

Lyndhurst, Ohio
August 7, 2023

The Council of The City of Lyndhurst held its Regular Meeting on Monday, August 7, 2023 at 7:36 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.

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: Council Representative C. A. LoPresti;
M. A. Kovalchik, Director of Finance.

It was moved by Mr. Price, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, July 10, 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 spoke about the National Night Out event held on Tuesday, August 1st in Lyndhurst Park. He commented on how many law enforcement and partner organizations were in attendance. Rick Smith Jr. provided a magic show including breaking a Guinness world record of throwing a playing card over 74 inches. Mayor Ward aired 768 hot dogs were cooked along with 16 pounds of popcorn. He expressed how wonderful it is to have the community out in the park having a great time! He thanked all the departments for their participation.

Mayor Ward aired the last Concert in the Park is Wednesday, August 16th with the band Blue Evolution. He also mentioned the next issue of the Lyndhurst Life Magazine will be in mailboxes next week. Lastly, Mayor Ward commented on the city vehicles that were at the Meet the Machines event on Sunday at Legacy Village.

FINANCE COMMITTEE – Chairperson Grushetsky had no report.

PUBLIC LANDS & BUILDINGS COMMITTEE – Mr. Frey had no formal report; however, he aired that he has been to the pool four times this season, and everything appears to be running smoothly. He noted attendance seems to be down, even on hot days. Mr. Frey stated he received a comment about the camps being at the Brainard Spray Park.

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 reported the committee met this evening to discuss Ordinance 2023-53 regarding texting and driving, which is on the Agenda for consideration. He stated that the committee recommends it be placed on first reading.

PLANNING COMMISSION – Council member Schlessel had no report; however, Mr. Marko reported the commission met and discussed a plan for improvements for East Coast Custard. He stated the plan was tabled to consider alternative options. Mr. Marko noted Ordinance 2023-58 regarding fences was also discussed during that meeting and can be passed as proposed.

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

SPECIAL PRESENTATION – PROPERTY OF DISTINCTION AWARD – Mayor Ward announced the recipients of the Property of Distinction Awards:

- 5272 Case Avenue – Jeanne Mirtel
- 1604 Biltmore Road – Jack Makee & Jessica Stefancin
- 5411 Harleston Road – James Malone
- 1430 Clearview Road – James & Sherri Charnock

There were no requests for additions to the Agenda.

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

Elyzabeth De Giovanni, 5169 Thornbury Blvd, asked for an update regarding the former TRW / Cleveland Clinic property.

Mayor Ward responded there is a permit in for the demolition of the building, which was reviewed by the City Engineer and sent back as the plan was deficient. He commented that it's known their plan is to tear the building down; however, beyond that is unknown.

ORDINANCE NO. 2023-52
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE PARTIALLY SUSPENDING THE RULES AND REGULATIONS REGARDING THE SALE, POSSESSION, AND CONSUMPTION OF BEER AND WINE AT THE LYNDHURST PARK DURING LYNDHURST HOME DAY FOR 2023, 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. 2023-52 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. 2023-52 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. 2023-52 be passed.

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

Motion carried.
Ordinance No. 2023-48 is passed.

ORDINANCE NO. 2023-53
INTRODUCED BY: ADMINISTRATION

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. Schlessel, seconded by Mr. Frey, that Ordinance No. 2023-53 be placed on first reading.

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

Motion carried.
Ordinance No. 2023-53 is placed on first reading.

ORDINANCE NO. 2023-54
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE TO PROVIDE FOR THE ASSESSMENT AND MAINTENANCE CHARGE OF THE COST AND EXPENSE OF LIGHTING CERTAIN STREETS, PUBLIC ROADS AND PARTS THEREOF, IN THE CITY OF LYNDBURST FOR THE TAX YEARS 2023, 2024 AND 2025, 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. 2023-54 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. 2023-54 was highlighted by Ms. Miller, with section 10 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2023-54 be passed.

