

Lyndhurst, Ohio
September 5, 2023

The Council of The City of Lyndhurst held its Regular Meeting on Tuesday, September 5, 2023 at 7:32 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.

*Due to military duty assignment, Mr. LoPresti was present remotely via the Zoom meeting application.

It was moved by Mr. Marko, seconded by Mr. Price, that the reading of the minutes of the Regular Meeting of Council held Monday, August 7, 2023, 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 Home Day #98 is this weekend with great entertainment each night! Friday is Family Fun Night with the band Son Gitano, The Diamond Project will perform on Saturday night, and Aftermath on Sunday. He mentioned the Pancake Breakfast will be on Sunday from 8-11am benefiting the South Euclid Lyndhurst Schools PTAs followed by the Parade which starts at 12noon. Mayor Ward expressed his excitement for the weekend and hopes to see everyone there!

FINANCE COMMITTEE – Chairperson Grushetsky had no report.

PUBLIC LANDS & BUILDINGS COMMITTEE – Mr. Frey did not have a formal report; however, he commented he was at the pool on Labor Day, and it was packed, which was reminiscent of prior years. Mr. Frey shared that speaking with the Pool Director, she expressed that it was a great season, and while this was the youngest staff she's had, they were able to keep the pool open until the end of the season.

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 reported that the Commission recently met and there are two recommendations on the Agenda this evening, which he recommends be approved.

SOUTH EUCLID LYNDHURST BOARD OF EDUCATION – School Board member Erin Harris delivered the following report:

The start of school was delayed, Ms. Harris announced that everyone was back to school last week! She stated that while most of the buildings are equipped with air conditioning, they are still working on making updates to each building.

Ms. Harris shared that Dr. Reid will see everyone at the SEL School table during Home Day weekend and is looking forward to the parade on Sunday!

Ms. Harris reported the district had the biggest hiring class in ten years with 33 new educators, which was partly due to a large number of retirements.

Ms. Harris spoke about Safety & Security Updates and invited everyone to attend the Safety Town Hall Meeting on October 5th in the Brush Cafeteria.

Mayor Ward mentioned that he was at Convocation, and in addition to the 33 new educators, there are a number of new staff members. He added that any event that starts off with the band is a great event with a lot of excitement! Mayor Ward also commented on the importance of teaching in three dimensions.

Ms. Harris agreed this was one of the best convocation days. She also spoke about the nationwide issue of attendance, noting they are trying to implement new campaigns and are open to any ideas.

Lastly, Ms. Harris stated the board approved the Destination 2026 Strategic Plan, with an important part being communication; they want to make sure information is provided correctly to stakeholders and is being filtered to the community.

There were no requests for additions to the Agenda.

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

George DiSanto, 1960 Caronia Road, spoke on behalf of the residents in the Alberta Park Estates Homeowners Association. He thanked Mayor Ward for the safety call regarding locking cars in the driveway. Mr. DiSanto expressed concerns over the extreme noise coming from interstate 271 between the hours of 7:30-11:30pm due to motorcycles and vehicles operating at tremendously high rates of speed, which is disrupting the peace of the nearby homeowners. He is asking Council to consider passing legislation to control this problem and is hopeful that something can be done.

SECOND READING
ORDINANCE NO. 2023-53(AMENDED)
INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING CHAPTER 432 OF THE CODIFIED ORDINANCES OF THE CITY ENTITLED “OPERATION GENERALLY” BY REPEALING EXISTING SECTION 432.43, AND ENACTING NEW SECTION 432.43 PROHIBITING TEXTING WHILE DRIVING, AND DECLARING AN EMERGENCY

It was moved by Mr. Marko, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2023-53(AMENDED) be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-53(AMENDED) was highlighted by Ms. Miller, with section 3 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Price, that Ordinance No. 2023-53(AMENDED) be passed.

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

Motion carried.
Ordinance No. 2023-53(AMENDED) is passed.

ORDINANCE NO. 2023-63
INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING SECTION 1351.13 OF THE CODIFIED ORDINANCES OF THE CITY TITLED “FEES FOR INSPECTION” 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. 2023-63 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-63 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Price, that Ordinance No. 2023-63 be passed.

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

Motion carried.
Ordinance No. 2023-63 is passed.

**ORDINANCE NO. 2023-64
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 1383.02 OF THE CODIFIED
ORDINANCES OF THE CITY TITLED “INSPECTIONS” 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. 2023-64 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-64 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2023-64 be passed.

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

Motion carried.
Ordinance No. 2023-64 is passed.

**ORDINANCE NO. 2023-65
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING SECTION 757.04 OF THE BUSINESS
REGULATION CODE OF THE CITY TITLED “INSPECTION” 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. 2023-65 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-65 was highlighted by Ms. Miller, with section 3 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2023-65 be passed.

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

Motion carried.
Ordinance No. 2023-65 is passed.

