

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, JANUARY 5, 2015**
4

5 The regular meeting of Council was called to order by Council President Kilbane at 7:00 p.m.

6 MOMENT OF SILENT PRAYER/PLEDGE OF ALLIGIANCE

7 ROLL CALL:

8 PRESENT: Council –B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
9 Administration – Mayor Patton, Ms. Rocco, Mr. Berner, Mrs. Fagnilli, Mr. Mackay

10
11 THE CHAIR called for a motion to approve the minutes of the Regular Meeting of Council held on
12 Monday, December 15, 2014.

13 Moved and seconded. No Discussion.

14 ROLL CALL: Vote: YES-7, NO-0 | Motion carries, minutes are approved.

15 YES: B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
16

17 **COMMITTEE REPORTS:**

18 COUNCILMAN HINKEL said, Local Government and Community Services met on Monday, December 22
19 at 7:00 pm with one item on the agenda - Ordinance 14-65. After a short discussion, it was decided by a 6-0
20 vote to table the ordinance on the premise that we will address this again in January. That ended the
21 meeting.
22

23 COUNCILWOMAN CLEARY said, The Finance Committee met on Monday, December 22nd. Director of
24 Service and Development Rob Berner was in attendance to discuss the following: **Ordinance 14-60**
25 authorizes the Mayor to enter into an agreement with 22669 Lorain, LLC for the purchase of the property
26 located at 22669 Lorain Road. Prior to the Finance Committee meeting, Law Director Sara Fagnilli
27 contacted the Finance Chair to report that the sale of the property did not go through. The Law Director
28 requested that the ordinance be removed and tabled. The motion to remove carried 5-0. The motion to table
29 carried 5-0. **Ordinance 14-66** authorizes the Mayor to enter into an agreement with Black and Veach for
30 professional engineering services relative to City's sewer system and flooding. The engineering firm will
31 develop a collection system model, collect and analyzes data, determine performance standards for the
32 system and, provide analysis to improve the system. The cost of these services are not to exceed \$126,400
33 and will be paid from the Sanitary Sewer Fund. The motion to place on 2nd, subsequent 3rd carried 6-0.
34 **Ordinance 14-67** authorizes the Mayor to enter into an agreement for field investigation work in connection
35 with the sewer flooding within the city. The appropriated funds will be used for field work and data
36 collection with the sewer system. The cost of the work is not to exceed \$30,000 and will be paid from the
37 Sanitary Sewer Fund. The motion to place on 2nd, subsequent 3rd carried 6-0. **Ordinance 14-68** authorizes
38 the Mayor to enter into an agreement for data collection and flow monitoring in connection with sewer
39 evaluation in areas prone to flooding. The appropriated funds will be used for rain gauges and storm flow
40 meters needed to facilitate the collection of data in the storm and sanitary sewers. The cost of the contract is
41 to be paid from the Sanitary Sewer Fund and not to exceed \$42,000. The motion to place on 2nd, subsequent
42 3rd carried 6-0. **Resolution 14-25** requests that the County Fiscal Officer advance taxes from the proceeds
43 of tax levies from the County Treasury to the account of the City of Fairview Park. This resolution enables
44 the city to receive tax revenue collected by the County Treasury on behalf of the city. The motion to place
45 on 2nd, subsequent 3rd carried 6-0. That concludes my report.
46

47 **LEGISLATION FOR SECOND READING:**

48 COUNCILWOMAN CLEARY placed the following legislation up for second reading:

49 ORDINANCE NO.: 14-66

50 REQUESTED BY: SERVICE DIRECTOR ROB BERNER

51 SPONSORED BY: COUNCILWOMAN CLEARY

52 CO-SPONSORED BY: COUNCILMAN MINEK
53 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BLACK AND*
54 *VEATCH FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SEWER*
55 *ISSUES IN THE CITY OF FAIRVIEW PARK, AND DECLARING AN EMERGENCY*

