

Lyndhurst, Ohio
September 5, 2017

The Council of the City of Lyndhurst held its Regular Meeting on Tuesday, September 5, 2017 at 7:35 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives, L. A. Schlessel, J. Price,
J. A. Gambatese, 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;
M. A. Kovalchik, Director of Finance,
J. Maichle, Building Commissioner;
M. J. Carroll, Chief of Fire;
K. L. Miller, Assistant Clerk of Council.

Absent:

It was moved by Mr. Schlessel, seconded by Mr. Price, that the reading of the minutes of the Regular Meeting of Council held Monday, August 7, 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 the new parking lot behind City Hall is now in use. He stated Phase 2 will begin next week after Home Days.

Mayor Ward reported construction on Mayfield Road from the Dominion East Ohio Gas line replacement is almost complete.

Mayor Ward reminded everyone Home Day is this coming weekend. He explained family fun night is Friday, there will be entertainment all day Saturday, and Sunday will start with the pancake breakfast followed by the parade.

Mayor Ward also stated they will be raising the flag in front of the gazebo as well as burying a time capsule. He stated there will also be tours on Lolley the Trolley narrated by our historian Thom Treer on both Saturday and Sunday.

Mayor Ward concluded there will be prizes from Legacy Village along with many drawings throughout the weekend and he is looking forward to a fun event.

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; however, he wanted to remind everyone the City is participating in the County's Drug Drop Box Program for the disposal of unwanted medications. This program is part of the battle against the heroin epidemic in that the abuse of prescription painkillers can lead to heroin usage. Disposing of expired, unused or unwanted medicines to collection sites such as this, will not only help counter prescription drug abuse, one of the fastest growing drug problems in the U.S., but is the safest and most environmentally protective way to dispose of unused medication. The box has been placed in the lobby of city hall, to the left of the reception window. It is available 24 hours a day, 7 days a week for anyone to dispose of unwanted prescription and over-the-counter pills and patches. No needles, lances or liquids will be accepted.

LEGISLATIVE COMMITTEE – Chairman Schlessel had no report.

PLANNING COMMISSION – Mr. Frey had no report.

Prior to the report from the SEL Board of Education, Vice Mayor Marko announced that 35 years ago he met this girl and quickly realized it was his dream to grow old with her. Exactly 30 years ago today that dream came true. Mr. Marko stated he is living the dream with her by his side.

Those in attendance wished Mr. and Mrs. Marko a Happy Anniversary!

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION (First meeting of the month) – Mrs. Marko thanked everyone and announced this will be her last time reporting to council.

Mrs. Marko stated the kick off to the school year went well including roll out of chrome books for students in grades 2-12 to use in the classroom. Channel 5 came to spotlight how classroom technology is impacting student learning.

Mrs. Marko reported STEP UP students in grades 5, 6, 7, and 8 from Greenview and Memorial attended a Philosophy Kick-Off Day at John Carroll University this past Thursday as part of the program's collaboration with the university. Mrs. Marko noted this program is funded by a grant that former NFL coach and John Carroll alumnus Don Shula left to the philosophy department at John Carroll.

Mrs. Marko reported three Brush High School students were selected to participate in the Young Scientist Foundation Summer Internship program in partnership between Case Western Reserve University and Mount Sinai Hospital in New York City. The students spent the summer performing biomedical research alongside graduate and post-doctoral students, on fighting the widespread effects of cancer and the human body.

Mrs. Marko announced SEL Appreciation Day will be held at Legacy Village on September 16, from 11-5pm. Raffle tickets are available for Legacy Village gift certificates.

Mrs. Marko reported the school board will be meeting in October to discuss the next levy plan.

Mrs. Marko stated they had a successful first year at the ARC Wellness Center program offered through Excel TECC. She also said since the art program at Brush is well known with great art teachers, they are going to renovate an old weight room into a 21st century art facility.

Mayor Ward added the Sunview 3rd graders wrote postcards to the future for the time capsule.

