

Lyndhurst, Ohio  
September 15, 2014

The Council of the City of Lyndhurst held its Regular Meeting on Tuesday, September 15, 2014 at 8:02 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives J. A. Gambatese, C. A. LoPresti, P. A. Ward, J. Price, D. A. Frey.

Others Present: P. T. Murphy, Director of Law;  
R. F. Porrello, Chief of Police;  
M. A. Kovalchik, Director of Finance.  
F. E. Glady III, Director of Service.  
L. M. Puskas, Building Inspector;  
M. J. Carroll, Chief of Fire;  
M. A. Franco, Assistant Clerk of Council.

Absent: Council Representative L. A. Schlessel;  
J. M. Cicero, Jr., Mayor.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that the reading of the minutes of the Regular Meeting of Council held Monday, Tuesday, September 2, 2014, copies of which were mailed 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. Ward, seconded by Mr. Gambatese, that the reading of the minutes of the Special Meeting of Council held Tuesday, September 2, 2014, copies of which were mailed 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 Cicero was absent; therefore, he had no report.

**FINANCE COMMITTEE** – Chairman Ward had no report.

**PUBLIC LANDS AND BUILDINGS COMMITTEE** – Chairman Schlessel was absent; therefore, he had no report.

**ROADS AND UTILITIES COMMITTEE** – Chairman Price had no report.

**SERVICE AND SEWERS COMMITTEE** – Chairman Gambatese had no report.

**SAFETY COMMITTEE** – Chairman LoPresti had no report.

**LEGISLATIVE COMMITTEE** – Chairman Ward stated he distributed the following minutes to all members of Council:

The Legislative Committee met Tuesday, September 2, 2014 at 6:60 pm. Present were Committee members Price, Schlessel and Ward. Also present were Council members Frey, Gambatese, LoPresti and Marko, Mayor Cicero, Finance Director Kovalchik, Law Director Murphy and Chiefs Carroll and Porrello. The purpose of the meeting was to discuss the issues of Commercial Vehicle Parking, the City's assessment for street lighting and sewers as well as Group Homes/Community Homes/HUD Homes.

Mr. Ward opened the meeting with an outline as to why Council had instituted a moratorium on enforcement of the City's Commercial Parking regulations. The Board of Zoning Appeals, seeing an influx in requests to review Commercial Vehicle parking situations they felt it prudent the City look at the regulations to see if they should be relaxed or modified. Chairman Ward indicated it was his feeling the regulations are clear and having any case reviewed carefully by the Board and by Council as to the specific conditions that exist for each circumstance has served the City well. Mr. Schlessel and Mr. Price concurred. A motion was mad by Mr. Schlessel, seconded by Mr. Price to recommend Council not change the Ordinances with regard to Commercial Vehicle Parking in the residential districts. The question passed unanimously. Mr. Frey suggested, since there would be no change, Council request the Administration lift the moratorium on enforcement of the City's regulations in this regard.

The Committee then reviewed the assessments, as is done every three years, as the health of the funds are tested against the cost of providing street lighting in the City and the sewer projects in the City that the City Engineer has on the plan for completion. The rates of assessment have been raised or lowered to meet the projected need. The Finance Director has recommended there be no change in the rate of sewer assessment and only modest changes to the rates assessed for street lighting. These suggestions are in the Legislation on Council's Agenda. It was moved by Mr. Schlessel, seconded by Mr. Price, that the Committee recommend Council adopt the rates as the Finance Director has proposed. The motion passed unanimously.

The Committee then introduced the conversation on Group Homes, which also fall under the category of "Community Homes" as well as "HUD Homes". An issue had come to the attention of Council at the last meeting with regard to problems with a resident of a home on Haverston. Mr. Murphy has been asked to investigate what options there are for the City to protect its residents and neighborhoods from becoming overrun with unsupervised/under-supervised individuals living in communal facilities in the City. Assuring the City knows that there is a responsible person attached to each one of these facilities – no matter its designation – is important. Mr. Murphy explained that there are voluminous and complex regulations attached to (what we now know is) the variety of homes that can be operated under state and federal law. Mr. Murphy will have the necessary research done to prepare for a meeting to be held, hopefully, on October 6<sup>th</sup> when he will be able to report back to the Committee what the City can do to protect its residents.

With no further business to discuss a motion was made by Mr. Price, seconded by Mr. Schlessel, that the meeting be adjourned. All members voting yes the meeting adjourned at 7:10 pm.

