Lyndhurst, Ohio
November 2, 2026

The Council of The City of Lyndhurst held a Regular Meeting on Monday, November 2, 2026 at 7:31 P.M., Vice Mayor Charles A. LoPresti, presiding.

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

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

Absent: J. Maichle, Building Commissioner.

It was moved by Mr. Price, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held on Monday, October 19, 2026, 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 holiday issue of Lyndhurst Life Magazine has gone to print and is expected to be delivered mid-month. Mayor Ward also recognized and thanked the Lyndhurst Police Foundation for its participation in a number of Trunk of Treat and other Halloween events including Corpus Christi Academy, Sunview Elementary, and Julie Billiart School. He expressed his appreciation for the Foundations continued presence and involvement in the community!

**FINANCE COMMITTEE –** Chairperson Grushetsky had no report.

**PUBLIC LANDS & BUILDINGS COMMITTEE –** Chairperson Marko reported that the Public Lands & Buildings committee met this evening at 6:30pm to discuss 2027 Capital Requests. All members of the committee were present, and a recommendation was made to approve the total requests in the amount of $1,079,678.00, pending the availability of funds. No other business was discussed, and the meeting adjourned at 6:54pm.

**ROADS & UTILITIES COMMITTEE –** Chairperson Dirk had no report at this time.

**SERVICE & SEWERS COMMITTEE –** Chairperson Price had no report.

**SAFETY COMMITTEE –** Chairperson Gambatese had no report; however, he gave a reminder that the Safety committee will meet on Monday, November 16th prior to the Council meeting to discuss 2027 Capital Requests.

**LEGISLATIVE COMMITTEE –** Chairperson Schlessel had no report.

**PLANNING COMMISSION –** Council member Price stated there are two recommendations from the Planning Commission on the Agenda this evening. One is for a conditional use permit at 4932 Glenlyn Road, and the other is for a preliminary site plan to Jay O'Dell on behalf of Dutch Bros. Coffee at 5637 Mayfield Road.

**SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION** – School Board President Crystal Shelby delivered the following report:

Ms. Shelby expressed her gratitude to everyone who was able to attend the Chair of Honor dedication ceremony at Korb Field last month. As part of his Eagle Scout project, student Nathan Fovozzo had a chair installed to honor and remember the prisoners of war (POWs) and those missing in action (MIA).

Ms. Shelby also discussed the district flyer that recently distributed to the community regarding access to Korb Field and the track. Residents will be able to use the track with a Korb Field Walker Pass. She mentioned there is a link on the flyer for more information or to sign up.

Ms. Shelby shared that next week is the general meeting of the school board where they will review and discuss the state report card. Additionally, the district is planning something for the first of the year to highlight the improvements that have been made using levy funds.

Finally, Ms. Shelby reminded everyone that students will be off of school for the entire week of Thanksgiving this year!

Mike Janatovich, Director of Curriculum & Instruction, thanked Mayor Ward and members of City Council for the opportunity to share updates and highlights from the district.

Mr. Janatovich, who is in his first year with the district, expressed how impressed he has been with the partnership with Cuyahoga County Community College (Tri-C). He explained that through this partnership, students can take 10 college-level classes directly at Brush High School, providing access to more challenging coursework and opportunities beyond Advance Placement (AP).

Mr. Janatovich also highlighted the Pathways to Workforce Innovation Program also offered in partnership with Tri-C. This program creates additional career pathways for students that may not align with the Excel-TEC program. Specific opportunities include the Future Construction Professionals Program and the Young Technology Academy, which offers a pathway to computer science with an emphasis on information technology (IT) and cybersecurity.

Continuing the discussion of career and technical education opportunities, Mr. Janatovich shared that Brush High School has added two new programs in Pre-Nursing and Junior ROTC. They have also added Exercise Science for students interested in pursuing careers in physical therapy, athletic training, and other related fields. This program is designed to help students transition into college-level programs. The Pre-Nursing program provides students with the opportunity to earn their State Tested Nursing Assistant (STNA) credential upon completion, while Junior ROTC is structured to mirror the program at the college level, helping students make a smooth transition.

