in Case No. 2017-02 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 10, 2017 were read by Mrs. Miller.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2017-02.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2017-03 to grant requested variance to Acacia Signature Homes for a variance at 570 Eagle Point Drive from the provisions of Chapter 1161.11 (o) of the Zoning Code to permit a deck in the rear yard to encroach sixteen (16) feet into the rear yard setback in lieu of the permitted minimum forty (40) foot rear yard setback.

The findings in Case No. 2017-03 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 10, 2017 were read by Mrs. Miller.

It was moved by Mr. Frey, seconded by Mr. Schlessel, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2017-03.

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 8:02 P.M.

Approved: September 5, 2017

Attest: _____
Clerk of Council

Vice Mayor