Mr. Gambatese inquired whether there were any updates on the transportation project.

Mrs. Marko stated she had not received any updates prior to the meeting.

The meeting was opened to public comment.

Dan Yanick, 5193 Bridgewater, asked about the situation on August 21, 2017 when his street was blocked off by the police and officers had guns drawn. Police Chief Porello will follow up with Mr. Yanick regarding the incident.

Mr. Yanick stated the police are doing a great job and heard they caught the bank robbers.

Mr. Yanick stated rental properties near his home are not being maintained. He reported this back in April and nothing has been done.

Mr. Yanick inquired if anyone is maintaining the Bolton property. He stated no one has been mowing in the past three weeks and it is looking over grown.

Mr. Yanick asked why he cannot get busing for his son who attends Saint Paschal Baylon even though he lives 2.4 miles from the school. He also inquired why Lyndhurst does not provide transportation to NDCL.

Mayor Ward stated the South Euclid Lyndhurst school district does not provide transportation to high school students.

Mr. Yanick mentioned he is seeing more deer and asked if he could use poison.

Mayor Ward stated no resident should use poison on the deer and the city would be discussing their options with their provider.

Linda Radkowsky, 1152 Irene Road, stated bullying is not allowed or condoned in schools or senior centers and the situation with her neighbor is getting out of hand.

Ms. Radkowsky stated her neighbor encourages guests to criticize her property and enter her yard to take pictures. She said this has happened more than once.

Mayor Ward stated he is going to schedule a sit down meeting with all parties. He explained that although he cannot mandate good behavior in any neighborhood, the city can make remedies if actionable.

E. Dale Inkley, 5126 E. Farnhurst, commented that if the City will snake a clogged sewer then they should restore the soil. He suggested the City make the repairs to the lawn or at least make sure it is repaired within a certain amount of time. Mr. Inkley further stated the owner may think the City is going to make the repairs since they made the mess, so maybe the City should stop snaking the sewers.

Mayor Ward explained in regards to cleaning the sewers, the City makes only a small intrusion to the lawn in order to get to the sewer clean out and they do not charge for that service.

Elyzabeth DeGiovanni, 5169 Thornbury, asked about taxes, assessments and storm water management fees.

Mayor Ward stated an owner should check with their title agency regarding outstanding taxes on a property. Mayor Ward explained that at the time of transfer, the agency should report to the purchaser any outstanding taxes or assessments that are due.

Mary Kovalchik stated the City currently pays \$5500 in storm management fees.

Ms. DeGiovanni asked if the fees would increase with all the concrete that was recently poured behind city hall.

Mayor Ward stated there is a swale at the back end of the parking lot which helps to filter the water, and because the city put in retention this allowed for a credit.

Ms. DeGiovanni stated there are cars parking regularly in the community center parking lot. She would like to see those cars towed if they continue to park in the lot.

RESOLUTION NO. 2017-49
INTRODUCED BY: ADMINISTRATION

A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO OHIO REVISED CODE SECTION 321.34

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 Resolution No. 2017-49 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. 2017-49 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Frey, that Resolution No. 2017-49 be passed.

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

Nays: None.

Motion carried.

Resolution No. 2017-49 is passed.

ORDINANCE NO. 2017-50
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AGREEMENTS AND CONTRACTS WITH VARIOUS INSURANCE CARRIERS RECOMMENDED BY JACKSON, DIEKEN & ASSOCIATES, INC., TO PROVIDE THE NEEDED INSURANCE COVERAGE REQUIRED BY THE CITY OF LYNDBURST 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 Ordinance No. 2017-50 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. 2017-50 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2017-50 be passed.

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

Nays: None.

Motion carried.
Ordinance No. 2017-50 is passed.

**ORDINANCE NO. 2017-51
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT
EXPENSES AND OTHER EXPENDITURES OF THE CITY OF
LYNDHURST FOR THE PERIOD ENDING DECEMBER 31, 2017
REPEALING ORDINANCE NO. 2017-33 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 Ordinance No. 2017-51 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. 2017-51 was highlighted by Mrs. Miller, with Section 11 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2017-51 be passed.

