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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, MAY 4, 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 ALLEGIANCE

7 ROLL CALL:

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

10 ABSENT: Mr. Berner
11

12 THE CHAIR made a motion to suspend the normal order of business to present a special resolution.
13 Moved and Seconded.

14 THE CHAIR called for discussion on the motion. No Discussion.

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

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

17 COUNCILMAN MINEK placed a resolution before council for emergency passage.

18 RESOLUTION NO. 15-15

19 REQUESTED BY: COUNCILMAN MINEK

20 SPONSORED BY: CITY COUNCIL AS A WHOLE

21 *A RESOLUTION CONGRATULATING LIEUTENANT PAUL SHEPARD ON RECEIVING THE 2015 PATROL*
22 *OFFICER ANTHONY J. JOHNSON SR. POLICE MEMORIAL OFFICER OF THE YEAR AWARD*

23 THE CHAIR called for discussion.

24 COUNCILMAN MINEK made a motion that the Charter Provision and Rule 50 requiring that the
25 legislation be read at three separate meetings be suspended and that it be placed before Council for emergency
26 passage.

27 Moved and Seconded.

28 THE CHAIR called for discussion on the motion. No Discussion.

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

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

31 THE CHAIR called for discussion prior to passage.

32 COUNCILMAN MINEK requested that the resolution be read in pertinent part. THE CLERK read the
33 resolution.

34 THE CHAIR called for further discussion prior to passage.

35 COUNCILMAN MINEK said that Lieutenant Shepard would be presented with the award at a reception on
36 Saturday, May 16. It is being presented by the Greater Cleveland Peace Officer's Memorial society. He offered
37 congratulations on behalf of council on the recognition.

38 Councilmembers and Mayor Patton congratulated Lieutenant Shepard on his recognition and thanked him for
39 his service.

40 LIEUTENANT SHEPARD said that everything that was read in the resolution is an honor, but the reason he
41 has had the opportunity to do those things is because he was given the tools and opportunity to. He said that if
42 support was not given to him, the leadership of Chief Upperman and the members of the department, there
43 would be nothing on the resolution. He thanked everyone for the investment in both him and the department.

44 THE CHAIR called for further discussion prior to passage. No Discussion.

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

46 YES: B. McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
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48 **COMMITTEE REPORTS:**

49 COUNCILMAN MINEK said, Thank you, The Environment, Public Works, Planning, Zoning & Development
50 Committee met on Monday, April 27, 2015 to discuss two issues: The first issue was sewers: members of
51 Council were informed of the installation and monitoring of fourteen (14) flow meters and two (2) rain gauges.

52 A fourteen (14) page agenda for Safety Moment, Work Completed to Date, Summary/Opportunities, and
53 upcoming work which was provided by Director Berner was reviewed. Questions were asked if the city could
54 institute a black mold examination program for properties. If the city's insurance policy covers mold insurance
55 and if Director Berner could give a presentation to members of council on the status of the sewer program. The
56 chair will contact Director Berner for a response to the questions. Motion this issue remain in committee was
57 approved 4-0. The second issue was: Planning Zone Code Chapter 1149 Administrative Provisions. This issue
58 was assigned to committee by request of the Chair on October 6, 2014 due to a complaint. The three (3)
59 sections are 1149.13 Child Day Care Service in Residential Districts, 1149.14 Family and Group Homes and
60 1149.15 Adult Care Facilities. At the Planning & Design Commission meeting of April 15, 2015, the
61 commission will review Subdivision Regulations and Zoning Ordinances pursuant to Article VII, section 2 b of
62 the Charter of the City of Fairview Park. The three mentioned sections are part of Chapter 1149 Administrative
63 Provisions one of the twenty-three (23) chapters to be reviewed. To eliminate redundancy a motion to remove
64 this issue from committee was approved 4-0. This completes my report.
65

66 COUNCILMAN MINEK said, Thank you, The Finance Committee met on Monday, April 27, 2015, to discuss
67 three (3) items: Ordinance 15-17 Authorizing Copier Purchases for City Departments. Under the second
68 whereas clause the word vehicle should be changed to copier. The motion to amend will be made prior to
69 passage. Motion this ordinance be placed on third reading and up for passage was approved 4-0. Ordinance 15-
70 20 Authorizing Advertising and Agreement for City Hall Parking Lot Retrofit Project. Resident Mrs. Gillis who
71 is familiar with this type project stated instead of water laying on the impervious surface and eventually
72 draining into a sewer, will now seep through the surface and slowly drain into a sewer. Motion this ordinance
73 be placed on second reading and returned to committee was approved 4-0. Resolution 15-14 ODNR
74 NatureWorks Grant Application. It is noted the city's cost commitment is 25% of the total grant. As the amount
75 of the grant is not noted in the legislation a motion was made that the resolution be placed on second reading
76 and returned to committee was approved 4-0. This completes my report!
77