56 ACTION: Ordinance 14-66 was placed on second reading.

57

58 ORDINANCE NO.: 14-67

59 REQUESTED BY: SERVICE DIRECTOR ROB BERNER

60 SPONSORED BY: COUNCILWOMAN CLEARY

61 CO-SPONSORED BY: COUNCILMAN MINEK

62 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR FIELD*
63 *INVESTIGATION WORK IN CONNECTION WITH COLLECTION OF INFORMATION FOR THE SEWER*
64 *ISSUES IN THE CITY OF FAIRVIEW PARK, AND DECLARING AN EMERGENCY*

65 ACTION: Ordinance 14-67 was placed on second reading.

66

67 ORDINANCE NO.: 14-68

68 REQUESTED BY: SERVICE DIRECTOR ROB BERNER

69 SPONSORED BY: COUNCILWOMAN CLEARY

70 CO-SPONSORED BY: COUNCILMAN MINEK

71 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR DATA*
72 *COLLECTION AND FLOW MONITORING IN CONNECTION WITH SEWER EVALUATIONS, AND*
73 *DECLARING AN EMERGENCY*

74 ACTION: Ordinance 14-68 was placed on second reading.

75

76 RESOLUTION NO.: 14-25

77 REQUESTED BY: THE FINANCE DEPARTMENT

78 SPONSORED BY: COUNCILWOMAN CLEARY

79 *A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE*
80 *PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND*
81 *DECLARING AN EMERGENCY*

82 ACTION: Resolution 14-25 was placed on second reading.

83

84 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE:** NONE

85

86 **LEGISLATION FOR PASSAGE WITHOUT THREE READINGS:**

87 COUNCILMAN WOJNAR placed a resolution up for emergency passage.

88 RESOLUTION NO.: 15-01

89 REQUESTED BY: COUNCILMAN WOJNAR

90 SPONSORED BY: CITY COUNCIL

91 *A RESOLUTION CONGRATULATING ELLEN R. PAPADIMOULIS ON HER RETIREMENT*

92 COUNCILMAN WOJNAR made a motion that the Charter Provision and Rule 50 requiring that the
93 legislation be read at three separate meetings be suspended and that it be placed before Council for
94 emergency passage.

