City of Lyndhurst, Ohio City Council

Agendas & Minutes

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February 4, 2013: City Council
AGENDA:

REGULAR MEETING of the Council of the City of Lyndhurst, Monday, February 4, 2013, at 8:00 P.M., Vice Mayor Patrick A. Ward, presiding.

Members Present:
Council Representatives: J. A. Gambatese, C. A. LoPresti, J. A. Marko, K. C. Packard, L. A. Schlessel, D. A. Frey.

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

COUNCIL:

Minutes:

Approve Minutes of the Regular Meeting of Council held Monday, January 21, 2013.

Approve Minutes of the Special Meeting of Council held Monday, January 21, 2013.

Committee Reports:

MAYOR'S REPORT - MAYOR CICERO

FINANCE COMMITTEE - WARD

PUBLIC LANDS & BUILDINGS COMMITTEE - MARKO

ROADS & UTILITIES COMMITTEE - PACKARD

SERVICE & SEWERS COMMITTEE - PACKARD

SAFETY COMMITTEE - LoPRESTI

LEGISLATIVE COMMITTEE - FREY

PLANNING COMMISSION - SCHLESSEL

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION (First meeting of the month)

Requests for additions to the Agenda:

Public Comment:

ORDINANCE NO. 2013-5
INTRODUCED BY: ADMIN

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH UTILICON CORPORATION FOR THE 2012 SEWER REPAIR RESURFACING PROGRAM AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2013-6
INTRODUCED BY: ADMIN

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE, EXECUTE AND SUBMIT AN APPLICATION FOR SAFE ROUTES TO SCHOOLS PROJECT FUNDS, TO ACCEPT SAID FUNDS IF AWARDED, AND TO MAINTAIN THE PROJECT WHEN COMPLETED, AND DECLARING A SAFETY EMERGENCY IN ORDER TO MEET THE GRANT APPLICATION DEADLINE.

TABLED ITEMS:

ORDINANCE NO. 2012-24
INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING CHAPTER 755 OF THE CODIFIED ORDINANCES OF THE CITY ENTITLED "PEDDLERS AND SOLICITORS" BY AMENDING SECTION 755.01 REGARDING DEFINITIONS.

ORDINANCE NO. 2012-25
INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING CHAPTER 755.07 OF THE CODIFIED ORDINANCES OF THE CITY ENTITLED "PEDDLERS AND SOLICITORS" BY AMENDING SECTION 755.07 REGARDING HOURS FOR PEDDLING, SOLICITING AND CANVASSING.

ORDINANCE NO. 2012-26
INTRODUCED BY: ADMIN

AN ORDINANCE AMENDING CHAPTER 755.08 OF THE CODIFIED ORDINANCES OF THE CITY ENTITLED "PEDDLERS AND SOLICITORS" BY AMENDING SECTION 755.08 REGARDING PROHIBITED PLACES.

February 4, 2013: City Council
MINUTES:

The Council of the City of Lyndhurst met in Regular Session on Monday, February 4, 2013 at 8:02 P.M., Vice Mayor Patrick A. Ward, presiding.

Members Present:
Council Representatives: J. A. Gambatese, C. A. LoPresti, J. A. Marko, K. C. Packard, L. A. Schlessel, D. A. Frey.

Others Present: J. M. Cicero, Jr., Mayor; P. T. Murphy, Director of Law; R. F. Porrello, Chief of Police; 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: M. A. Kovalchik, Director of Finance; T. P. Kunz, Building Commissioner.

It was moved by Mr. Frey, seconded by Mr. Schlessel, that the reading of the minutes of the Regular Meeting of Council held Monday, January 21, 2013, 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. Marko, seconded by Mr. Packard, that the reading of the minutes of the Special Meeting of Council held Monday, January 21, 2013, 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 had no report.

FINANCE COMMITTEE - Chairman Ward had no report; however, he stated there will be a Finance Committee Meeting the last week of the month, date to be determined.

PUBLIC LANDS AND BUILDINGS COMMITTEE - Chairman Marko read his minutes into the record:

"The Public Lands & Buildings Committee met on Monday, January 28, 2013 in the conference room at Lyndhurst Municipal Center. Present at the meeting were members of the committee Councilmen Marko, Packard and Frey (arrive 7:00 pm). Also present other members of council, Finance Director Mary Kovalchik. The purpose of the meeting was to discuss Capital expenditures for 2013.

"The meeting was called to order at 6:30PM with the first area of discussion being the with the City's public lands and buildings department, followed by Finance, Building, Community Center, Technology and the Lyndhurst Municipal Courts requests.

Public Lands & Buildings:
"It was moved by Mr. Packard and second by Mr. Marko that the following items be approved pending the availability of funds. The motion was put to a vote and passed unanimously.

