

Lyndhurst, Ohio
August 5, 2024

The Council of The City of Lyndhurst held a Regular Meeting on Monday, August 5, 2024 at 7:33 P.M., Vice Mayor Stephen C. Grushetsky, presiding.

Members Present: Council Representatives J. A. Marko, J. Price, J. A. Gambatese, L. A. Schlessel, D. A. Frey, C. A. LoPresti.

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

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

It was moved by Mr. Price, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, July 1, 2024, 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. Frey abstaining.

It was moved by Mr. Marko, seconded by Mr. LoPresti, that the appointments of Richard L. Petrunyak as Director of Finance be confirmed.

The question was put to a voice vote and passed unanimously.

Motion carried.
Richard L. Petrunyak is appointed as
Director of Finance.

Mayor Ward thanked Mary Kovalchik for her years of service as the Director of Finance and administered the Oath of Office to the newly appointed Richard L. Petrunyak.

MAYOR'S REPORT – Mayor Ward spoke about the Tribute Concert on Saturday evening celebrating the life and legacy of Eric Carmen who grew up in Lyndhurst. He explained that the goal was simply to hold an event that was dignified and fun, and to raise money for music scholarship opportunities benefiting South Euclid Lyndhurst school students. Over 1,000 were in attendance from as far as Athens, Georgia. Mayor Ward shared that just over \$10,000 was raised and expressed that it was truly a wonderful event!

Mayor Ward aired that National Night Out is tomorrow and events will be taking place across the county to raise awareness in the community while showing support for law enforcement. He noted that in Lyndhurst, all city departments will be participating. There will be food, magic, trucks, and entertainment from 6-8pm.

Mayor Ward mentioned the last Concert in the Park for the season will be on Wednesday, August 21st featuring the band Blue Evolution, and Home Day weekend is coming up September 6th, 7th, and 8th.

FINANCE COMMITTEE – Chairperson Grushetsky had no report.

PUBLIC LANDS & BUILDINGS COMMITTEE – Chairperson Frey had no report this evening.

ROADS & UTILITIES COMMITTEE – Chairperson Price had no report.

SERVICE & SEWERS COMMITTEE – Chairperson Price had no report.

SAFETY COMMITTEE – Chairperson Gambatese did not have a formal report; however, he wanted to mention the proposed changes to Ordinance No. 2024-50. Mr. Gambatese stated that while the committee did not meet to discuss the legislation, he felt it was important to address it as soon as possible once it was presented by the Mayor and Court personnel.

LEGISLATIVE COMMITTEE – Chairperson Schlessel had no report.

PLANNING COMMISSION – Council member Schlessel had no report.

SOUTH EUCLID LYNDHURST BOARD OF EDUCATION – Due to summer break, a member of the school board was not present to provide a report.

SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD - Mayor Ward announced the recipients of the Property of Distinction Awards:

- 5275 Edenhurst Avenue – Nicole Karn
- 1576 Biltmore Road – John & Teresa Petti
- 5437 Harleston Drive – Darlene Brewer
- 1583 Overbrook Road – Luke & Colleen Ockenden

The floor was opened for public comment, with the following being heard:

Carl Pantejo, a resident of Cleveland Heights, spoke about the importance of community involvement and marketing of small businesses in the area. He offered his entrepreneurial services to the city.

Mayor Ward thanked him for his offer and suggested he reach out to the Heights Hillcrest Regional Chamber of Commerce as a resource.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Resolution No. 2024-48 be moved to the top of the Agenda and considered immediately.

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

Motion carried.

Resolution No. 2024-48 was moved to the top of the Agenda and considered immediately.

**RESOLUTION NO. 2024-48
INTRODUCED BY: MAYOR WARD AND ALL MEMBERS OF COUNCIL**

A RESOLUTION EXPRESSING COMMENDATION AND SINCERE APPRECIATION TO PATROL OFFICER KEVIN CROWN AND POLICE K-9 ARIES FOR SERVICES RENDERED FOR, TO AND ON BEHALF OF THE CITIZENS OF THE CITY OF LYNDHURST, OHIO

It was moved by Mr. Frey, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2024-48 be placed on third reading for final adoption and that it be read in its entirety.

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

Motion carried.

Rules Suspended.

Resolution No. 2024-48 was read in its entirety by Ms. Miller.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2024-48 be adopted.

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

Motion carried.

Resolution No. 2024-48 is adopted.

**ORDINANCE NO. 2024-45
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH GEAUGA HIGHWAY COMPANY FOR THE 2023 ASPHALT PROGRAM, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, AND DECLARING AN EMERGENCY

It was moved by Mr. Frey, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2024-45 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2024-45 was highlighted by Ms. Miller, with section 6 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2024-45 be passed.

