

Lyndhurst, Ohio
September 3, 2024

The Council of The City of Lyndhurst held a Regular Meeting on Tuesday, September 3, 2024 at 7:30 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;
M. J. Carroll, Chief of Fire;
J. Maichle, Building Commissioner;
T. Fioritto, Director of Service;
R. Petrunyak, Director of Finance;
K. L. Miller, Assistant Clerk of Council.

Absent: P. A. Rhode, Chief of Police.

It was moved by Mr. Price, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, August 5, 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 unanimously.

MAYOR'S REPORT – Mayor Ward enthusiastically announced that rides have started to arrive for Home Day weekend! He commented on the great entertainment the committee has planned throughout the weekend. He also spoke about the enhanced security measures being put in place to ensure a fun and safe community event, including no face coverings, hoodies, and all bags are subject to search. Mayor Ward mentioned the volunteer sign-up that has been circulated and asked that it be shared.

Mayor Ward stated the last of the collective bargaining agreements are on the Agenda this evening.

FINANCE COMMITTEE – Chairperson Grushetsky did not have anything to report.

PUBLIC LANDS & BUILDINGS COMMITTEE – Chairperson Frey did not have a formal report; however, he mentioned that the pool is closed for the season. He shared that he was at the pool on Labor Day and after speaking with the Pool Director and various staff members, it sounded like they had a phenomenal summer!

Mayor Ward noted that he has an end of the season report from the pool staff for budget planning.

ROADS & UTILITIES COMMITTEE – Chairperson Price had no report.

SERVICE & SEWERS COMMITTEE – Chairperson Price had no report.

SAFETY COMMITTEE – Chairperson Gambatese had no report at this time.

LEGISLATIVE COMMITTEE – Chairperson Schlessel had no report.

PLANNING COMMISSION – Council member Schlessel had no report.

SOUTH EUCLID LYNDHURST BOARD OF EDUCATION – School Board Member Kathryn Falkenberg delivered the following report:

For South Euclid Lyndhurst freshman, summer hit the wall of responsibility on August 23rd when they were asked to report to Brush High School when they were asked to report to Brush High School acquainting themselves to that formidable building, and being introduced to their teachers, counselors, and administrators. For the rest of the students, the first day was Monday, August 26th. Brush is an overwhelming maze of hallways and classrooms with two gyms and many offices, so having that day to navigate classes and figure out how to get to their lockers in between and have time to eat lunch in the cafeteria was very much appreciated.

The entire SEL community begins the 2024-2025 school year with a new leader after the retirement of Linda Reid in July. The School Board chose Dominic Kaple, who had been one of the Assistant Superintendents, to take the helm as they knew there would need to be a search for a new Brush Principal. That search brought Marinise Harris, who came from an online school called Path Finder Career Academy. She also was one of the Assistant Principals at Shaker High School for a year after having served as Principal at her alma mater Mansfield High School. Ms. Harris is not the only new face the students will be seeing at Brush as there are 4 new assistant principals, each responsible for a different grade; freshman, sophomore, junior, and senior.

With new leadership comes new rules and perspectives. One of the new experiences facing students as they enter the school building is a metal detector, the other is a Yonder Pouch where every student must put their phone during the school day. This is to help students keep their focus on classroom activities, and not on social media, or texting with other students. Both of these new devices have caused anticipated concerns, but most parents are in favor of their use knowing that the goal of the teachers and the administration is to protect and teach their students. Change is always hard for students and adults!

Greenview students had an opportunity to meet their teachers and principals, and practice opening a locker on the evening of August 21st before school officially opened on August 23rd. Moving up from 3rd to 4th grade in a new school is a daunting jump, so the chance to meet teachers can dispel a great amount of anxiety. The 3 elementary schools had their opportunity to visit school before the upper classmen descended. All of the schools are focused this year on improving attendance, which is both a state and nationwide motivation. Awarding students for the fewest missed days, and for showing an improved attendance record, both individually and as a class. There is always a sense of excitement and anticipation at the beginning of a new school year, and this year is no exception. We look forward to a successful year of learning and fun at SEL!

There were no requests for additions to the Agenda.

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

Tricia Novak, 5167 Mayview Road, shared that she recently purchased her childhood home, and she is very proud of living in Lyndhurst. She expressed a general concern over home maintenance in the neighborhood, citing examples including telephone poles with caution tape around them for the past 2 years. Ms. Novak stated that she understands not everyone has the means or time; however, there needs to be a higher standard.

Mayor Ward asked that she email him specific addresses and he can follow up with the appropriate departments.

Ms. Novak also mentioned that her basement has flooded several times, and was told the city does not do anything about it from neighbors.

Mayor Ward commented that any time a basement floods, the city should be made aware as it could be an underlying issue that needs to be taken care of.

Jack Fox, 1412 Parkview Drive, submitted in writing prior to the meeting, concerns over uncontrolled pit bulls and pit mix dog attacks in his neighborhood.

Mayor Ward shared that he responded to the resident and let him know that these incidents must be reported to the city in order for action to be taken, noting there are very strong leash laws that the city can only enforce if they know about it.