95 So moved and seconded.

96 THE CHAIR called for any discussion. No Discussion

97 ROLL ON THE MOTION: Vote: YES-7, NO-0 | Motion carries.

98 YES: B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary

99 THE CHAIR called for any discussion prior to passage. No discussion.

100 ROLL CALL ON PASSAGE: Vote: YES-7, NO-0 | Motion carries, Resolution 15-01 passes.

101 YES: B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary

102

103 **LEGISLATION UP FOR THIRD READING/FINAL PASSAGE:**
104 COUNCILWOMAN CLEARY placed the following ordinances up for third reading and final passage:
105 ORDINANCE NO.: 14-61
106 REQUESTED BY: MAYOR EILEEN ANN PATTON
107 SPONSORED BY: COUNCILWOMAN CLEARY
108 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LEBANON FORD*
109 *FOR THE PURCHASE OF FOUR (4) NEW FORD POLICE INTERCEPTOR VEHICLES AND*
110 *DECLARING AN EMERGENCY*
111 Moved and Seconded.
112 THE CHAIR asked for any discussion prior to passage. No discussion.
113 ROLL CALL ON PASSAGE: Vote: YES-7, NO-0 | Motion carries, Ordinance 14-61 passes.
114 YES: B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
115
116 ORDINANCE NO.: 14-62
117 REQUESTED BY: MAYOR EILEEN PATTON
118 SPONSORED BY: COUNCILWOMAN CLEARY
119 CO-SPONSORED BY: COUNCILMAN MINEK
120 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF SERVICE AND DEVELOPMENT TO REQUEST*
121 *PROPOSALS FOR AND THE MAYOR TO ENTER INTO A CONTRACT, AS APPROVED BY THE BOARD*
122 *OF CONTROL FOR PROFESSIONAL DESIGN SERVICES FOR INFRASTRUCTURE IMPROVEMENTS*
123 *IN CONNECTION WITH THE SAFE ROUTES TO SCHOOL PROGRAM AND DECLARING AN*
124 *EMERGENCY*
125 Moved and Seconded.
126 THE CHAIR asked for any discussion prior to passage. No discussion.
127 ROLL CALL ON PASSAGE: Vote: YES-7, NO-0 | Motion carries, Ordinance 14-62 passes.
128 YES: B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
129
130 ORDINANCE NO.: 14-63
131 REQUESTED BY: CITY COUNCIL
132 SPONSORED BY: CITY COUNCIL
133 *AN ORDINANCE AMENDING THE ANNUAL SALARIES OF THE ELECTED MEMBERS OF COUNCIL*
134 *AND THE PRESIDENT OF COUNCIL AND REPEALING ORDINANCE 07-39 AND ALL OTHER*
135 *ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH*
136 Moved and Seconded.
137 THE CHAIR asked for any discussion prior to passage. No discussion.
138 ROLL CALL ON PASSAGE: Vote: YES-5, NO-2 | Motion carries, Ordinance 14-63 passes.
139 YES: B. Minek, B. McDonough, M. Kilbane, A. Russo, P. Cleary | NO: P. Wojnar, J. Hinkel
140
141 ORDINANCE NO.: 14-64
142 REQUESTED BY: MAYOR EILEEN PATTON
143 SPONSORED BY: CITY COUNCIL
144 *AN ORDINANCE ESTABLISHING THE SALARY AND COMPENSATION OF THE MAYOR OF THE CITY*
145 *OF FAIRVIEW PARK, OHIO, AND REPEALING ORDINANCE 07-38 AND ALL OTHER ORDINANCES*
146 *OR PARTS OF ORDINANCES INCONSISTENT HEREWITH*
147 Moved and Seconded.
148 THE CHAIR asked for any discussion.
149 COUNCILWOMAN CLEARY made a motion to Amend Ordinance 14-64 to increase the Mayor's salary
150 from \$81,500 to \$84,000.
151 Moved and Seconded. No discussion on the motion.
152 ROLL CALL ON MOTION: Vote: YES-7, NO-0 | Motion carries, Ordinance 14-64 is amended.
153 THE CHAIR asked for any discussion prior to passage.

154 YES: B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
155 ROLL CALL ON PASSAGE: Vote: YES-7, NO-0 | Motion carries, Ordinance 14-64 Amended passes.
156 YES: B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
157

158 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
159 **OFFICIALS:**

160 MAYOR PATTON extended thanks and appreciation for all of the accomplishments made by the city in
161 2014, including adding 15 new businesses in the city. She thanked City Council and all the employees in the
162 city for their dedication and work to achieve the job of servicing residents. She announced that there are
163 additional projects planned this year that will help enhance the city's tax base, and that city departments
164 have been improved to enhance the jobs that they do. MAYOR PATTON said that over the past two
165 months, the Administration, Directors and Chiefs have been working diligently on the 2015 budget. They
166 met again this morning, and are prepared to submit the budget for first reading at the next regular council
167 meeting. Details will be submitted to council on Friday, January 16. She mentioned that during the early
168 preparation of this report, a Saturday date in early March was discussed for review of the budget, but after
169 further discussion with the Directors and Chiefs, an opportunity to present to council at committee meetings
170 of January 26 and February 9 would be appreciated. Mayor Patton offered that due to a light agenda of other
171 legislation pending, there would be ample time to discuss the department budgets and final passage on
172 Monday, February 16. This schedule would allow the Administration to move forward on getting earlier bids
173 on the street program and move forward with stadium improvements including new turf and electrical
174 updates at the stadium. MAYOR PATTON said other than union-negotiated employee increases, purchases
175 of items just outlined and some Service Department equipment, there are very few changes in the budget
176 from previous years. Updates in other Departments included the Fire Department receiving a two thousand
177 dollar (\$2,000) grant received from Walmart, which will be used to purchase equipment. She thanked
178 Lieutenant Firefighter Tim Graves for his work in receiving the grant. The Fire Department also had their
179 most runs ever in 2014 with over 2000 runs. She thanked the Fire Department, John Roach and Reno
180 Pinardo for another successful Santa Patrol on Christmas Eve. MAYOR PATTON congratulated the Police
181 Department in the arrest of a seven year old case in the city where a resident died. Many man-hours went
182 into the successful arrest. She thanked Chief Upperman and Lieutenant Shepard for their diligent work.
183 O'Neill Healthcare is nearing completion of their newest location, across the street from City Hall. Business
184 signs went up today and the community has been invited to an Open House on Sunday, January 25 from
185 noon to 4:00 pm. Please bring your family, friends and neighbors to this event to enjoy a tour and meet the
186 staff. This new facility, with state-of the art equipment and simulation models will provide care and skilled
187 nursing, therapy, long-term and hospice care and dialysis. A job fair will be held on Wednesday, January 7th
188 from 10-2 pm. The Recreation Department has created an outdoor skating rink on the basketball courts by
189 the Bain Park Pavilion. The temperatures must be thirty degrees or below for three consecutive days and
190 residents must provide their own skates and there will be no staff supervision. The Westshore Council of
191 Governments meetings will be hosted by Bay Village in 2015 and meetings will be held on the second
192 Wednesday of each month at 9:30 am at Bay Village City Hall. MAYOR PATTON announced that there
193 will be a meeting with Simple Recycling tomorrow. They are a no-cost curbside pick-up service of various
194 items. Council will be updated to see if this would be a good fit for the community. She wished everyone a
195 happy and healthy new year.