Lastly, Mr. Janatovich celebrated the accomplishments of Sunview Elementary School, which earned an overall rating of 4 stars on the state report card. The school received 4 stars in Achievement, 5 stars in Gap Closing thanks to the consistent day to day interaction and student interventions that are taking place, and all the other wonderful things taking place at Sunview moving them in the right direction.

Mayor Ward asked how the other elementary schools in the district ranked on the state report card, in which Mr. Janatovich stated that Adrian Elementary received a 4.5, while Roland Elementary received a 3 star rating.

Mr. Janatovich concluded expressing how proud the district is of the students, staff, and families and the continued progress being made throughout the community!

There were no requests for additions to the Agenda.

The floor was opened for public comment. Vice Mayor LoPresti noted that any public comment related to the recommendations from the Planning Commission or Board of Zoning Appeals be held until after those individual cases have been called. Any comments related to these cases will be limited to the applicants representative and Lyndhurst residents only.

The following public comment was heard:

Marcel Darvas, 5120 Edenhurst Road, highlighted the following statement, which he sent to Council prior to the meeting:

On October 19, Council approved the Grass Cutting Assessment report under Ord. 2023-28, and that report includes $200 against 5120 Edenhurst Road for a "TREELAWN" cut on September 17. That approval came on the same evening Council heard my objection to this charge and referred my questions to the Law Department, and before the Law Department answered them. I understand from the Clerk that these assessments are certified to the County only once a year, in September. I ask Council to reconsider its approval of my parcel and remove it from the report before certification or at least hold it until the Law Department has answered. The record so far. My October 5 written comment, which every member received, pointed Council to a resident's written comment read into the minutes of the June 5, 2023 meeting. Two months after Section 1385.23 was enacted in its current form (Ord. 2023-28, April 3, 2023), that resident told Council:

- that the notice's wording, "WITHIN (3) DAYS OF THIS NOTICE," "allows for confusion on 'receipt of notice', which is the common expectation," and that the notice should state a date; and
- that if the $200 cut "fails to bring your lawn into compliance," then "the city must send someone back out to do the job properly," because "if this is indeed meant to be a bill for service and not a fine, then the service should be performed correctly."

My charge raises the same two problems three years later: no way to show when any period began, and no City check of the work before or after the cut. On October 3, the Mayor wrote that the Building Department "acted within the guidelines Council established." Those guidelines are Section 1385.23, so Council is the body that can check them against this file. The questions are these. Each one comes from the text of Section 1385.23.

1. No proof of service before the cut. Section 1385.23(a) requires a written notice served by regular mail or by posting. The City has told me in writing that it has no mail log, no deposit record, and no return of service, and on October 23 the Law Department confirmed in writing that "all documents related to the mailing of the notice have been previously produced."

Those documents show no deposit with the Postal Service, and the envelope bears none of the USPS processing markings found on the four prior Building Department mailings to my address. The notice was not posted. It was not in my mailbox on September 16, and I found it there on September 21, after the September 17 cut. My sworn affidavit, notarized October 29, 2026, is attached.

2. No compliance period in the ordinance. Section 1385.23 states no time to comply. The "three days" appears only on the City's notice form, which, as Council was told in 2023, does not say when the three days begin. Section 1385.23(d) directs that the return to the Auditor be made "in accordance with Ohio R.C. 731.54," and that section covers action under R.C. 731.51, which provides that the City "shall cause a written notice to be served" and allows five days "after the service of such notice." The only compliance period in this chain runs from service, and the City cannot show service.
3. Which property the cost may be levied against. Section 1385.23(c) levies the cost "against the property upon which such hazard exists." The only area cut was the tree lawn, in the public right-of-way; the City's own assessment report describes it as "TREELAWN." I do not dispute that Section 905.04 makes the tree lawn mine to maintain. The question is whether Section 1385.23(c) authorizes a lien on my parcel for a condition in the right-of-way.
4. No inspection. The City's own file scheduled an inspection for September 15. On the City's October 13 report it still reads "Scheduled." No City employee recorded the condition before or after the cut.
5. Cost. The City paid its contractor $100 for this cut (NOL invoice 20149325, dated September 27). The mowing took about eight minutes, which I recorded on video. I have open records requests with the City for what has been billed, collected, and paid under Section 1385.23 since 2023, and I will share what those records show.

