

Lyndhurst, Ohio
March 19, 2018

The Council of the City of Lyndhurst held its Regular Meeting on Monday, March 19, 2018 at 7:34 P.M., Vice Mayor David A. Frey, presiding.

Members Present: Council Representatives, L. A. Schlessel, J. Price, J. A. Gambatese, S. Grushetsky, J. A. Marko.

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

Absent: Council Representative C. A. LoPresti;
M. A. Kovalchik, Director of Finance.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, March 5, 2018, copies of which were distributed to all Members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed, with Mr. Price abstaining.

MAYOR'S REPORT – Mayor Ward announced the 5th Annual Breakfast with the Bunny was held yesterday with the beneficiary of the event being the Girl Scout Troop of the First Baptist Church of South Euclid. He mentioned this is the second year these amazing young ladies worked the event. The troop raised over \$500 for their service project as well as sold Girl Scout cookies. Mayor Ward expressed how pleased he is to support the troop and their efforts.

Mayor Ward shared that next Thursday is the Spring After-Hours Mixer with the Heights-Hillcrest Regional Chamber of Commerce hosted by the Community Partnership on Aging. He stated this is a good event for local businesses and all of Council is welcome to be his guest. The event will be held at the Community Center from 5-7pm.

Mayor Ward stated this past weekend was St. Patrick's Day and the city was very busy providing much needed and essential assistance to the City of Beachwood with the events that took place at Beachwood Mall. He remarked how our officers did a fine job clearing the mall and keeping people safe. Mayor Ward commented how we rise to the occasion for our neighbors and he is very pleased with our Safety Forces.

FINANCE COMMITTEE – Chairman Schlessel submitted the following minutes into the record:

The Finance Committee met Monday, March 12, 2018 at 6:00 PM. Present were members of Council, Mr. Frey, Mr. Gambatese, Mr. Marko, Mr. Schlessel, Mr. Grushetsky, Mr. Price and Mr. LoPresti. Also present were Finance Director Mary Kovalchik and Mayor Ward. The purpose of this meeting was the annual review of budget appropriations

for 2018. A copy of the Draft Appropriation Budget had been distributed to all members of Council electronically along with detailed Financial Review information in advance of the meeting for their careful evaluation in preparation for this session.

The Committee's discussion was first directed to consideration of the Capital Requests that had been presented by the City Departments and the Lyndhurst Municipal Court to the various Committees of Council for their consideration and recommendation. The Finance Director had prepared an illustration of the various funds that service the City's capital needs which clearly shows caution must be exercised in this regard. The following individual Department amounts for Capital purchases have been approved:

	<u>AMOUNT</u>
Police Department requests	\$ 115,984
Fire Department requests	\$ 145,992
Building Department Requests	\$ 17,867
Lyndhurst Municipal Court requests	\$ 175,000
Public Lands & Bldg. Requests	\$ 385,000
Community Center Requests	\$ 9,825
Finance Dept./Council requests	\$ 9,500
Service Department requests	\$ 320,000
Street Improvement requests	\$1,172,476
Storm Sewer requests	\$ 165,000
Sanitary Sewer requests	\$1,072,200
Technology Upgrades	\$ 56,583
Miscellaneous Engineering requests	<u>\$1,352,400</u>
TOTAL ALL REQUESTS	\$4,997,827

A motion was made by Mr. Marko, seconded by Mr. Price that the aforementioned items that had been recommended by the Committees of Council to the Finance Committee for approval be funded accordingly. The motion passed unanimously.

Chairman Schlessel then referred Council's attention to the summary of all General Fund proposals on page 21 of their packet pointing out the continued positive impact that the administration has had on returning funds to the general fund on a yearly basis. The proposed budget is only 2.1% more than last year's proposed budget and 15.6% more than what was actually expended which illustrates how much the Administration's management is returning to operations at the end of the year. The Committee considered and recommended funding the operations of the City as follows:

Police Department	\$ 4,609,040
Fire Department	\$ 3,320,172
Public Health	\$ 57,684
Planning Commission	\$ 12,462
Board of Zoning	\$ 12,736
Architectural Board	\$ 7,522
Building Department	\$ 481,925
Parks	\$ 230,245

