

Lyndhurst, Ohio
August 6, 2018

The Council of the City of Lyndhurst held its Regular Meeting on Monday, August 6, 2018 at 7:35 P.M., Council Representative Joseph A. Marko, presiding.

Members Present: Council Representatives, L. A. Schlessel, J. Price,
J. A. Gambatese, S. Grushetsky, 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;
K. L. Miller, Assistant Clerk of Council.

Absent: Vice Mayor David A. Frey;
M. A. Kovalchik, Director of Finance.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, July 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 unanimously.

MAYOR'S REPORT – Mayor Ward announced the next edition of the Lyndhurst Life Magazine will be coming out sometime in the next week. He commented this is the Home Day edition and everything regarding the event will be outlined in the magazine.

Mayor Ward aired the Swim Team Championships were held in Lyndhurst on the weekend of July 28th and 29th with thousands of people in attendance. He stated there was a tent city with over 500 tents in the Lyndhurst Park. Mayor Ward remarked on how organized the event was and shared many compliments were received.

Mayor Ward commented Velocity Church held their Summer Fest on July 29th in front of Brush High School. He said they gave out over 300 back packs filled with school supplies and also held a clothing drive for kids.

Mayor Ward mentioned the annual Perfect 10 Miler Race was also held on Sunday, July 29th at Legacy Village.

Mayor Ward remarked there were four block parties held over the past weekend noting there is still time if residents want to schedule a party.

Mayor Ward aired Congressman Dave Joyce, along with the United States Postal Inspector, hosted a free seminar for seniors regarding mail fraud on Tuesday July 31st at the Community Center.

Mayor Ward confirmed the last concert in the park is Wednesday, August 15th and Tuesday, August 7th is National Night Out. He announced last year over 600 people were in attendance for National Night Out. Mayor Ward stated there will be equipment from the Police, Fire and Service departments on display as well as a mounted horse unit, bomb squad, free hot dogs, chips and ice cream with magician Rick Smith Jr. providing entertainment.

FINANCE COMMITTEE – Chairman Schlessel had no report.

PUBLIC LANDS AND BUILDINGS COMMITTEE – Chairman Price did not have a report.

ROADS AND UTILITIES COMMITTEE – Chairman Gambatese had no formal report; however, he did mention the many road projects going on in the city.

SERVICE AND SEWERS COMMITTEE – Chairman Grushetsky had no report.

SAFETY COMMITTEE – Chairman LoPresti did not have a report.

LEGISLATIVE COMMITTEE – Chairman Marko had no report.

PLANNING COMMISSION – Chairman LoPresti reported the committee met on Thursday, July 26th to discuss multiple changes to the electronic moving message / digital display signs. He stated the changes were directed to the Law Director and an amended Ordinance will be drafted. Chairman LoPresti noted the next meeting will be August 23rd with that agenda currently pending.

SOUTH EUCLID-LYNDBURST BOARD OF EDUCATION – No representative was present.

SPECIAL PRESENTATION – KEVIN SMALLEY, FIRST ENERGY CORPORATION – Kevin Smalley introduced himself and acknowledged the positive relationship with the previous Representative Terry Killeen. Mr. Smalley stated he went over the response procedure for storms and outages with Mr. Killeen and also the customer assistance programs that are available. He suggested he be contacted if anyone would like more information.

SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD – Mayor Ward explained how the program began after a resident made the suggestion to recognize homeowners that take great care of their property. He stated the Council Representatives have assisted by selecting the homes this summer.

Mayor Ward announced the recipients of the Property of Distinction Awards for the month of August:

- 1343 Richmond Road – Nicholas J. Baucio
- 1336 Ford Road – Si Eun Kim
- 5362 Harleston Drive – Dominic & Frances Buccilli
- 1436 Evanston Road – Lisa K. Lorenz

He congratulated the residents and thanked them for what they do for their neighborhood and our community!

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution Number 2018-60 be added to the Agenda.