78 **LEGISLATION FOR SECOND READING**

79 COUNCILWOMAN CLEARY placed the following legislation up for introduction and first reading:
80 ORDINANCE NO. 15-20

81 REQUESTED BY: MAYOR EILEEN ANN PATTON
82 SPONSORED BY: COUNCILWOMAN CLEARY

83 *AN ORDINANCE AUTHORIZING THE CITY OF FAIRVIEW PARK TO ADVERTISE FOR REQUEST FOR*
84 *QUALIFICATIONS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE MOST QUALIFIED*
85 *FIRM AS DETERMINED BY THE BOARD OF CONTROL, FOR THE FAIRVIEW PARK CITY HALL*
86 *PARKING LOT RETROFIT PROJECT AND DECLARING AN EMERGENCY*

87 ACTION: Ordinance 15-20 was placed on second reading and returned to the Finance Committee.
88

89 RESOLUTION NO. 15-14

90 REQUESTED BY: MAYOR EILEEN ANN PATTON
91 SPONSORED BY: COUNCILWOMAN CLEARY

92 *A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FINANCIAL ASSISTANCE*
93 *UNDER THE STATE OF OHIO, DEPARTMENT OF NATURAL RESOURCES NATUREWORKS GRANT*
94 *PROGRAM, AND DECLARING AN EMERGENCY*

95 ACTION: Resolution 15-14 was placed on second reading and returned to the Finance Committee.
96

97 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE**

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99 **LEGISLATION FOR THIRD READING/FINAL PASSAGE**

100 COUNCILMAN MINEK placed the following legislation up for third reading and final passage:

101 ORDINANCE NO. 15-12

102 REQUESTED BY: MAYOR EILEEN ANN PATTON

103 SPONSORED BY: COUNCILMAN MINEK
104 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO*
105 *ADVERTISE FOR BIDS, THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST*
106 *RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL AND TO*
107 *PROVIDE FOR ENGINEERING SERVICES FOR THE REPAVING NECESSARY OF THE MASTICK*
108 *ROAD HILL AND DECLARING AN EMERGENCY*
109 Moved and Seconded.
110 THE CHAIR called for discussion prior to passage. No Discussion.
111 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-12 passes.
112 YES: McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
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114 ORDINANCE NO. 15-13
115 REQUESTED BY: COUNCILMAN HINKEL
116 SPONSORED BY: COUNCILMAN MINEK
117 *AN ORDINANCE TO CORRECT THE ZONE MAP FOR THE CITY OF FAIRVIEW PARK AND*
118 *DECLARING AN EMERGENCY*
119 Moved and Seconded.
120 THE CHAIR called for discussion prior to passage. No Discussion.
121 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-13 passes.
122 YES: McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
123
124 COUNCILWOMAN CLEARY placed the following legislation up for third reading and final passage:
125 ORDINANCE NO. 15-14
126 REQUESTED BY: MAYOR EILEEN ANN PATTON
127 SPONSORED BY: COUNCILWOMAN CLEARY
128 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT THROUGH THE STATE*
129 *OF OHIO COOPERATIVE PURCHASING PROGRAM WITH VALLEY FORD TRUCK FOR THE*
130 *PURCHASE OF A FORD F-250 4x4 PICKUP TRUCK AND PLOW AND DECLARING AN EMERGENCY*
131 Moved and Seconded.
132 THE CHAIR called for discussion prior to passage. No Discussion.
133 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-14 passes.
134 YES: McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
135
136 ORDINANCE NO. 15-16
137 REQUESTED BY: MAYOR EILEEN ANN PATTON
138 SPONSORED BY: COUNCILWOMAN CLEARY
139 *CO-SPONSORED BY: COUNCILMAN MINEK*
140 *AN ORDINANCE AUTHORIZING THE CITY OF FAIRVIEW PARK TO PARTICIPATE WITH THE CITY*
141 *OF ROCKY RIVER TO REPAVE CAROLYN AVENUE AND DECLARING AN EMERGENCY*
142 Moved and Seconded.
143 THE CHAIR called for discussion prior to passage. No Discussion.
144 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-16 passes.
145 YES: McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
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147 ORDINANCE NO. 15-17
148 REQUESTED BY: MAYOR EILEEN ANN PATTON
149 SPONSORED BY: COUNCILWOMAN CLEARY
150 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT THROUGH THE STATE*
151 *OF OHIO COOPERATIVE PURCHASING PROGRAM WITH ACE BUSINESS SOLUTIONS FOR THE*
152 *PURCHASE OF THREE (3) COPIERS AND DECLARING AN EMERGENCY*
153 Moved and Seconded