Mr. Ward stated there will be a Legislative Meeting prior to the next Council Meeting.

**PLANNING COMMISSION** – Mr. Frey had no report.

**SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION** – Stefanie Rhine explained the school districts report card. Ms. Rhine said though the report card was poor, there are many academic improvements. Ms. Rhine encouraged everyone to look further into the report card rating system. Ms. Rhine stated that the district is continually striving to become a Destination School Community.

Ms. Rhine invited everyone to attend the State of the Schools Address October 8<sup>th</sup>, 6:30 until 8:00.

Ms. Rhine stated this weekend is Homecoming, come out and cheer on the Arcs.

The meeting was opened to public comment.

Marlene Harmon, 1687 Lyndhurst Rd., submitted the following email into the record:

Dear Councilman, I am very upset that nothing has been done to remove the dangerous branches that are hanging in the oak trees (on the tree lawns) as a result of the early summer storm which did so much damage to the trees on Lyndhurst Road. I have e-mailed you once and spoken with you during the levy campaigning about this concern. The service director says they are so far behind. I see trees being trimmed whose branches are not dead and pose no threat to persons or vehicles. Soon the leaves will be falling making it more difficult to see the dead branches. I do not understand the lack of action to address this safety issue. You offered to survey the street with me. At the time I said no because I thought the issue would be addressed. I will walk the street with you if your offer still stands. Actually walking is much better because many of the branches are not visible just driving down the street. I have just come in from surveying the trees and recording address of trees lawns with trees that have potentially dangerous branches. There are 35!!! As you can see from the attached photos, they fall on wires, hang over the street, and fall on walks and have fallen in the street and residents' yards. Some branches may not seem so large but when they are falling from 15-30 feet or more, their caused damage is magnified. The residents were told how much city government is concerned with their safety when campaigning for the levy. This inaction shows otherwise.

Mr. Ward informed Ms. Harmon that our Service Department Crews are out every day and told her she should not operate under the assumption that nothing is being done.

Mr. Glady told Ms. Harmon his crews were working on her street today, and it would be helpful if she would submit addresses of the dangerous branches.

George DiSanto, 1960 Caronia, asked what the City will be paying for rock salt this winter.

Mr. Glady informed Mr. DiSanto the City will be paying \$52.00 a ton.

Mr. DiSanto complimented Mr. Glady and his department for their prompt clean up after the storms.

Mr. Ward said Council Coffee will be held September 20<sup>th</sup> 9:00AM until 12:00PM and the Community Shredding Day will be held September 27<sup>th</sup> 11:30AM until 3:30PM.

Mr. Marko thanked all Departments for their attendance at Homedays.

**ORDINANCE NO: 2014-63**  
**INTRODUCED BY: ADMIN**

**AN ORDINANCE DETERMINING THE PORTIONS OF THE  
SANITARY SEWER ASSESSMENT TO BE ALLOCATED TO EACH SEWER  
FUND FOR THE TAX YEAR 2014, IN ACCORDANCE WITH SECTION  
925.02(b) OF THE CODIFIED ORDINANCES**

It was moved by Mr. Ward, seconded by Mr. Frey, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2014-63 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.  
Rules Suspended.

Ordinance No. 2014-63 was highlighted by Mrs. Franco, with Section 3 being read in its entirety.

It was moved by Mr. Ward, seconded by Mr. LoPresti, that Ordinance No. 2014-63 be passed.

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

Motion carried.  
Ordinance No. 2014-63 is passed

**Board of Zoning Appeals Recommendations:**

Recommendation made to Council to confirm the decision of the Board in Case No. 2014-06 to **grant** the request of Kevin Cieszykowski on behalf of Ken and Connie Meyer of 5196 Chickadee Lane, for a variance from the provisions of Chapter 1160.05 of the Planning and Zoning Code. The applicant requests a seventeen (17) foot rear yard variance to allow the erection of an addition.

The findings in Case No. 2014-06 as recorded in the minutes of the meeting of the Board of Zoning Appeals held September 8, 2014 were read by Mrs. Franco.

It was moved by Mr. Ward, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2014-06.

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

Motion carried.

Correspondence from the Ohio Division of Liquor Control Economic Development (TRES) Transfer Form for Mingucci, Inc. 5288 Mayfield Road.

It was moved by Mr. Ward, seconded by Mr. Gambatese, the TRES Form be accepted and signed as providing for Economic Development within the City.

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

Motion carried.

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

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

Approved: October 6, 2014

Meeting adjourned at 8:29 P.M.

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

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