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

Motion carried.
Ordinance No. 2023-54 is passed.

ORDINANCE NO. 2023-55
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTIONS 925.01 AND 925.02 OF
CHAPTER 925 OF THE CODIFIED ORDINANCES TO ESTABLISH A RATE AND
CHARGE OF RENTS TO BE PAID FOR THE USE OF THE SYSTEM OF
SEWERAGE IN THE CITY OF LYNDHURST FOR TAX YEARS 2023, 2024 AND
2025, 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. 2023-55 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. 2023-55 was highlighted by Ms. Miller, with section 5 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Price, that Ordinance No. 2023-55 be passed.

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

Motion carried.
Ordinance No. 2023-55 is passed.

**ORDINANCE NO. 2023-56
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE DECLARING THE NECESSITY OF CONTROLLING THE BLIGHT AND DISEASE OF SHADE TREES WITHIN PUBLIC RIGHTS-OF-WAY AND ON PUBLIC PROPERTY AND PROVIDING FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS OF THE CITY OF LYNDHURST; ESTABLISHING A SINGLE DISTRICT FOR THAT PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.011 OF THE OHIO REVISED CODE; PROVIDING FOR THE ASSESSMENT OF THE COST OF THOSE SERVICES, 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. 2023-56 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. 2023-56 was highlighted by Ms. Miller, with section 11 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2023-56 be passed.

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

Motion carried.
Ordinance No. 2023-56 is passed.

**ORDINANCE NO. 2023-57
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. Frey, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended, that Ordinance No. 2023-57 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. 2023-57 was highlighted by Ms. Miller, with section 5 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Gambatese, that Ordinance No. 2023-57 be passed.

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

Motion carried.
Ordinance No. 2023-57 is passed.

**ORDINANCE NO. 2023-58
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 1329 OF THE CODIFIED
ORDINANCES OF THE CITY ENTITLED "FENCES"**

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. 2023-58 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.

Mr. Frey requested clarification regarding the solid 5 foot fence versus the 6 foot fence with lattice.

Mayor Ward responded that the one foot lattice style top would satisfy the 50 percent open requirement.

Ordinance No. 2023-58 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. 2023-58 be passed.

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

Motion carried.
Ordinance No. 2023-58 is passed.

**ORDINANCE NO. 2023-59
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH
PRECISION CONCRETE CUTTING, INC. FOR THE 2023 SIDEWALK
PROGRAM – CONTRACT B SLAB SAWING, AUTHORIZING THE CLOSEOUT
OF SAID CONTRACT, 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. 2023-59 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. 2023-59 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. 2023-59 be passed.

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

Motion carried.
Ordinance No. 2023-59 is passed.

ORDINANCE NO. 2023-60
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LYNDHURST FOR THE PERIOD ENDING DECEMBER 31, 2023 REPEALING ORDINANCE NO. 2023-50, 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. 2023-60 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. 2023-60 was highlighted by Ms. Miller, with section 11 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Ordinance No. 2023-60 be passed.

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

Motion carried.
Ordinance No. 2023-60 is passed.

**ORDINANCE NO. 2023-61
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH T.C. CONSTRUCTION COMPANY, INC. FOR THE 2023 CONCRETE PROGRAM, 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. 2023-61 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. 2023-61 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. 2023-61 be passed.

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

Motion carried.
Ordinance No. 2023-61 is passed.

**ORDINANCE NO. 2023-62
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING THE CREATION OF THE MUNICIPAL COURT TRAFFIC CAMERA FUND NO. 261, 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. 2023-62 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. 2023-62 was highlighted by Ms. Miller, with section 3 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2023-62 be passed.

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

Motion carried.
Ordinance No. 2023-62 is passed.

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

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

The meeting adjourned at 8:08 P.M.

Approved: September 5, 2023

Attest: _____
Clerk of Council

Vice Mayor