Mr. Darvas asked that Council reconsider the charge assessed to his property for grass cutting be removed until the Law Department answers his public records request.

Council Member Dirk thanked the Lyndhurst Police for helping make Halloween trick-or-treating a special and safe experience for the community. She shared that she walked through the neighborhood with her children and estimated that approximately 200 trick or treaters were out on her street. Ms. Dirk noted that officers were present passing out glow sticks and expressed her appreciation to the neighbors for helping make this annual tradition so memorable for the kids.

Vice Mayor LoPresti echoed her sentiments to the Chief of Police.

**ORDINANCE NO. 2026-80**
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO ADVERTISE FOR BIDS FOR THE SALE 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. Price, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2026-80 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2026-80 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. 2026-80 be passed.

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

Motion carried.
Ordinance No. 2026-80 is passed.

**RESOLUTION NO. 2026-81**
**INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE MAYOR TO IMPLEMENT HEALTH CARE COVERAGE FOR THE EMPLOYEES OF THE CITY, 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. 2026-81 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2026-81 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. 2026-81 be adopted.

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

Motion carried.
Resolution No. 2026-81 is adopted.

**RESOLUTION NO. 2026-82**
**INTRODUCED BY: ADMINISTRATION**

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

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. 2026-82 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2026-81 was highlighted by Mrs. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Grushetsky, that Resolution No. 2026-82 be adopted.

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

Motion carried.
Resolution No. 2026-82 is adopted.

Recommendation made to Council to approve a conditional use permit to Meg Nachtwey of Welcome House Inc., under the provision of Sections 1156 and 1160.03 of the Planning and Zoning Code to operate a residential group home at 4932 Glenlyn Road.

Vice Mayor LoPresti opened the floor for public comment.

Meg Nachtwey, the CEO of Welcome House, Inc. stated that the organization is looking forward to supporting four individuals with developmental disabilities at 4932 Glenlyn Road.

It was moved by Mr. Price, seconded by Mr. Schlessel, that Council confirm the decision of the Planning Commission to approve a conditional use permit to Meg Nachtwey of Welcome House Inc.

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

Motion carried.

Recommendation made to Council to approve a preliminary site plan to Jay O'Dell on behalf of Dutch Bros. Coffee to permit a stand-alone coffee shop with conditions, at 5637 Mayfield Road.

It was moved by Mr. Price, seconded by Mr. Schlessel, that Council confirm the decision of the Planning Commission to approve a preliminary site plan to Jay O'Dell on behalf of Dutch Bros. Coffee.

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

Motion carried.

Recommendation made to Council to confirm the decision of the Board in Case No. 2026-05 to deny requested use variance from Chapter 1176.09 (a) of the Planning and Zoning Code to North Coast Community Homes, property owner of 5278 Chickadee Lane, to forgive the one thousand (1,000) foot distancing established for group home facilities.

The findings in Case No. 2026-05 as recorded in the minutes of the meeting of the Board of Zoning Appeals held October 13, 2026 were read by Mrs. Miller.

Vice Mayor LoPresti opened the floor for public comment.

Julie Keys, attorney for Disability Rights Ohio, represents the two women who are hoping to live at 5278 Chickadee Lane once modifications are made. She expressed her desire to speak on behalf of these women.

Vice Mayor LoPresti reminded Ms. Keys that public comment is a forum for residents, applicants, or a representative for the applicant. He suggested that she can send an email with her comments.

Vice Mayor LoPresti allowed Tina Beris, who has a lease agreement with North Coast Community Homes, to speak about wanting to live at 5278 Chickadee Lane.

Mary Jo O'Neill, 5332 Golfway Lane, spoke about the importance of providing housing opportunities for individuals with disabilities within the community. She shared her personal experience as the parent of an individual with special needs and the misconceptions abouts individuals with disabilities. She referenced fair housing laws and urged Council to reconsider the recommendation. Ms. O'Neill expressed concern that the situation may be perceived as discrimination and is hurtful to families. She also questioned what options parents have as their children with disabilities grow older and whether families should be expected to the leave the community to find appropriate housing.

