

Lyndhurst, Ohio
November 6, 2023

The Council of The City of Lyndhurst held its Regular Meeting on Monday, November 6, 2023 at 7:38 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. Price, seconded by Mr. Gambatese, that the reading of the minutes of the Special Meeting of Council held Monday, October 23, 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 with Mr. Marko abstaining.

It was moved by Mr. Price, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, October 23, 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 with Mr. Marko abstaining.

MAYOR'S REPORT – Mayor Ward aired that the next issue of Lyndhurst Life Magazine will be in mailboxes mid-November.

FINANCE COMMITTEE – Chairperson Grushetsky did not have a report.

PUBLIC LANDS & BUILDINGS COMMITTEE – Mr. Frey had no formal report; however, he noted the committee will be meeting on November 20th prior to the Council meeting to discuss the 2024 capital requests.

ROADS & UTILITIES COMMITTEE – Chairperson Price had no report.

SERVICE & SEWERS COMMITTEE – Chairperson Price had no report.

SAFETY COMMITTEE – Chairperson Gambatese reported that the committee met at 6:45pm to discuss the 2024 capital requests. The minutes will be forthcoming.

LEGISLATIVE COMMITTEE – Chairperson Schlessel had no report.

PLANNING COMMISSION – Council member Schlessel had nothing to report.

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

There were no requests for additions to the Agenda.

The floor was opened for public comment, with none being heard.

**ORDINANCE NO. 2023-86
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH JOHN P. LUSKIN TO PROVIDE LEGAL SERVICES FROM JANUARY 1, 2024, THROUGH DECEMBER 31, 2024, 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. 2023-86 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. 2023-86 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. 2023-86 be passed.

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

Motion carried.
Ordinance No. 2023-86 is passed.

**ORDINANCE NO. 2023-87
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH HENDERSON, SCHMIDLIN & MCGARRY CO., L.P.A. TO
PROVIDE LEGAL SERVICES FROM JANUARY 1, 2024, THROUGH DECEMBER 31,
2024, 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. 2023-87 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. 2023-87 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. 2023-87 be passed.

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

Motion carried.
Ordinance No. 2023-87 is passed.

**ORDINANCE NO. 2023-88
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE DETERMINING TO RESCHEDULE THE REGULAR
MEETINGS OF COUNCIL IN JANUARY 2024**

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. 2023-88 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. 2023-88 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. 2023-88 be passed.

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

Motion carried.
Ordinance No. 2023-88 is passed.

**RESOLUTION NO. 2023-89
INTRODUCED BY: ADMINISTRATION**

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

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. 2023-89 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. 2023-89 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Resolution No. 2023-89 be adopted.

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

Motion carried.
Resolution No. 2023-89 is adopted.

**ORDINANCE NO. 2023-90
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 792 OF THE CODIFIED
ORDINANCES OF THE CITY OF LYNDHURST REGARDING MUNICIPAL INCOME
TAX, 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. 2023-90 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. 2023-90 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Ordinance No. 2023-90 be passed.

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

Motion carried.
Ordinance No. 2023-90 is passed.

**ORDINANCE NO. 2023-91
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING THE CREATION OF THE AMERICAN
RESCUE STATE FUND NO. 275, 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. 2023-91 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. 2023-91 was highlighted by Ms. Miller, with section 3 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Ordinance No. 2023-91 be passed.

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

Motion carried.
Ordinance No. 2023-91 is passed.

**ORDINANCE NO. 2023-92
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES
AND OTHER EXPENDITURES OF THE CITY OF LYNDBURST FOR THE PERIOD
ENDING DECEMBER 31, 2023 REPEALING ORDINANCE NO. 2023-81, 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. 2023-92 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. 2023-92 was highlighted by Ms. Miller, with section 11 being read in its entirety.

It was moved by Mr. Gambatese, seconded by Mr. Price, that Ordinance No. 2023-92 be passed.

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

Motion carried.
Ordinance No. 2023-92 is passed.

**ORDINANCE NO. 2023-93
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH JADCO CONSTRUCTION SERVICES, INC. FOR THE ACACIA LAKE DAM OUTLET REHABILITATION, AUTHORIZING THE CLOSEOUT OF SAID CONTRACT, 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. 2023-93 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. 2023-93 was highlighted by Ms. Miller, with section 6 being read in its entirety.

It was moved by Mr. Marko, seconded by Mr. Schlessel, that Ordinance No. 2023-93 be passed.

Prior to the vote, Mr. Marko noted that the City Engineer has requested an additional \$5,500.00 for the Construction Administration portion of the project to pay for the engineering services during construction performed by Chagrin Valley Engineering.

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

Motion carried.
Ordinance No. 2023-93 is passed.

**ORDINANCE NO. 2023-94
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AMENDING ORDINANCE NO. 2023-01 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. 2023-01 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. 2023-94 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. 2023-94 was highlighted by Ms. Miller, with section 14 being read in its entirety.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Ordinance No. 2023-94 be passed.

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

Motion carried.
Ordinance No. 2023-94 is passed.

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

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

The meeting adjourned at 7:54 P.M.

Approved: November 20, 2023

Attest: _____
Clerk of Council

Vice Mayor