Brainard Spray Park	\$ 79,186
Lyndhurst Pool	\$ 298,588
Recreation Events	\$ 17,000
CPOA	\$ 146,680
Refuse Collection	\$ 734,127
Recycling	\$ 246,305
Leaves	\$ 155,703
Trees	\$ 160,471
Mayor	\$ 236,001
Income Tax Administration	\$ 371,515
Finance Department	\$ 552,991
Law Department	\$ 208,815
Service Department	\$ 556,765
Civil Service Commission	\$ 36,934
Council	\$ 146,840
Municipal Court	\$1,281,727
General Administrative	\$ 402,907
Lands & Buildings	\$ 498,717
Statutory	\$ 362,250
Transfers	\$2,702,487
Engineering	\$ 37,320
Unclaimed	\$ 5,000

For a total GENERAL FUND amount of \$ 17,970,115 which will leave an anticipated balance, if every appropriated dollar is expended, of \$2,045,912 at the end of the year.

When the Committee reviewed funding for the Brainard Sprayground and The Lyndhurst Aquatic Center Mr. Price pointed out a slight increase in funding necessitated by the increase in the minimum wage as required by law. A motion was made by Mr. Price, seconded by Mr. Gambatese that the General Fund appropriations in the amount of \$17,970,115 be approved. A Voice vote was taken with members voting, YES.

Other Funds are budgeted as follows:

Special Revenue Funds	\$ 1,835,771
Debt Service Fund	\$ 1,634,545
Special Assessment Funds	\$ 2,099,496
Trust & Agency Funds	\$ 1,273,210
Capital Improvement Funds	\$ 3,851,127

It was moved by Mr. Marko, seconded by Mr. Price that the amounts recommended for Special Revenue, Special Assessment, Debt Service, Trust & Agency and Capital Improvement Funds in the amount of \$10,694,149 be approved. The City administers several Court Funds which have been appropriated for and are included in the Special Revenue Balances shown above. All members voted yes.

It was moved by Mr. Price, seconded by Mr. Marko that all items be approved for funding. A voice vote was taken with all members voting aye.

The Grand Total of all Funds is \$ 28,664,264

It was moved by Mr. LoPresti, seconded by Mr. Gambatese, that the meeting be adjourned, a vote was taken and the meeting was adjourned at 7:15 pm with no other business discussed.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Mr. 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 was absent; therefore, he did not have a report.

LEGISLATIVE COMMITTEE – Chairman Marko had no report.

PLANNING COMMISSION – Chairman LoPresti was absent; therefore, he did not have a report.

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 Road, a 45 year resident, requested a written statement in regards to her neighbors' fence, debris behind the garage the making of large barriers, and the tire issue. She commented that the tire issue went to court with a fine that was waived pending compliance. Mrs. Radkowsky provided a copy of the court filing which will be kept with the meeting minutes. She also inquired why the city has codes if there are different sets for different people adding she feels she has been discriminated against.

Mrs. Radkowsky thanked the Department heads stating we are very secure and fortunate here in Lyndhurst.

Mr. Murphy clarified that her neighbor has been cited and prosecuted in the Lyndhurst Municipal Court; therefore, this issue has nothing to do with Council.

George DiSanto, 1960 Caronia Road in the Alberta Park Estates, announced he is present for two reasons, one being personal and one on behalf of the Alberta Park Homeowners Association. He complimented Police Chief Rick Porrello describing an auto

accident he was involved with in January. Mr. DiSanto said he was taken back with how professional the officers handled the situation.

Mr. DiSanto stated on behalf of the Alberta Park Homeowners Association, he would like to compliment the Service Director Tony Fioritto on the way he handled the snow removal this season.

Mr. DiSanto also mentioned concerns regarding the immense population of deer including how they are damaging yards and frightening residents. He asked if there are any plans in the future to control the deer that he can report back to the residents in his community.

Mayor Ward commented the culling season is over for this year and the city will be reviewing the methodology to apply other means which will broaden our foot print. He remarked that what we have been able to do in the past is not enough citing the challenges with the limited amount of space between homes and in yards. Mayor Ward stated the city will be looking into other options for next year.

Mr. DiSanto stated he personally appreciates the Mayor and feels the residents of Alberta Park also appreciate him. He thanked Council and the Fire department adding how fortunate we are to have them representing the community. Mr. DiSanto voiced that Lyndhurst keeps growing stronger as we move forward.