1.	Replace Stone- front of city hall fire station	$100,000

2.	Annual roof maintenance (flat roof N. service garage)	$ 15,000
3.	Prepare plans and specs for replacement generator.	$4,000
5.	Paint and ceiling tile replacement - various	$5,000
Total Approved		$128,000

The following items were put on hold for additional feedback:

6.	Upgrade various areas in energy efficient lamps	$13,903
7.	Controller replacement for AHU.	$11,841
8.	Remodel Mayors Conference room	$43,016

Finance:
"It was moved by Mr. Packard and second by Mr. Marko that the following items be approved pending the availability of funds. The motion was put to a vote and passed unanimously.

1.	Identiphoto System (across all departments)	$2,755
2.	Records Storage (mandated ORC) continuous	$3,500
3.	Storage, server & Finance Offices	$2,500
Grand total Finance Department		$8,755

Technology:
"It was moved by Mr. Packard and second by Mr. Marko that the following items be approved pending the availability of funds. The motion was put to a vote and passed unanimously.

1.	Replace 6 computers	$9,150
2.	Sentry file server & labor	$1,500
3.	SQL server & labor	$6,300
4.	Web content filter	$7,000
5.	Upgrades to super server	$1,000
Total		$24,950

Community Center:
"The following items were put on hold for additional feedback:

1.	Relamp entire building	$3,500
2.	Replace (6-10) office chairs	$1,300
3.	Replace (4-6) hand dryers	$3,000
Total		$7,800

Lyndhurst Municipal Court:
"It was moved by Mr. Marko and second by Mr. Packard that the following court items be approved pending the availability of funds with either the Court special projects fund or the court computer fund fully funding each request. There would be no shared cost with the City. The motion was put to vote and passed unanimously.

1.	New Court facility	
2.	Court Annex restroom renovation No shared cost w/city Court Spec Projects	$30,000
3.	Clerk's Office Renovation Court Spec Projects/Computer fund 50/50	$75,000
4.	Kitchen and Bathroom sink No shared cost w/city Court Spec Projects	$5,000
5.	New Window in Closet for Civil Division No shared cost w/city Court Spec Projects	$20,000
6.	Digital Recording Equipment Court Computer Fund	$25,000
7.	Audio/ Speaker System at Front Window Court Computer Fund	$5,000
8.	Website Enhancement Court Computer Fund	$25,000
9.	Imaging Software and Components Court Computer Fund	$35,000
Grand Total Court		$220,000

Note:
"All of the funding for the court projects will be funded by the Court Special Projects Fund and/or the Court Computer Fund. These funds are funded by an assessment on each case that is adjudicated by the court."

ROADS AND UTILITIES COMMITTEE

SERVICE AND SEWERS COMMITTEE - Chairman Packard read his minutes into the record:

"**Committee Members Present:** Keith C. Packard, Chair; David Frey; Chuck LoPresti; Joe Marko; Lane Schlessel; Patrick Ward
Committee Members Absent: Joseph Gambatese
Additional Attendees: Rick Glady, Service Director; Jeff Filarski, City Engineer; Mary Kovalchik, Finance Director, 2 Lyndhurst Residents.

"On Monday, January 28, 2013, a joint meeting of the Roads & Utilities Committee and the Service & Sewers Committee was held in the Mayor's Conference Room. Chairman Packard opened the **Roads & Utilities Committee** at 7:16pm following the Public Lands & Buildings Meeting. The floor was turned over to City Engineer, Jeff Filarski. Mr. Filarski circulated a two-page report showing the last 12 years of program costs for the City's road program. On

average, the City has spent just over $1.05 million annually since 2001 on asphalt and concrete work throughout the City. Some discussion was held regarding the differences in cost between asphalt and concrete. Mr. Filarski pointed out that the concrete cost per square yard has remained fairly stable over the last 12 years as the asphalt costs have fluctuated due to oil prices. It was noted by Mr. Ward that it's instrumental for Council to approve these projects early in the year to receive more competitive bids, which can save the City money.

"The next handout from the City Engineer was the suggested road program for 2013. Completing every item listed on the suggested program would cost over $3 million. Staying on plan with a more focused, and phased approach, Mr. Filarski suggested a subset of projects which showed projected costs of just over $1.3 million. Discussion began regarding the Professor Road project this year in conjunction with the City of South Euclid as well as other discussions regarding specific individual projects. Seeing no more discussion, it was motioned by Mr. Frey to approve the 2013 Lyndhurst Road Program's Suggested Program showing a projected cost of $1,350,000 pending the availability of funds. The motion was seconded by Mr. Schlessel.

