

Lyndhurst, Ohio
April 16, 2018

The Council of the City of Lyndhurst held its Regular Meeting on Monday, April 16, 2018 at 7:32 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, C. A. LoPresti.

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;
M. A. Kovalchik, Director of Finance;
K. L. Miller, Assistant Clerk of Council.

It was moved by Mr. Schlessel, seconded by Mr. Price, that the reading of the minutes of the Regular Meeting of Council held Monday, April 2, 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. Marko abstaining.

MAYOR'S REPORT – Mayor Ward requested confirmation of the appointment of David Kaplan to the Board of Zoning Appeals.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that the appointment of David Kaplan to the Board of Zoning Appeals be confirmed.

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

Motion carried.

Mayor Ward announced the spring edition of the Lyndhurst Life Magazine has been delivered. He mentioned one of the highlights being the newly formed Lyndhurst Neighborhood Watch Committee, which will be having their first meeting on May 2, 2018 at the Community Center. Mayor Ward remarked this group will be a compliment to the Lyndhurst Neighborhood Safety Group.

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 Marko did not have a report.

PLANNING COMMISSION – Chairman LoPresti had no report.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION

– Stefanie Rhine introduced new board member Mr. Bloomberg. Mrs. Rhine began her report by congratulating Coach Fink who is being recognized as Coach of the Year by Sam Rutigliano’s Inner Circle Foundation. She aired Coach Fink will be moving on to coach at John Carroll University while Eddie Hall has already been hired to replace him. Mrs. Rhine stated Mr. Hall, who is coming from Lorain, built their team from almost non-existent to a playoff qualifier in the past several years. She added that similar to Coach Fink, Mr. Hall believes in building men who can succeed both on and off the field.

Mrs. Rhine announced spring in public schools means testing season. She explained there are 21 different tests in the month of April, leaving only 2 days with no testing. In addition, the State of Ohio has required students to take end of course exams in the month of April. Mrs. Rhine noted the high school students begin taking final exams in the month of May; therefore, the last two months of the school year are all about taking tests.

Mrs. Rhine stated they were recently notified by the company who monitors and grades the school tests that they have found errors in how the test scores are being reported. She added additional data is being requested from the school staff.

Mrs. Rhine reported the State of Ohio has changed the graduation requirements starting with the class of 2018. She commented it was estimated 40% or more of seniors were not going to graduate due to the change in requirements coming so late; therefore, the state offered alternative pathways. Mrs. Rhine explained how the guidance counselors have been working very hard to manually verify that each student has all of the requirements to graduate.

Mrs. Rhine expressed how excited they are to be undertaking another strategic planning process. She noted the results will be released in the fall.

With it being negotiation season, Mrs. Rhine shared their financials remain strong. She explained how in an effort to control costs, administrators are paid with a new two-tiered pay scale system that is performance based.

Mrs. Rhine reported it has been six years since the last school levy and the school board is trying to push it off for another year or two.

Mrs. Rhine aired Superintendent Reid, Mayor Ward and Mayor Welo have been instrumental in efforts to get area Mayors and Superintendents talking and lobbying for public education. She mentioned a new website, www.publiceducationmatters.org, as a tool for starting conversations with legislators about accountability, how it is being managed and the overall effects.

Mrs. Rhine announced upcoming events in the district including a Senior Art Show April 19th, Musical Godspell April 27th, 28th, 29th, Spring Pops Concert, May 1st and the 2nd Annual Celebrate Moms Walk and Run on May 12th.

Mayor Ward mentioned the requirements of the State and the Ohio Board of Education are all subject to change because they are also undergoing their strategic planning process. He stated the cornerstone of the state strategic plan is equity, and noted some of the points within the plan speak to the differences in the various districts across the state. Mayor Ward commented how there cannot be the same expectations when the students are not faced with the same challenges. He hopes that equity will resonate throughout the strategic plan they end up adopting.

The meeting was opened to public comment.

Linda Radkowsky, 1152 Irene Road, a 45 year resident, voiced her concern over the neighboring fence not meeting the required building code and inquired when the repairs would be made.