**RESOLUTION NO. 2024-54
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION RATIFYING AND ADOPTING THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY OF LYNDHURST, OHIO, AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (NON-DISPATCH FULL-TIME PERSONNEL), AUTHORIZING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR, AND DECLARING AN EMERGENCY

It was moved by Mr. Frey, seconded by Mr. LoPresti, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2024-54 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2024-54 was highlighted by Ms. Miller, with section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2024-54 be adopted.

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

Motion carried.
Resolution No. 2024-54 is adopted.

**RESOLUTION NO. 2024-55
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION RATIFYING AND ADOPTING THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE CITY OF LYNDHURST, OHIO, AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (FULL-TIME DISPATCHERS), AUTHORIZING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR, AND DECLARING AN EMERGENCY

It was moved by Mr. Marko, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2024-55 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2024-55 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2024-55 be adopted.

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

Motion carried.
Resolution No. 2024-55 is adopted.

**ORDINANCE NO. 2024-56
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE TO LEVY ASSESSMENTS FOR THE CONSTRUCTION OR REPAIR OF SIDEWALKS ON CERTAIN STREETS 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. 2024-56 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. 2024-56 was highlighted by Ms. Miller, with section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Ordinance No. 2024-56 be passed.

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

Motion carried.
Ordinance No. 2024-56 is passed.

ORDINANCE NO. 2024-57
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO ADVERTISE FOR BIDS FOR THE SALE BY NEWSPAPER PUBLICATION OR BY INTERNET AUCTION OF EIGHT 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. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2024-57 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. 2024-57 was highlighted by Ms. Miller, with section 6 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Price, that Ordinance No. 2024-57 be passed.

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

Motion carried.
Ordinance No. 2024-57 is passed.

**ORDINANCE NO. 2024-58
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
PRECISION CONCRETE CUTTING, INC. FOR THE 2024 SIDEWALK REPAIR
PROGRAM – CONTRACT B SLAB SAWING, AUTHORIZING THE CLOSEOUT
OF SAID CONTRACT, AND DECLARING AN EMERGENCY**

It was moved by Mr. Frey, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2024-58 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. 2024-58 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. 2024-58 be passed.

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

Motion carried.
Ordinance No. 2024-58 is passed.

**ORDINANCE NO. 2024-59
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
CHIEFTAIN TRUCKING AND EXCAVATION FOR THE PARKSIDE CIRCLE
STORM SEWER OUTLET REPAIR, AUTHORIZING THE CLOSEOUT OF SAID
CONTRACT, AND DECLARING AN EMERGENCY**

It was moved by Mr. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2024-59 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. 2024-59 was highlighted by Ms. Miller, with section 6 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2024-59 be passed.

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

Motion carried.
Ordinance No. 2024-59 is passed.

ORDINANCE NO. 2024-60
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AGREEMENTS AND CONTRACTS WITH VARIOUS INSURANCE CARRIERS RECOMMENDED BY JACKSON, DIEKEN & ASSOCIATES, INC., TO PROVIDE THE NEEDED INSURANCE COVERAGE REQUIRED BY THE CITY OF LYNDHURST AND THE LYNDHURST MUNICIPAL COURT, 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. 2024-60 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. 2024-60 was highlighted by Ms. Miller, with section 3 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Ordinance No. 2024-60 be passed.

Prior to the vote, Mayor Ward noted there was an unforeseen increase of 17% which is consistent with market values. He also commented that Tokio Marine Holdings is fabulous to work with and they stand up for the city and our employees.

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

Motion carried.
Ordinance No. 2024-60 is passed.

RESOLUTION NO. 2024-61
INTRODUCED BY: ADMINISTRATION

A RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

It was moved by Mr. Marko, seconded by Mr. Price, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2024-61 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2024-61 was highlighted by Ms. Miller, with section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Resolution No. 2024-61 be adopted.

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

Motion carried.
Resolution No. 2024-61 is adopted.

Confirm decision of the Board of Zoning Appeals:

Recommendation made to Council to confirm the decision of the Board in Case No. 2024-04 to grant requested variance to Deasha Evans of 5183 Meadow Wood Boulevard, for an area variance from the provisions of Chapter 1160.04 (a)(2) A & B of the Planning and Zoning Code, to have a vehicle that is used for commercial purposes, designed and used to carry property, parked at her residential property, with a condition.

The findings in Case No. 2024-04 as recorded in the minutes of the meeting of the Board of Zoning Appeals held August 12, 2024 were read by Mrs. Miller.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2024-043 and grant the requested variance with conditions.

Mr. Schlessel requested that an additional condition be added that the vehicle be well maintained.

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

It was moved by Mr. Marko, seconded by Mr. LoPresti, that correspondence from the Ohio Division of Liquor Control regarding a transfer permit from Riser Foods Co. dba Lyndhurst GETGO to GETGO Operating LLC dba Lyndhurst GETGO, 5275 Mayfield Road was noted with no hearing requested.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that the meeting be adjourned.

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

The meeting adjourned at 8:04 P.M.

Approved: September 3, 2024

Attest: _____
Clerk of Council

Vice Mayor