

Lyndhurst, Ohio
March 20, 2023

The Council of the City of Lyndhurst held its Regular Meeting on Monday, March 20, 2023 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;
C. Cianciolo, Police Executive Lieutenant;
M. J. Carroll, Chief of Fire;
T. Fioritto, Director of Service;
J. Maichle, Building Commissioner;
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. Mr. Schlessel was also present remotely due to travel obligations.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that the reading of the revised minutes of the Regular Meeting of Council held Monday, March 6, 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 Ward reported on the recent activities of the Tax Incentive Review Council (TIRC). He asked that Council approve adding Vice Mayor Grushetsky as a member.

It was moved by Mr. Price, seconded by Mr. Gambatese, that Vice Mayor Stephen Grushetsky be added as a member of the Tax Incentive Review Council (TIRC) along with resident members Allard Goldberg, Clarice White, and Kelly Miller.

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

MAYOR'S REPORT – Mayor Ward aired the new city website is live as of Friday, March 10th with positive feedback being received.

He announced the annual Bunny Breakfast is this coming Sunday, March 26th from 8am-12pm noon at the Community Center. This year the city is partnering with the 8th grade class at Corpus Christi Academy who are raising funds for their trip to Washington D.C.

FINANCE COMMITTEE – Chairperson Grushetsky had no report.

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 give a report.

PLANNING COMMISSION – Council member Schlessel did not give a report.

SOUTH EUCLID LYNDHURST BOARD OF EDUCATION – It was not the first meeting of the month; therefore, 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 the following being heard:

Larry Wallace, 4921 Fairlawn Road, spoke on behalf of his neighbors about the Board of Zoning Appeals case on the Agenda to allow a commercial vehicle to be stored in a residential neighborhood. He asked Council to consider not granting the requested variance.

ORDINANCE NO. 2023-16
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT AND THE CITY OF LYNDHURST FOR THE ACACIA LAKE DAM OUTLET REHABILITATION PROJECT

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. 2023-16 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-16 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. 2023-16 be passed.

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

Motion carried.
Ordinance No. 2023-16 is passed.

ORDINANCE NO. 2023-17
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE REPEALING SECTION 779 OF THE CODIFIED ORDINANCES OF THE CITY OF LYNDHURST TITLED “TATTOO AND BODY PIERCING BUSINESSES” AND ENACTING SECTION 1180 TITLED “TATTOO AND BODY PIERCING BUSINESSES”

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2023-17 be placed on first reading.

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

Motion carried.
Ordinance No. 2023-17 is placed on first reading.

ORDINANCE NO. 2023-18
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AMENDING SECTION 1351.09 OF THE CODIFIED ORDINANCES OF THE CITY TITLED “BUILDING PERMIT FEES” 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. 2023-18 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-18 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2023-18 be passed.

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

Motion carried.
Ordinance No. 2023-18 is passed.

**ORDINANCE NO. 2023-19
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING SECTION 1351.12 OF THE CODIFIED
ORDINANCES OF THE CITY TITLED “ELECTRICAL PERMIT FEES” 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. 2023-19 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-19 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2023-19 be passed.

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

Motion carried.
Ordinance No. 2023-19 is passed.

**RESOLUTION NO. 2023-20
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION ACCEPTING AND APPROVING THE FINDINGS AND
RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE
LYNDHURST TAX INCREMENT FINANCING AGREEMENT REGARDING THE
HOTEL AT LEGACY VILLAGE, 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 Resolution No. 2023-20 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2023-20 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Resolution No. 2023-20 be adopted.

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

Motion carried.
Resolution No. 2023-20 is adopted.

**RESOLUTION NO. 2023-21
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION ACCEPTING AND APPROVING THE FINDINGS AND RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE LYNDHURST TAX INCREMENT FINANCING AGREEMENT REGARDING THE AVENUE, 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 Resolution No. 2023-21 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2023-21 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Resolution No. 2023-21 be adopted.

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

Motion carried.
Resolution No. 2023-21 is adopted.

**ORDINANCE NO. 2023-22
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AMENDING SECTION 1351.13 OF THE CODIFIED ORDINANCES OF THE CITY TITLED "FEES FOR INSPECTION" 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. 2023-22 be placed on third reading for final passage and that it be highlighted.

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

Motion carried.
Rules Suspended.

Ordinance No. 2023-22 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2023-22 be passed.

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

Motion carried.
Ordinance No. 2023-22 is passed.

**RESOLUTION NO. 2023-23
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH A&S ANIMAL CONTROL, INC. TO PROVIDE FOR ANIMAL
CONTROL SERVICES IN THE CITY OF LYNDBURST, 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 Resolution No. 2023-23 be placed on third reading for final adoption and that it be highlighted.

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

Motion carried.
Rules Suspended.

Resolution No. 2023-23 was highlighted by Ms. Miller, with section 4 being read in its entirety.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Resolution No. 2023-23 be adopted.

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

Motion carried.
Resolution No. 2023-23 is adopted.

Confirm decision of the Board of Zoning Appeals:

Recommendation made to Council to confirm the decision of the Board in Case No. 2023-02 to grant requested variance, with conditions, to Christopher DiPalma of 4934 Fairlawn Road for a variance from the provisions of Chapter 1160.04 (a)(2) A & B of the Lyndhurst Planning and Zoning Code, to permit parking and/or storing of a commercial vehicle outside at any time in plain view.

The findings in Case No. 2023-02 as recorded in the minutes of the meeting of the Board of Zoning Appeals held March 13, 2023 were read by Mrs. Miller.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Council confirm the decision of the Board of Zoning Appeals in Case No. 2023-02 and grant the requested variance with conditions.

The question was put to a voice vote and passed with Council Members Marko, Price, Gambatese, Price in favor and Vice Mayor Grushetsky opposed.

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

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

Meeting adjourned at 7:50 P.M.

Approved: April 3, 2023

Attest: _____
Clerk of Council

Vice Mayor