

Lyndhurst, Ohio  
January 8, 2024

The Council of The City of Lyndhurst held its Regular Meeting on Monday, January 8, 2024 at 7:34 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;  
J. Maichle, Building Commissioner;  
T. Fioritto, Director of Service;  
M. A. Kovalchik, Director of Finance;  
K. L. Miller, Assistant Clerk of Council.

Absent: M. J. Carroll, Chief of Fire.

\* Mr. Schlessel attended the meeting remotely via the Zoom Meeting Application.

It was moved by Mr. Price, seconded by Mr. LoPresti, that the reading of the minutes of the Special Meeting of Council held Monday, December 4, 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.

It was moved by Mr. Price, seconded by Mr. LoPresti, that the reading of the minutes of the Regular Meeting of Council held Monday, December 4, 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.

It was moved by Mr. Marko, seconded by Mr. Frey, that the reappointments of John P. Luskin as Director of Law, Raymond J. Schmidlin, Jr. as Assistant Director of Law, and Mary A. Kovalchik as Director of Finance all be confirmed.

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

Motion carried.  
John P. Luskin is reappointed as  
Director of Law, Raymond J.  
Schmidlin, Jr. is reappointed as  
Assistant Director of Law, and  
Mary A. Kovalchik is reappointed as  
Director of Finance.

Mayor Ward administered the Oath of Office to John P. Luskin, Raymond J. Schmidlin, Jr., and Mary A. Kovalchik.

**MAYOR'S REPORT** – Mayor Ward wished everyone a Happy New Year! He shared that the administration is moving into budget season, with the committees of Council having already completed their respective meetings to review the Capital Budget. He also commented there have already been two successful collective bargaining agreement negotiations, with legislation being on the agenda this evening.

Mayor Ward mentioned there are storms moving in with high winds expected over the next couple of days, and encouraged anyone who experiences a power outage to contact First Energy immediately.

**FINANCE COMMITTEE** – Chairperson Grushetsky did not have a formal report; however, he shared that the department budget hearings are scheduled for Friday, January 19<sup>th</sup> beginning at 9am.

**PUBLIC LANDS & BUILDINGS COMMITTEE** – Mr. Frey had no report.

**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 did not submit a report.

**PLANNING COMMISSION** – Council member Schlessel did not submit a report.

**SOUTH EUCLID LYNDHURST BOARD OF EDUCATION** – A member from the Board of Education was not present to deliver a report.

There were no requests for additions to the Agenda.

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

Keith Baker, 5163 Edenhurst Road, submitted the following in writing prior to the Council meeting:

As a 19-year resident in Lyndhurst. I am deeply concerned that the quality of housing stock is deteriorating at entry-level price points. My wife and I live at 5163 Edenhurst; there are at least 6 dilapidated properties that are suffering from neglect on our street. Protecting property values is critical. To restore integrity in our housing stock's value, I believe it starts with controlling absentee landlords and better maintaining dilapidated properties at point-of-sale. My wife and I love Lyndhurst. I have a passion for keeping our community beautiful. In addition to my home, I have properly renovated and resold four properties in Lyndhurst. Not all investors share that passion, and sadly, many will cut as many corners as possible to keep their own costs down.

We all know the property values in Lyndhurst are lagging the broader market and do not reflect the great quality of life and value that Lyndhurst offers. Here are the trends I see and the proposed solutions to prevent our community from deteriorating.

Problem:

- A. Dilapidated homes not being repaired after sale.
- B. Lack of absentee, out-of-town landlord oversight.

Proposed solution:

1. Legislate Point-of-Sale inspection on homes for sale to ensure repairs are made on dilapidated properties.
2. Require potential buyers to fund an escrow account to cover the projected cost of repairs.
3. Require the City of Lyndhurst Building Department to approve the repairs after they have been made to ensure they were performed properly before releasing the escrow balance back to the buyer.
4. Tax out-of-town investors twice the rate of owner-occupied properties. This discourages out-of-town absentee landlords by driving up their costs. This also funds the additional staffing costs the city would need to implement the proposed point-of-sale program.
5. Offer one year tax abatement to resident-occupied buyers who remain in the home for five years. If, after five years, they sell or are no longer owner-occupying the property, then that abated tax would need to be repaid. This encourages owner-occupied buyers.

Example: 5108 Edenhurst Rd sold for \$127,500 to an investor on 10/30/23. That investor has since listed the property for rent. The for-rent ad on Zillow clearly shows this investor has not made much-needed improvements to this property. Notice the filthy carpet, the mold on the front of the house and garage, the unraked leaves, the mold in the shower glass block, the outdated drafty windows.... Would you place a loved one in that place to live?