Yeas: David Frey, Lane Schlessel, Keith C. Packard.
Nays: None.

Motion Passed.
Motion to adjourn Roads & Utilities Committee Meeting (David Frey)

Seconded by Lane Schlessel
Approved Unanimously (7:33pm)

"Chairman Packard opened the **Service & Sewers Committee** at 7:33pm. Again, the floor was turned over to the City Engineer, Jeff Filarski. Another handout was circulated to the Committee showing the Five Year Capital Improvement Program for Lyndhurst. As discussion began regarding storm sewers, sanitary sewers and the miscellaneous projects, Mr. Marko asked when the Brainard Road Pump Station would be completed. It was explained by Mr. Glady and Mr. Filarski that there were project delays, including super storm Sandy and most recently, the weather and that it should be completed very soon.

"According to the five year capital improvement program, it was recommended that $145,000 be appropriated for storm sewer projects, $910,000 for sanitary sewer projects (which it was noted that the 2012 cost was $851,000). Miscellaneous projects (including Ditch & Creek Maintenance, Emergency Repairs & Equipment Rentals, Sidewalk Program and other projects) totaled $208,000 for a grand total of $1,263,000. It was then brought up by Mr. Filarski that the item noted as Brainard Rd/Cedar Rd Intersection Traffic Signal Improvement (showing $10,000) is a joint project with Pepper Pike to enhance the Brainard/Cedar Road intersection. Mr. Filarski stated that Pepper Pike would burden more than half of this project's cost and that the $10,000 was our total financial responsibility. This led to discussion on potential future projects involving the Brainard Road overpass on I-271, the intersection of Cedar and Brainard Roads as well as other potential projects involving the interchange of I-271 and Cedar/Brainard Roads (all of which are NOT included in the 2013 road program). It was motioned by Chairman Packard that $1,263,000 be allocated for the Sewer & Service Department for storm and sanitary sewer projects and miscellaneous

service projects pending the availability of funds. The motion was seconded by Mr. Ward.

Yeas: Chuck LoPresti, Patrick Ward, Keith C. Packard
Nays: None

Motion Passed

"At this point, the floor was turned over to Mr. Glady to discuss capital requests for our Service Department equipment. Mr. Glady discussed each item requested, noting that each item requested for replacement, has already been in service longer than the originally planned lifecycle, including changing the 10-year lifecycles to 12-year lifecycles for some equipment. Mr. Glady also noted that some of the items on the request are purchased through the state bidding program which saves us money in the long run, even if it may delay the timeline to actually receiving the equipment. The total amount of the Capital Equipment Request for 2013 is $344,800. Other discussion took place regarding the road salt supply and storage. In previous years, the Service Department requested that $20,000 be appropriated to repair the salt bin door on the north side of the garage. Mr. Glady discussed how the timing regarding salt delivery was important and when the repairs could take place. Seeing no further discussions, it was motioned by Chairman Packard that the Service Department's Capital Equipment Request for 2013 for $344,800 be approved pending the availability of funds. The motion was seconded by Mr. Ward."

Yeas: Chuck LoPresti, Patrick Ward, Keith C. Packard
Nays: None

Motion Passed
Motion to adjourn Service & Sewers Committee Meeting (Patrick Ward)
Seconded by Chuck LoPresti
Approved Unanimously (8:15pm)."

SAFETY COMMITTEE - Chairman LoPresti stated that the Safety Committee met prior to the Council Meeting this evening and minutes will be forthcoming.

LEGISLATIVE COMMITTEE - Chairman Frey had no report.

PLANNING COMMISSION - Chairman Schlessel had no report.

SOUTH EUCLID-LYNDHURST BOARD OF EDUCATION - Cassandra Jones reported Greenview Upper Elementary Sixth Grader, Rasaun Calhoun II, was recently selected as the First Place finisher in the sixth grade essay competition, entitled the 2013 Dr. Martin Luther King, Jr. Art, Writing & Multimedia Contest. Ms. Jones said February is National Digital Learning month. The schools are working with partners to increase access and quality to understanding the digital learning processes. Ms. Jones stated that the State Governor met with superintendents and reassured them that the schools will not lose anything further. Ms. Jones said that several events are scheduled; they are prepping for after prom, graduation, Founders Day is the 21st, Sunview Carnival on the 9th and Brown and Gold will be held Saturday, March 16th. Ms. Jones stated that School Board Meetings will be held at 6:00pm this year.

The meeting was opened to public comment:

Richard Clark, 5347 Chickadee Lane, stated that he really enjoyed the lively discussion at the meeting January 7th. Mr. Clark said he researched performance audits and feels that the City should consider it.