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

Nays: None.

Motion carried.
Ordinance No. 2017-51 is passed.

**ORDINANCE NO. 2017-52
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING THE CLERK OF
COUNCIL TO ADVERTISE FOR BIDS FOR THE SALE BY NEWSPAPER
PUBLICATION OR BY INTERNET AUCTION OF SIX SURPLUS
MOTOR VEHICLES, AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH THE HIGHEST BIDDER FOR SUCH MOTOR
VEHICLES AND DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. Grushetsky, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-52 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. 2017-52 was highlighted by Mrs. Miller, with Section 6 being read in its entirety.

It was moved by Mr. Grushetsky, seconded by Mr. Frey, that Ordinance No. 2017-52 be passed.

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

Motion carried.
Ordinance No. 2017-52 is passed.

**RESOLUTION NO. 2017-53
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION ACCEPTING THE AMOUNT AND RATES AS
DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING
THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE
COUNTY FISCAL OFFICER**

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 Resolution No. 2017-53 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. 2017-53 was highlighted by Mrs. Miller, with Section 5 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Resolution No. 2017-53 be passed.

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

Motion carried.
Resolution No. 2017-53 is passed.

**ORDINANCE NO. 2017-54
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE TO LEVY ASSESSMENTS FOR THE
CONSTRUCTION OR REPAIR OF SIDEWALKS ON CERTAIN STREETS
IN THE CITY OF LYNDBURST, 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. 2017-54 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. 2017-54 was highlighted by Mrs. Miller, with Section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2017-54 be passed.

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

Motion carried.
Ordinance No. 2017-54 is passed.

**ORDINANCE NO. 2017-55
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
CAMINO CONSTRUCTION, INC. FOR THE HANSFORD ROAD
WATERLINE REPLACEMENT PROJECT, AND DECLARING AN
EMERGENCY**

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2017-55 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. 2017-55 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2017-55 be passed.

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

Motion carried.
Ordinance No. 2017-55 is passed.

RESOLUTION NO. 2017-56
INTRODUCED BY: ADMINISTRATION

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY
OF LYNDHURST, OHIO, TO HAVE PREPARED AND PUBLISHED AN
EMPLOYEE HANDBOOK FOR USE BY THE EMPLOYEES OF THE
CITY, AND DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. Grushetsky, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2017-56 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. 2017-56 was highlighted by Mrs. Miller, with Section 9 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that Resolution No. 2017-56 be passed.

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

Nays: None.

Motion carried.

Resolution No. 2017-56 is passed.

In response to request for same, it was moved by Mr. Schlessel, seconded by Mr. Gambatese, that the Clerk be and she is hereby authorized and directed to advertise for bids for Construction Manager at-Risk (CMr).

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2017-04 to **deny** requested variance of Mr. Ryan Crawford of 1428 Parkview Drive, from the provisions of Section 1176.07 (e) of the Planning and Zoning Code to operate a tattoo parlor at 5402 Mayfield Road, which is prohibited under this chapter.

The findings in Case No. 2017-04 as recorded in the minutes of the meeting of the Board of Zoning Appeals held August 14, 2017 were read by Mrs. Miller.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2017-04.

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

Nays: None.

Motion carried.

Correspondence from the Ohio Division of Liquor Control permit transfer for Good Food Red Bowl Inc., DBA Red Bowl Restaurant 5670 & 5672 Mayfield Road, was noted with no hearing being requested.

Correspondence from the Ohio Division of Liquor Control permit transfer for Chipotle Mexican Grill of Colorado LLC 24651 Cedar Road., was noted with no hearing being requested.

Correspondence from the Ohio Division of Liquor Control new permit for Teriaca Properties LLC, DBA Teriaca Properties 5564 Mayfield Road, was noted with no hearing being requested.

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: September 18, 2017

Attest: _____
Clerk of Council

Vice Mayor