Conclusion: Implementing all five of the proposed solutions would be ideal to protect property values and ensure the quality of our housing stock. Strengthening policies is the first step.

Mayor Ward responded that Mr. Baker's concerns are taken very seriously, and the Building Department acted quickly to find out the property manager of the above property is a Lyndhurst resident. He also noted the pictures posted online are not up to date with the renovations that have been done.

Mr. Baker, who was present, thanked Mayor Ward and Council for listening to his concerns and suggestions. He also acknowledged that in his experience, the city has always been responsive; however, his biggest concerns are with regard to out of town investors and the problems for the community.

Mayor Ward remarked that he appreciates communication from residents, especially regarding concerns because he and other city officials cannot be on every street. He briefly spoke about the nuisance abatement program and the actions that can be taken to uphold the living standards in Lyndhurst.

Mr. Baker commented that he thinks Council has the power to take a proactive stance to further strengthen the building department, and remarked how the building department has been a great resource during his own projects. Mr. Baker also brought up the idea of a point-of-sale inspection, or city managed escrow account.

Mr. Frey asked for further discussion on point-of-sale, in which Mayor Ward spoke about the impact to the community. He noted that point-of-sale does not apply to rentals so if the property is not sold then the deficiencies do not need to be corrected. Mayor Ward added how the title agencies do contact the city asking about any open violations prior to transfer; however, this only works if the city is aware. He thanked Mr. Baker for taking the time to attend the meeting and share his concerns.

Karen Mekesa, 1548 Brainard, agreed with Mr. Baker and his concerns. She stated they moved to Lyndhurst in 1979 at which time the city was very particular about the building code and the property standards. She shared an experience from their first summer where they received a notice about the kick plate on their front door needing repair. While she understands there might not be enough help in the building department, Mrs. Mekesa said she appreciates having rules and regulations to keep up the neighborhood.

**ORDINANCE NO. 2024-01  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE RE-INSTATING A MORATORIUM ON GRANTING ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, 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. 2024-01 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2024-01 was highlighted by Ms. Miller, with section 8 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Price, that Ordinance No. 2024-01 be passed.

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

Motion carried.  
Ordinance No. 2024-01 is passed.

**RESOLUTION NO. 2024-02  
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND/OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE, OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF RECREATIONAL MARIJUANA TO ALLOW THE CITY ADMINISTRATION, COUNCIL, AND PLANNING COMMISSION AN OPPORTUNITY TO REVIEW APPLICABLE LAWS AND TO CONSIDER POSSIBLE AMENDMENTS TO THE LYNDHURST ZONING CODE, 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. 2024-02 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Resolution No. 2024-02 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. LoPresti, that Resolution No. 2024-02 be adopted.

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

Motion carried.  
Resolution No. 2024-02 is adopted.

**RESOLUTION NO. 2024-03  
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION RATIFYING AND ADOPTING THE COLLECTIVE BARGAINING AGREEMENTS NEGOTIATED BETWEEN THE CITY OF LYNDHURST, OHIO, AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (PATROL OFFICERS), AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (SERGEANTS/LIEUTENANTS), AND RATIFYING AND APPROVING THE EXECUTION OF SAID AGREEMENTS BY THE MAYOR EFFECTIVE JANUARY 1, 2024, IN ACCORDANCE WITH THE AGREEMENTS, 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. 2024-03 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Resolution No. 2024-03 was highlighted by Ms. Miller, with section 5 being read in its entirety.

It was moved by Mr. LoPresti, seconded by Mr. Frey, that Resolution No. 2024-03 be adopted.

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

Motion carried.  
Resolution No. 2024-03 is adopted.

**ORDINANCE NO. 2024-04  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING ORDINANCE NO. 2022-73 WHICH ESTABLISHED THE SALARY, COMPENSATION, AND HOURLY RATES OF PAY FOR BARGAINING EMPLOYEES IN THE VARIOUS OFFICES AND DEPARTMENTS, AND WHICH CONFIRMED LONGEVITY COMPENSATION, VACATIONS, HOLIDAYS, AND OTHER BENEFITS, IN THE CITY OF LYNDHURST, OHIO, REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 2022-73 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. 2024-04 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2024-04 was highlighted by Ms. Miller, with section 16 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Ordinance No. 2024-04 be passed.

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

Motion carried.  
Ordinance No. 2024-04 is passed.

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

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

The meeting adjourned at 8:15 P.M.

Approved: February 5, 2024

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Vice Mayor