**ORDINANCE NO. 2023-66
INTRODUCED BY: ADMIN**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH UNITED SURVEY, INC. FOR THE 2022 SEWER INSPECTION & CLEANING PROGRAM, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, AND DECLARING AN EMERGENCY

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 Ordinance No. 2023-66 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-66 was highlighted by Ms. Miller, with section 6 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Price, that Ordinance No. 2023-66 be passed.

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

Motion carried.
Ordinance No. 2023-66 is passed.

**ORDINANCE NO. 2023-67
INTRODUCED BY: ADMIN**

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES, 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. 2023-67 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-67 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2023-67 be passed.

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

Motion carried.
Ordinance No. 2023-67 is passed.

**RESOLUTION NO. 2023-68
INTRODUCED BY: ADMIN**

**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. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Resolution No. 2023-68 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2023-68 was highlighted by Ms. Miller, with section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Resolution No. 2023-68 be adopted.

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

Motion carried.
Resolution No. 2023-68 is adopted.

**ORDINANCE NO. 2023-69
INTRODUCED BY: ADMIN**

**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
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. 2023-69 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-69 was highlighted by Ms. Miller, with section 3 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Price, that Ordinance No. 2023-69 be passed.

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

Motion carried.
Ordinance No. 2023-69 is passed.

**ORDINANCE NO. 2023-70
INTRODUCED BY: ADMIN**

**AN ORDINANCE AMENDING ORDINANCE 2023-62 WHICH AUTHORIZED THE
CREATION OF THE MUNICIPAL COURT TRAFFIC CAMERA FUND NO. 261,
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. 2023-70 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-70 was highlighted by Ms. Miller, with section 3 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Gambatese, that Ordinance No. 2023-70 be passed.

Prior to the vote, Mr. Marko wanted it known for the record that these cameras are not in Lyndhurst. He asked for clarification whether any additional costs incurred from the court to judicate these cases would be reimbursed from the city.

Mayor Ward explained that is the purpose of this fund and any additional costs would be covered.

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

Motion carried.
Ordinance No. 2023-70 is passed.

**ORDINANCE NO. 2023-71
INTRODUCED BY: MAYOR
WARD AND ALL MEMBERS
OF COUNCIL**

**AN ORDINANCE TO RESCHEDULE THE START TIME OF THE SECOND
REGULAR MEETING OF COUNCIL TO BE HELD SEPTEMBER 18, 2023 FROM
7:30 P.M. TO 8:00 P.M., 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. 2023-71 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-71 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2023-71 be passed.

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

Motion carried.
Ordinance No. 2023-71 is passed.

Confirm decision of the Board of Zoning Appeals:

Recommendation made to Council to confirm the decision of the Board in Case No. 2023-05 to grant requested variance to Patrick Frazenburg of 4887 Fairlawn Road for a variance from the provisions of Chapter 1160.04 (a)(2) A of the Planning and Zoning Code which prohibits the parking of commercial vehicles in residential districts. Due to his work obligations, he is requesting a variance to permit the parking of his commercial work vehicle in the driveway of his home.

The findings in Case No. 2023-05 as recorded in the minutes of the meeting of the Board of Zoning Appeals held August 14, 2023 were read by Mrs. Miller.

It was moved by Mr. Frey, seconded by Mr. Price, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2023-05 and grant the requested variance with conditions.

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

Recommendation made to Council to confirm the decision of the Board in Case No. 2023-06 to grant requested variance to Monica Silver of 5317 Chickadee Lane from the provisions of Chapter 1160.04 (a)(6) A of the Planning and Zoning Code, to permit the replacement of an existing eight (8) by twelve (12), ninety-six (96) square foot shed with a nine (9) feet high, ten (10) by fourteen (14), one hundred forty (140) square foot shed on her property in lieu of the permitted eighty (80) square foot shed in a yard that comprises less than forty (40) feet measured from the rearmost part of the rear wall of the dwelling house to the rear property line.

The findings in Case No. 2023-06 as recorded in the minutes of the meeting of the Board of Zoning Appeals held August 14, 2023 were read by Mrs. Miller.

It was moved by Mr. Frey, seconded by Mr. Price, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2023-06 and grant the requested variance.

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

Planning Commission Recommendations:

Recommendation made to Council to approve a 0.695 lot split from 5305 Marian Drive and lot consolidation to 5306 Ridgebury Boulevard as presented.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Council confirm the decision of the Planning Commission.

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

Recommendation made to Council to approve the site plan dated August 24, 2023, for partial demolition and addition at East Coast Custard, located at 5618 Mayfield Road, including reconfiguration of the parking lot and consideration to add a fulfillment window, as presented with conditions.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Council confirm the decision of the Planning Commission with conditions.

Prior to the vote, Mr. Marko read the following conditions for the record. Conditioned on the use of the POS system using handheld electronic devices facilitating the expediting of the queue for order taking and the incorporation of a “No Waiting” zone beyond the depth of the front parking spots directly adjacent to the building to ensure that no cars back up onto Mayfield Road, and that a “Right Turn Only” sign be erected when exiting onto Mayfield Road.

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

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 8:12 P.M.

Approved: September 18, 2023

Attest: _____
Clerk of Council

Vice Mayor