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

Motion carried.
Resolution Number 2018-60 is added to the
Agenda.

Mr. Marko noted Resolution No. 2018-60 would be added first during the legislation section of the Agenda.

The meeting was opened to public comment.

Paul Del Manzo was in attendance with Gennadiy Sherman who lives at 5125 Dogwood Trail. Mr. Del Manzo stated he and Mr. Sherman went to a zoning meeting last month regarding putting up a fence. He said Mr. Sherman purchased the materials similar to the fence his neighbors have, costing over seven thousand dollars (\$7,000). Mr. Del Manzo commented the post holes had been dug and they started putting up the fence when they were notified it was the wrong type of fence.

Mr. Del Manzo remarked that due to Mr. Sherman's age and travelling back and forth to the Ukraine, the maintenance on the wooden shadow box type of fence would be too much for him to handle. He mentioned two of the neighbors are fine with the vinyl fence they were installing, adding that one of the neighbors wants to continue with the fence into her yard. Mr. Del Manzo said Mr. Sherman has already purchased the fence and adding additional cost for a new fence is extreme. He mentioned Mr. Sherman has notes from doctors in the Ukraine due to medical issues and is trying to get some privacy.

A tenant (inaudible) at 1383 Parkview Drive, and friend of Gennadiy Sherman spoke on his behalf. She stated Mr. Sherman has a medical condition and the fence with holes in it allows people to look through which gives him anxiety. She said his medical history can be provided.

Barb Perlatti, 1624 Lyndhurst Road, wanted to say thank you to the Mayor, City Council and Mr. Fioritto for responding immediately to an issue her son was having regarding Spectrum.

RESOLUTION NO. 2018-60
INTRODUCED BY: MAYOR WARD AND ALL MEMBERS OF COUNCIL

A RESOLUTION CONGRATULATING THE UNGAR FAMILY, OWNERS OF MAR-LOU SHOES, RECOGNIZING THEIR SIXTY YEARS OF SUCCESS AND EXPRESSING APPRECIATION FOR LOCATING IN THE CITY OF LYNDHURST

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2018-60 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.
Rules Suspended.

Resolution No. 2018-60 was read in its entirety by Mrs. Miller.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2018-60 be adopted.

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

Motion carried.

Resolution No. 2018-60 is adopted.

THIRD READING

ORDINANCE NO. 2018-47 (AMENDED)

INTRODUCED BY: ADMINISTRATION

AN ORDINANCE ENACTING CHAPTER 779 OF THE ZONING CODE OF THE CITY TITLED “SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES”, AND DECLARING AN EMERGENCY

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2018-47 be placed on third reading for final passage and that it be adopted as amended.

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

Motion carried.

Ordinance No. 2018-47 is adopted as amended.

SECOND READING

ORDINANCE NO. 2018-50 (AMENDED)

INTRODUCED BY: ADMINISTRATION

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE MAYOR CONCERNING THE ESTABLISHMENT OF A COMMUNITY ENTERTAINMENT DISTRICT, AND DESIGNATING CERTAIN PROPERTY LOCATED IN THE CITY OF LYNDHURST OHIO, AS A COMMUNITY ENTERTAINMENT DISTRICT PURSUANT TO SECTION 4301.80 OF THE OHIO REVISED CODE, 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. 2018-50 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.

Rules Suspended.

Ordinance No. 2018-50 was highlighted by Mrs. Miller, with Section 7 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2018-50 be adopted as amended.

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

Motion carried.

Ordinance No. 2018-50 is adopted as amended.

SECOND READING:

ORDINANCE NO. 2018-52 (AMENDED)

INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE CREATING A DESIGNATED OUTDOOR
REFRESHMENT AREA FOR LEGACY VILLAGE AND ENACTING
REGULATIONS, 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. 2018-52 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.

Rules Suspended.

Ordinance No. 2018-52 was highlighted by Mrs. Miller, with Section 11 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2018-52 be adopted as amended.