196
197 DIRECTOR BERNER reported that the Service Department has completed cleaning catch basis on the
198 south side of the city and have been preparing equipment for the winter snow through January and February.
199 A three shift rotation began today, which includes 2 guys working 3:30-11:30 pm and 2 guys working 11:30
200 pm-7:30 am so that there is around the clock service during the week in case of snow emergencies.
201 DIRECTOR BERNER announced that there is a new business at 22368 Lorain Road called Dulcelicious
202 Cupcakes and More. Capital projects include dye testing work, which is progressing and sewer grouting
203 project work, which is nearing completion.

204 DIRECTOR ROCCO reported that she is completing work for the budget, which will be ready for first read
205 on January 20. The Finance Department will close the 2014 year this week and council will be receiving the
206 year-end reports.

207 DIRECTOR FAGNILLI had nothing to report.

208

209 ENGINEER MACKAY reported that work on the plans and specifications for the 2015 water line project
210 continue, and the next step will be to submit the proposed plan to the Cleveland Water Department for
211 approval.

212

213 **PUBLIC SESSION:**

214 GAIL NANOWSKY – 21020 Seabury Ave – MS. NANOWSKY asked about the auxiliary policeman who was
215 making racial rants. She understands that he was asked to resign and did, but wanted to know if a background
216 check is done on these officers before they are brought in? MAYOR PATTON affirmed that background checks
217 are done, and that after this happened, she met with the Law Director and Police Chief immediately. She read
218 the following news release, which was issued to the news media: *“After close of business yesterday (which
219 would have been December 18), an email was received from Doug Brown, Staff writer at Cleveland Scene
220 Magazine, concerning racially charged comments made by a member of our volunteer auxiliary force and
221 posted to the internet. An investigation was immediately initiated (by us) and a request was sent to Mr Brown
222 asking him to provide any and all information, including user/account names, video, pictures and posts. This
223 request was sent so that we could verify that the author of the posts was indeed our volunteer, as it was
224 indicated by Mr. Brown that all accounts had been closed and no longer available for us to be viewed. That
225 information was not received. Volunteers in our Auxiliary Force are non-sworn members with no arrest
226 authority. They assist with parades, traffic control, service oriented calls and locking up our parks. The
227 volunteer had been with our agency less than six months and was not even allowed out on his own, having only
228 put in 45 hours in the last 5 months. The City of Fairview Park does not tolerate this type of conduct from any
229 person working or volunteering for the city. During his brief tenure with our agency, the volunteer never
230 displayed any prejudicial leanings, nor did any arise during his background check. In the course of the
231 investigation, he was interviewed, and upon it's conclusion, was asked to resign and is no longer a member of
232 our agency.”* MAYOR PATTON stated that the Police Department did their due diligence, as with all
233 employees of the city and that nothing came about, nor any concerns until this was brought to their attention.
234 She indicated that she sat and talked to several police officers and that they were all disturbed by this. She
235 reiterated that immediate action was taken, and within 24 hours Mr. Brown resigned.