Dale Inkley, 5126 E. Farnhurst Road, supports the deer control request and asked how many deer the state allowed to be culled this year.

Mayor Ward responded the state approved 30 tags and although he was overwhelmed with calls from owners wanting traps put in their yard, there were limits on what could be done based on the size of the space.

Mr. Inkley commented that he thought the pool was stainless steel and wondered why it needed plastering.

Tony Fioritto responded the walls of the pool are stainless steel while the bottom is concrete.

Mayor Ward explained there is a coating put over the bottom of the pool. He further commented that a third was done last year and is hopeful to conclude the process next year.

Mr. Inkley asked what happened over the weekend at Beachwood Mall.

Mayor Ward responded it was on the last page of the Metro section in the Plain Dealer.

ORDINANCE NO: 2018-14
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, 2018 REPEALING ORDINANCE NO. 2017-83 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. 2018-14 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-14 was highlighted by Mrs. Miller, with Section 11 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2018-14 be passed.

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

Motion carried.
Ordinance No. 2018-14 is passed.

**RESOLUTION NO. 2018-15
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION RATIFYING AND ADOPTING THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY OF LYNDBURST, OHIO AND THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA LOCAL 860 (SERVICE DEPARTMENT), RATIFYING AND APPROVING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR, 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. 2018-15 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2018-15 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Resolution No. 2018-15 be adopted.

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

Motion carried.
Resolution No. 2018-15 is adopted.

**ORDINANCE NO: 2018-16
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AMENDING CHAPTER 792 OF THE CODIFIED ORDINANCES OF THE CITY OF LYNDHURST REGARDING MUNICIPAL INCOME TAX BY AMENDING SECTIONS 792.03 AND 792.05, AND ENACTING SECTION 792.27, 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. 2018-16 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-16 was highlighted by Mrs. Miller, with Section 6 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2018-16 be passed.

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

Motion carried.
Ordinance No. 2018-16 is passed.

**ORDINANCE NO: 2018-17
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AMENDING ORDINANCE NO. 2016-87 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. 2016-87 INCONSISTENT HEREWITH, 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 Ordinance No. 2018-17 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-17 was highlighted by Mrs. Miller, with Section 15 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2018-17 be passed.

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

Motion carried.
Ordinance No. 2018-17 is passed.

FIRST READING
ORDINANCE NO: 2018-18
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AMENDING CHAPTER 1176 OF THE ZONING CODE OF THE CITY TITLED "SUPPLEMENTARY REGULATIONS" BY AMENDING SECTION 1176.07 REGARDING PROHIBITED USES

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2018-18 be placed on first reading.

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

Motion carried.
Ordinance No. 2018-18 is placed on first reading.

ORDINANCE NO: 2018-19
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE PROVIDING FOR COMPENSATION FOR SWIMMING POOL PERSONNEL IN 2018 AND REPEALING ORDINANCE NO. 2017-09

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. 2018-19 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-19 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Grushetsky, that Ordinance No. 2018-19 be passed.

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

Motion carried.
Ordinance No. 2018-19 is passed.

**ORDINANCE NO. 2018-6 (AMENDED)
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE SUPPLEMENTING THE BUILDING AND
HOUSING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF
LYNDHURST BY ENACTING NEW CHAPTER 1395 RELATING TO
NOTIFICATION OF VACANT BUILDINGS**

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance No. 2018-6 be removed from the table.

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

Motion carried.
Ordinance Number 2018-6 is removed from
table.

Mr. Marko commented that the Legislative Committee met prior to the March 5, 2018 Council meeting to discuss changes to Ordinance 2018-6. It was recommended by the committee to have the Law Director make slight changes to section 1395.03 (e) and 1395.99. The amended Ordinance was presented to Council for their review.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance No. 2018-6 be amended.

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

Motion carried.
Ordinance Number 2018-6 is amended.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance No. 2018-6 be adopted as amended.

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

Motion carried.
Ordinance No. 2018-6 (Amended)
is passed.

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 8:09 P.M.

Approved: April 2, 2018

Attest: _____
Clerk of Council

Vice Mayor