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

Motion carried.

Ordinance No. 2018-52 is adopted as amended.

ORDINANCE NO. 2018-53

INTRODUCED BY: ADMINISTRATION

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER
EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD ENDING
DECEMBER 31, 2018 REPEALING ORDINANCE
NO. 2018-45 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. 2018-53 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-53 was highlighted by Mrs. Miller, with Section 11 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2018-53 be passed.

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

Motion carried.
Ordinance No. 2018-53 is passed.

**ORDINANCE NO. 2018-54
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING SECTION 957.02 OF THE
CODIFIED ORDINANCES REGARDING SWIMMING POOL ADMISSION FEES
FOR 2018, 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. 2018-54 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-54 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Ordinance No. 2018-54 be passed.

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

Motion carried.
Ordinance No. 2018-54 is passed.

**ORDINANCE NO. 2018-55
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
TERRACE CONSTRUCTION COMPANY, INC. FOR THE WATERLINE
REPLACEMENT PROJECT ON CHICKADEE AND LEARIDGE ROADS, 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. 2018-55 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-55 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. 2018-55 be passed.

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

Motion carried.
Ordinance No. 2018-55 is passed.

ORDINANCE NO. 2018-56
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH UNITED SURVEY, INC. FOR THE SEWER REHABILITATION PROJECT ON IRENE, CHURCHILL AND GORDON ROADS, 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. 2018-56 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-56 was highlighted by Mrs. Miller, with Section 4 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. Price, that Ordinance No. 2018-56 be passed.

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

Motion carried.
Ordinance No. 2018-56 is passed.

**ORDINANCE NO. 2018-57
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH UNITED SURVEY, INC., FOR THE SEWER REHABILITATION PROJECT ON IRENE, CHURCHILL AND GORDON ROADS, 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. 2018-57 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-57 was highlighted by Mrs. Miller, with Section 6 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. Price, that Ordinance No. 2018-57 be passed.

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

Motion carried.
Ordinance No. 2018-57 is passed.

**RESOLUTION NO. 2018-58
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE COMMUNICATIONS SITE LEASE AGREEMENT WITH NORTHCOAST COMMUNICATIONS LLC, BY REASON OF ASSIGNMENT NOW WITH AERIAL REALTY, LLC, REGARDING AN ANTENNA AND APPURTENANCES LOCATED UPON THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY AUDITOR'S PERMANENT PARCEL NO. 711-24-041 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. 2018-58 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-58 was highlighted by Mrs. Miller, with Section 8 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. Price, that Ordinance No. 2018-58 be passed.

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

Motion carried.
Ordinance No. 2018-58 is passed.

**ORDINANCE NO. 2018-59
INTRODUCED BY: ADMINISTRATION**

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 2018 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. 2018-59 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2018-59 was highlighted by Mrs. Miller, with Section 3 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti that Ordinance No. 2018-59 be passed.

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

Motion carried.
Ordinance No. 2018-59 is passed.

Board of Zoning Appeals Recommendation:

Recommendation made to Council to confirm the decision of the Board in Case No. 2018-07 to deny requested variance from the provisions of Section 1329, Fences, of the Building Code to Gennadiy Sherman of 5125 Dogwood Trail, to erect a six (6) foot high, solid style fence in their rear yard along the side property lines and rear property line.

The findings in Case No. 2018-07 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 9, 2018 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. 2018-07.

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

Motion carried.

Correspondence from the Ohio Division of Liquor Control regarding the transfer of a permit from Mayfield Country Club, 1545 Sheridan Road to ARECO Golf LLC., was noted with no hearing being requested.

Correspondence from the Ohio Division of Liquor Control regarding a new permit for B & M Foods Inc dba B & M BBQ & Banquets, 5100 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 8:16 P.M.

Approved: September 4, 2018

Attest: _____
Clerk of Council

Vice Mayor