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

Motion carried.
Ordinance No. 2024-45 is passed.

ORDINANCE NO. 2024-46
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, 2024 REPEALING ORDINANCE 2024-43, AND DECLARING AN EMERGENCY

It was moved by Mr. Price, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2024-46 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2024-46 was highlighted by Ms. Miller, with section 11 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2024-46 be passed.

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

Motion carried.
Ordinance No. 2024-46 is passed.

**ORDINANCE NO. 2024-47
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 DAY FOR 2024, AND DECLARING AN EMERGENCY

It was moved by Mr. Price, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2024-47 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2024-47 was highlighted by Ms. Miller, with section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2024-47 be passed.

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

Motion carried.
Ordinance No. 2024-47 is passed.

**RESOLUTION NO. 2024-49
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION AUTHORIZING THE MAYOR TO MAKE AN APPLICATION ON BEHALF OF THE CITY OF LYNDHURST TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS; FURTHER AUTHORIZES THE MAYOR TO ACCEPT FUNDS, IF AWARDED, AND TO EXECUTE A CONTRACT IF REQUIRED; AND DECLARING AN EMERGENCY

It was moved by Mr. Price, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2024-49 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2024-49 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Resolution No. 2024-49 be adopted.

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

Motion carried.
Resolution No. 2024-49 is adopted.

**ORDINANCE NO. 2024-50
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AMENDING ORDINANCE NO. 2024-41 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 LYNDHURST, OHIO, REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 2024-41 INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY

It was moved by Mr. Price, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2024-50 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2024-50 was highlighted by Ms. Miller, with section 14 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2024-50 be passed.

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

Motion carried.
Ordinance No. 2024-50 is passed.

**RESOLUTION NO. 2024-51
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT FOR TRANSFER AND DISPOSAL OF SOLID WASTE SERVICES
BETWEEN THE CITY OF LYNDHURST AND KIMBLE COMPANY, AND
DECLARING AN EMERGENCY**

It was moved by Mr. Price, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2024-51 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2024-51 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Resolution No. 2024-51 be adopted.

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

Motion carried.
Resolution No. 2024-51 is adopted.

**RESOLUTION NO. 2024-52
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT FOR RECYCLING PROCESSING SERVICES BETWEEN THE
CITY OF LYNDHURST AND WASTE MANAGEMENT OF OHIO, INC. (WM),
AND DECLARING AN EMERGENCY**

It was moved by Mr. Price, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2024-52 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2024-52 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. Frey, that Resolution No. 2024-52 be adopted.

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

Motion carried.
Resolution No. 2024-52 is adopted.

**ORDINANCE NO. 2024-53
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTED BY THE CITY OF LYNDHURST OF
CUYAHOGA COUNTY, OHIO FOR RESURFACING OF WESBOUND RIGHT
LANE ON CEDAR ROAD FROM THE OFF-RAMP TO THE CEDAR ROAD
BRIDGE OVER IR-271 IN THE CITY OF LYNDHURST, AND DECLARING AN
EMERGENCY**

It was moved by Mr. Price, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2024-53 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2024-53 was highlighted by Ms. Miller, with the emergency clause being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Price, that Ordinance No. 2024-53 be passed.

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

Motion carried.
Ordinance No. 2024-53 is passed.

Confirm decision of the Board of Zoning Appeals:

Recommendation made to Council to confirm the decision of the Board in Case No. 2024-03 to grant requested variance to Kenneth Holt of 1573 Sunview Road, for an area variance from the provisions of Chapter 1160.04 (a)(6) A of the Planning and Zoning Code, to install a twelve (12) foot by sixteen (16) foot, one hundred ninety-two (192) square foot storage shed on his property.

The findings in Case No. 2024-03 as recorded in the minutes of the meeting of the Board of Zoning Appeals held July 15, 2024 were read by Mrs. Miller.

It was moved by Mr. Gambatese, seconded by Mr. LoPresti, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2024-03 and grant the requested variance with conditions.

The question was put to a voice vote and passed unanimously.

In response to request for same, it was moved by Mr. Marko, seconded by Mr. Price, that the Clerk be, and he is hereby authorized and directed to advertise for bids for the 2024 Sewer Inspection and Cleaning Program and the 2024 Sewer Rehabilitation Program.

The question was put to a voice vote and passed unanimously.

It was moved by Mr. Price, seconded by Mr. Gambatese, that the meeting be adjourned.

The question was put to a voice vote and passed unanimously.

The meeting adjourned at 8:11 P.M.

Approved: September 3, 2024

Attest: _____
Clerk of Council

Vice Mayor