Mayor Ward responded there is a deadline and the work will be done anytime within that time frame. He voiced this is not a matter for Council and these issues need to be directed to the appropriate departments.

Mrs. Radkowsky read a prayer from her 92 year old mother and shared how much she values the Mayor, City Council and all of the department heads.

George DiSanto, 1960 Caronia Road, stated he was asked to speak on behalf of the Albert Park Estates residents about the deer situation. Mr. DiSanto asked Council to keep it under review expressing concern that the amount of deer present is a serious problem affecting both the safety and health of the residents.

THIRD 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 tabled and referred to the Planning Commission.

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

Motion carried.

Ordinance No. 2018-18 is tabled.

ORDINANCE NO: 2018-26
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE RATIFYING AND AUTHORIZING PARTICIPATION IN THE OHIO ASSOCIATION OF PUBLIC TREASURERS WORKERS COMPENSATION GROUP RATING PROGRAM, AUTHORIZING AN AGREEMENT WITH COMP MANAGEMENT INC. AS PART OF PARTICIPATION IN SUCH PROGRAM, 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. 2018-26 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. 2018-26 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Ordinance No. 2018-26 be passed.

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

Motion carried.
Ordinance No. 2018-26 is passed.

ORDINANCE NO. 2018-27
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AMENDING ORDINANCE NO. 2018-5 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 LYNDBURST, OHIO, REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 2018-5 INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY

It was moved by Mr. Marko, seconded by Mr. Grushetsky, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2018-27 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. 2018-27 was highlighted by Mrs. Miller, with Section 14 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Ordinance No. 2018-27 be passed.

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

Motion carried.
Ordinance No. 2018-27 is passed.

**RESOLUTION NO. 2018-28
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE BOARD OF DIRECTORS OF NOTRE DAME COLLEGE AND THE CITY OF LYNDHURST PROVIDING FOR THE EXERCISE OF POLICE POWERS IN AND AROUND NOTRE DAME COLLEGE 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 Resolution No. 2018-28 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2018-28 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution No. 2018-28 be adopted.

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

Motion carried.
Resolution No. 2018-28 is adopted.

Board of Zoning Appeals Recommendations:

Recommendation made to Council to confirm the decision of the Board in Case No. 2018-01 to **deny** requested variance from the provisions of Section 1161.11 (n)(3) (B) of the Planning and Zoning Code to Acacia Signature Homes for a variance at 390 Acacia Circle for a .71 foot encroachment of the house into the minimum required setback of fifty (50) feet.

The findings in Case No. 2018-01 as recorded in the minutes of the meeting of the Board of Zoning Appeals held April 9, 2018 were read by Mrs. Miller.

It was moved by Mr. Marko, seconded by Mr. Grushetsky, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2018-01.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2018-01 to **grant** requested variance from the provisions of Section 1161.11 (n) (3) (B) of the Planning and Zoning Code to Acacia Signature Homes for a variance at 390 Acacia Circle for a 4.63 foot encroachment of the proposed deck into the minimum required setback of fifty (50) feet.

The findings in Case No. 2018-01 as recorded in the minutes of the meeting of the Board of Zoning Appeals held April 9, 2018 were read by Mrs. Miller.

Mr. Schlessel asked for it to be included in the minutes that the neighbors, with their approval of the request, wanted it stipulated there would be adequate landscaping, a landscape buffer as well as there should be no steps going off of the deck.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2018-01.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2018-02 to **grant** requested variance from the provisions of Section 1385.05 (b) of the Building Code to Acacia Signature Homes to allow a second kitchen in a single family zoned home.

The findings in Case No. 2018-02 as recorded in the minutes of the meeting of the Board of Zoning Appeals held April 9, 2018 were read by Mrs. Miller.

Mr. Schlessel asked for it to be highlighted that this home not ever be used as a rental suite and the occupants must be members of the same family.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2018-02.

Roll Call: Yeas: Schlessel, Price, Gambatese, Grushetsky, Marko, LoPresti, Frey.
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 8:05 P.M.

Approved: May 7, 2018

Attest: _____
Clerk of Council

Vice Mayor