Elizabeth DeGiovanni, 5169 Thornbury, inquired how Ordinances are created. Ms. DeGiovanni expressed her concern with retire rehire policies and would like an Ordinance that would not allow that practice.
Mr. Ward explained the City only rehires retired individuals when it is a benefit to the City.
Mr. Gambatese said years ago there was on Ordinance that did not allow rehire.
Mr. Murphy stated the Ordinance has since been repealed.

E. Dale Inkley, 5126 East Farnhurst, commented on thinking out of the box. Mr. Inkley said he fully supports the editorial that was in the newspaper. Mr. Inkley stated that he queried a past mayor regarding the one million six hundred thousand dollars ($1,600,000.00) that the City received, and asked the past mayor if this money shows up without warning; the past Mayor said indeed it does. Mr. Inkley would like to see a way to tax more retirees. He further stated that he feels there is nothing wrong with retire rehire "double dipping".

Mr. Gambatese stated a resident heard a noise from a neighbor's home and he called the Police, the home was being burglarized within moments police arrived. Mr. Gambatese would like to recognize the fact that our residents look out for each other.

Mr. Gambatese read the following comment into the record:

"I have passed out to my fellow councilman information that I have received from the Auditor of the State office regarding the Performance Audit.
"I have been in contact with Dave Yost the Auditor of the State and his office and they sent this information for your review.
"Performance audits are formally defined by the General Accepted Government Auditing Standards as providing objective analysis so that management and those governance and oversight can use the information to improve the programs performance and operations, reduce costs, facilitate decision making by parties with the responsibility to oversee or initiate corrective action, and contribute to the public accountability.
"In the information there are clear benefits to a performance audit.

- It would allow the city to have a document from an independent source verify that the city is running very efficient.
- It would outline areas that the city may improve.
- This would take the guess work out of he said or they said.

"I pressed the Auditor of the State on a specific percentage if they were not able to find a saving that the audit would be of no charge and the response from Dave Yost he stated "The guarantee is that if we don't find enough savings to pay for the audit, it's free. We won't include identified savings that are subject to collective bargaining; as such items may take more than a year to achieve.

"I would ask the Finance Chairman that once the budget process is complete and in the next few months to schedule a meeting with the Auditor of State or member of his team to come in and do a presentation on the pros and cons of a Performance Audit. I would also recommend this be held at a town hall meeting

so that the residents have an understanding of the impact of a Performance Audit."

Mr. Ward asked Mr. Gambatese to present Council with five or six performance audits that have been performed for Cities and Municipalities of like size and makeup that includes testimonials, what they paid, and what value they found for that cost. Mr. Ward asked that Mr. Gambatese also inquire what pedigree of people would be performing the audit.

ORDINANCE NO. 2013-5
INTRODUCED BY: ADMIN

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH UTILICON CORPORATION FOR THE 2012 SEWER REPAIR RESURFACING PROGRAM AND DECLARING AN EMERGENCY.

It was moved by Mr. Marko, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Ordinance No. 2013-5 be placed on third reading for final passage and that it be highlighted.

Roll Call:

Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.
Nays: None.

Motion carried.
Rules Suspended.

Ordinance No. 2013-5 was highlighted by Mrs. Franco, with Section 4 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. LoPresti, that Ordinance No. 2013-5 be passed.

Roll Call:

Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.
Nays: None.

Motion carried.
Ordinance No. 2013-5 is passed.

RESOLUTION NO. 2013-6
INTRODUCED BY: ADMIN

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE, EXECUTE AND SUBMIT AN APPLICATION FOR SAFE ROUTES TO SCHOOLS PROJECT FUNDS, TO ACCEPT SAID FUNDS IF AWARDED, AND TO MAINTAIN THE PROJECT WHEN COMPLETED, AND DECLARING A SAFETY EMERGENCY IN ORDER TO MEET THE GRANT APPLICATION DEADLINE.

It was moved by Mr. Marko, seconded by Mr. Schlessel, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that

Resolution No. 2013-6 be placed on third reading for final adoption and that it be highlighted.

Roll Call:

Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.
Nays: None.

Motion carried.
Rules Suspended.

Resolution No. 2013-6 was highlighted by Mrs. Franco, with Section 6 being read in its entirety.

It was moved by Mr. Schlessel, seconded by Mr. Frey, that Resolution No. 2013-6 be adopted.

Mr. Ward stated that the Mayor informed him that the City did receive the grant.

Roll Call:

Yeas: Marko, Packard, Gambatese, Schlessel, Frey, LoPresti, Ward.
Nays: None.

Motion carried.
Resolution No. 2013-6 is adopted.

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.

Meeting adjourned at 8:50 P.M.

Information provided by:
The City of Lyndhurst, Ohio @ www.lyndhurstohio.gov
on 2/28/2023