Mayor Ward clarified that the concerns regarding misconception has come from the applicant and not from the City. He noted that Ms. O'Neill is a Lyndhurst resident and knows this community. Mayor Ward then asked whether she knows how many group homes currently operate within Lyndhurst. Ms. O'Neill replied that she does not.

Meg Nachtwey stated that Welcome House would serve as the service provider at 5278 Chickadee Lane. She highlighted that Welcome House has been providing residential services for more than 55 years and is recognized for its high-quality care and exceptional services. She also addressed concerns regarding parking and assured Council that all property maintenance would be properly managed.

Deborah Picker, 4863 Countryside Road, stated that although she is not currently a resident, her son who has down syndrome lives in a group home in Lyndhurst.

Vice Mayor LoPresti, reminded her that public comment is a forum for residents, applicants, or a representative for the applicant.

Laurie Kowalski, 1324 Haverston Road, identified herself as an independent provider in the State of Ohio and shared her perspective regarding concerns about parking and traffic congestion. Based on her experience, there is typically one vehicle for every two residents in a supported living home. She also questioned the City's 1,000-foot spacing requirement, noting that The Avenue was permitted to be built approximately 250 feet from a group home on her street.

Dr. Elizabeth Mease, 4955 Countryside Road, spoke in support of the supported living home on Clubside Road, which she co-owns with a business partner. Both have sons who reside in the home. She advocated for individuals with disabilities and encouraged City leadership to foster an inclusive and welcoming community that recognizes and supports individuals with special needs. Dr. Mease expressed hope that Northcoast Community Homes will continue to provide the necessary support services for her son as she ages. She urged the City to allow the organization the resources and flexibility needed to serve its residents. She also stated that the City's 1,000-foot separation rule violates the Fair Housing Act and should be removed. Dr. Mease welcomed further discussion with City leadership on these concerns and ways to make the community more inclusive.

Susan Smith, 5175 River Creek Road, stated that she has partnered with Northcoast Community Homes for more than 16 years and praised the organization for its outstanding work as a nonprofit providing essential support to individuals with disabilities. She encouraged Council to reconsider its recommendation.

Nick Stroup, Chief Operating Officer of Northcoast Community Homes, spoke regarding the organization's nearly two years of working with the City on issues related to 5278 Chickadee. He read a letter from John Barilla, the signed guardian representative for Tina and Geraldine, the two women seeking to reside in the home. The letter respectfully asked Council to consider the personal impact of its decision and afford them the same opportunity as others. Tina and Geraldine have been APSI clients for more than 23 years and, as they age, require a home that better accommodates their mobility and accessibility needs. The letter emphasized their reliance on support services due to their disabilities and the importance of providing appropriate housing to meet those needs.

Jim Kowalski, 1324 Haverston Road, read the definition of a group home, distinguishing congregate living arrangements as opposed to independent or nuclear family living arrangements. He expressed concerns about the challenges individuals with disabilities face in finding suitable housing. Referring to his personal experience as a parent with two sons with special needs, he emphasized the importance of communities being inclusive and accepting. Mr. Kowalski stated that minor adjustments should be made to accommodate parking concerns and characterized the situation as appalling and discriminatory.

Mayor Ward read the following comment:

I love the word "Fair"
It is interesting to examine the word "fair" and contextualize the word "fair" as it is applied – or not applied - to different persons or groups of persons. FAIR is an amazing word and I love that it has been bandied about with such passion regarding the North Coast Community Homes recent acquisition at 5278 Chickadee Lane. That being said, that passion has been articulated in singular direction which is inherantly NOT FAIR.
The City of Lyndhurst, in its crafting and review of its zoning ordinances has, employed a consistant approach and foundational belief that "FAIRNESS" yields reasonable regulations, and those regulations, reasonably applied provide a level playing field, no matter the use or user, in all of the zoning districts of the City. That fairness and reasonableness has served our residents well. That fairness applies to all, respects all, and protects all.