236 THE CHAIR asked Mayor Patton whether Mr. Brown should have even been given the opportunity to resign.
237 He said he believed he should have been asked to leave.

238 MAYOR PATTON said that a lot of discussion took place between him and the Chief, and she is not exactly
239 sure what happened during the conversation, and suggested that it could be followed up on with the Chief. She
240 said that Mr. Brown was a twenty year old who always wanted to be a police officer, and never will be after
241 this.

242

243 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL:**

244 COUNCILMAN MCDONOUGH wished everyone a great Christmas and Happy Holidays and a happy and
245 safe 2015. He asked Director Berner about a store called “Savers”, which is coming to the city in the former
246 Big Lots location and would be the first in this region. He asked Director Berner to confirm that this is a
247 store similar to Goodwill where items could be donated. DIRECTOR BERNER confirmed that it is similar
248 to Goodwill in that it is a resale store that is for-profit. He met with them a number of times and admitted
249 not a project they were excited about, as there was another opportunity for a different type of store to go in
250 there that they believed was a better fit, however, the landlord felt this was a better opportunity for him.
251 DIRECTOR BERNER said he has been assured that they are a high-end store, and that he has looked at
252 their site and it is a fast-growing retail operation and believes they will be successful.

253 COUNCILMAN MCDONOUGH asked Mayor Patton about the company Simple Recycling, which was
254 mentioned in her report. He said he understands that Bay Village started using them last year, and that this is

255 a free service to the city that would allow residents to put clothing and other household items in specialized
256 bags to be picked up, rather than end up in a landfill. The city may get some money and possibly save on
257 tipping. MAYOR PATTON confirmed that is the concept of the business. COUNCILMAN MCDONOUGH
258 wondered if this may run against the Savers store.

259
260 COUNCILMAN MINEK had no comments.

261
262 COUNCILMAN WOJNAR congratulated Ellen Papadimoulis on her retirement. She is a longtime Fairview
263 resident who retired on January 2. She worked for 41 years at the United States Department of Veterans
264 Affairs and is the recipient of the resolution passed by council tonight.

265
266 COUNCILMAN HINKEL reminded everyone that the Green Team has set up a Christmas light recycling
267 station at the back door of city hall. He thanked John Roach and Reno Pinaro from the Fairview Park
268 Youth Association for playing Santa Claus. He said it's a fun thing that adults and kids in Fairview Park get
269 to enjoy.

270 COUNCILMAN HINKEL made a motion to remove and table Ordinance 14-65.
271 Moved and Seconded. No discussion.

272 ROLL CALL: Vote: YES-7, NO-0 | Motion carries.

273 YES: B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary

274
275 COUNCILMAN RUSSO wished everyone a Happy New Year and said he looks forward to serving a full
276 year with everyone.

277
278 COUNCILWOMAN CLEARY made a motion to remove and table Ordinance 14-60.
279 Moved and Seconded. No discussion.

280 ROLL CALL: Vote: YES-7, NO-0 | Motion carries.

281 YES: B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary

282 COUNCILWOMAN CLEARY wished everyone a happy, healthy and safe new year.

283
284 THE CHAIR assigned the issue of speeding and crosswalks to the Local Government and Community
285 Services Committee. He wished everyone a Happy New Year, and with no further business before council,
286 made a motion to adjourn.

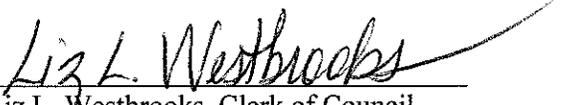
287 Moved and Seconded.

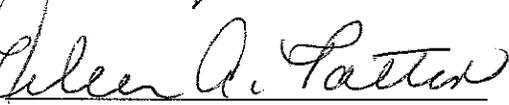
288 ROLL CALL: Vote: YES-7, NO-0 | Motion carries, meeting adjourned at 7:33 p.m.

289 YES: B. Minek, B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary

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293 _____
294 William F. Minek, Council President Pro Tem

295 
296 _____
297 Liz L. Westbrooks, Clerk of Council

298 
299 _____
300 Eileen Ann Patton, Mayor

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