Mr. West, North Coast's CEO correctly refers to our City Council's "responsibility to consider the City's Ordinances, the interests of its residents and the recommensations of its appointed boards" but then disagrees with the use intended for 5278 Chickadee Lane being classified as a group home which was the basis of the arguments presented to and rejected by the City's Planning Commission. North Coast's CEO has also criticized the residents of Lyndhurst as "judgemental and unwelcoming" which I take exception to and reject as a characterization that cannot be further from the truth. Lyndhurst is a welcoming community, one with regulations that its residents are familiar with. Our residents' comments have not focused on those who are currenty served in the Group Homes operated in our community or those who may arrive here in the future. What we have heard our residents articulate is their very real concerns for their neighborhood, based upon their very real experiences and their desire that the City's Ordinances be followed.

North Coast is, or should be, very familiar with the Lyndhurst environment given the four homes it currently owns in this community. North Coast should also be familiar with the City's Ordinances. North Coast has not had any big issues with The City but for two situations; one involving the behaviors of one of North Coast's residents and the other regarding work being done on a home without a permit.

North Coast Communty Homes has characterized its "experience trying to work with the City of Lyndhurst as difficult". Really? Since March 28, 2025 when documents submitted by North Coast obviated the intended use, the City's response was instantaneous – rejecting the submitted documents as not acceptable until the identified conditional use was approved and articulating the requirements of our zoning code and steps necessary to have that use considered. What followed was a parade of communications – each promptly responded to by the City - arguing the City's interpretation of its own code and the characterization of the intended use for the property at 5278 Chickadee Lane as a group home was incorrect. Revised submittals, likewise, attempted to mask the obvious, and North Coast resisted presenting its plans for Planning Commissoin consideration. Meanwhile North Coast was consistantly referred to the zoning requirements of the City and the steps necessary to meet them.

What is disappointing and amazing to me is that it was only by happenstance that the City learned, in late July of this year, that the grant funding North Coast used to purchase the home at 5278 Chickadee Lane was specific to the four women who are currently living in Euclid and that these four women are inextricably tied to this home because of that funding. That was most distressing to learn, especially after the passage of so much time, yet North Coast's inference is that the City has a "different perspective regarding the delays".

I will only submit that there has been one simple message from the City of Lyndhurst to North Coast at every single turn and that is: The use you have submitted plans for, and your intended use for the property at 5278 Chickadee Lane in Lyndhurst is a Group Home requiring a Conditional Use Permit and subject to the City's regulations concerning such Conditional Use Permits. That was conveyed by the Building Department in March of 2025, again in July of 2025, by me in April of 2025, in July of 2025 – when I was told, in writing, "While we of course want to comply with the City's laws and to follow its administrative processes, we do not intend to apply for a conditional use permit for the home with the Planning Commission because a conditional use is not required, nor do we intend to appear before the Board of Zoning Appeals to request a variance, conditional use, or the like." I provided additional responses in October of 2025, in February of 2026, in March of 2026 and in July of 2026 which culminated in North Coast finally making application. I do maintain copies of correspondence.

The City of Lyndhurst does not drag its feet, the City of Lyndhurst does not play games, and the City of Lyndhurst does not leave good people hanging out to dry. Ask a question, you get an answer, it is that simple and that is exactly what has transpired, in timely fashion, at every turn. The fact that you do not like the answer is something the City of Lyndhurst cannot help you with, but that answer did not change – not once – and your correspondence acknowledges that fact.

I believe it was Commissioner Sirk who pointed to the fact that regardless whether an entity agrees with the City's laws, or not, the law is the law and should be followed unless and until the law is changed. Not following the prescribed process has not served anyone, not my residents, not North Coast's prospective residents – it has served no one.
This evening, I believe, we have the tale of two circumstances, two approaches, addressing a common objective in our community. On the one hand, an agency doing its due diligence on the front end, following the City's process and laws and receiving approval – all within three months – and another that has chosen to take a different approach altogether leaving their prospective tenants and the agency serving them in Limbo.

Finally, Mayor Ward added that distributing communications that misguide, mislead, and misrepresent the City and its residents is offensive.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2026-05 to deny the requested variance.

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

The meeting adjourned at 8:25 P.M.

Approved: November 16, 2026

Attest: _____ _____
Clerk of Council Vice Mayor