154 THE CHAIR called for any discussion prior to passage.
155 COUNCILWOMAN CLEARY made a motion to amend to change the word “vehicles” to “copiers” in the
156 second Whereas clause.
157 Moved and Seconded
158 THE CHAIR called for any discussion.
159 ROLL ON MOTION TO AMEND: Vote: YES-7, NO-0 | Motion carries.
160 YES: McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
161 THE CHAIR called discussion prior to passage. No Discussion.
162 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-17 Amended passes.
163 YES: McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
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165 ORDINANCE NO. 15-18
166 ORIGINATED BY: THE FINANCE DEPARTMENT
167 REQUESTED BY: MAYOR EILEEN ANN PATTON
168 SPONSORED BY: COUNCILWOMAN CLEARY
169 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES*
170 *OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2015 AND*
171 *ENDING DECEMBER 31, 2015 AND DECLARING AN EMERGENCY*
172 Moved and Seconded.
173 THE CHAIR called for discussion prior to passage. No Discussion.
174 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-18 passes.
175 YES: McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
176
177 ORDINANCE NO. 15-19
178 REQUESTED BY: MAYOR EILEEN ANN PATTON
179 SPONSORED BY: COUNCILWOMAN CLEARY
180 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO SELL VARIOUS VEHICLES AND*
181 *DECLARING AN EMERGENCY*
182 Moved and Seconded
183 THE CHAIR called for any discussion prior to passage.
184 COUNCILWOMAN CLEARY made a motion to amend the Exhibit in Ordinance 15-19 to add (3) three
185 additional not originally submitted.
186 Moved and Seconded
187 THE CHAIR called for any discussion. No discussion.
188 ROLL ON MOTION TO AMEND: Vote: YES-7, NO-0 | Motion carries.
189 YES: McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
190 THE CHAIR called for any further discussion prior to passage. No Discussion.
191 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-19 Amended passes.
192 YES: McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
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194 **LEGISLATION UP FOR PASSAGE WITHOUT THREE READINGS**
195 COUNCILMAN MINEK placed a resolution before council for emergency passage.
196 RESOLUTION NO. 15-16
197 REQUESTED BY: COUNCILMAN MINEK
198 SPONSORED BY: CITY COUNCIL AS A WHOLE
199 *A RESOLUTION CONGRATULATING BOB KREPS AND JIM STARKS AS FAIRVIEW PARK'S CITIZENS OF*
200 *THE YEAR FOR 2015*
201 THE CHAIR called for any discussion.
202 COUNCILMAN MINEK made a made a motion that the Charter Provision and Rule 50 requiring that the
203 legislation be read at three separate meetings be suspended and that it be placed before Council for emergency
204 passage.

205 Moved and Seconded.
206 THE CHAIR called for discussion on the motion. No Discussion.
207 ROLL CALL: Vote: YES-7, NO-0 | Motion carries.
208 YES: B. McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
209 THE CHAIR called for discussion prior to passage.
210 COUNCILMAN MINEK said that the resolution will be presented at the annual Community Council's
211 Citizen of the Year Dinner on Wednesday, May 6, 2015 at the Senior Center.
212 THE CHAIR congratulated Mr. Kreps and Mr. Starks on their recognition.
213 COUNCILWOMAN CLEARY congratulated Mr. Kreps and Mr. Starks on their recognition and thanked
214 them for their vision and leadership along with the many volunteers and city officials for having the vision
215 and following through with the Gemini Project that has resulted in state of the art facilities and promoted
216 economic development in the city.
217 THE CHAIR called for any further discussion prior to passage. No Discussion.
218 ROLL CALL: Vote: YES-7, NO-0 | Resolution 15-16 passes.
219 YES: B. McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
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221 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
222 **OFFICIALS**

223 MAYOR PATTON reported that Director Berner would not be at the meeting due to deaths in the family.
224 Director Berner will be out at a storm water conference on Thursday and Friday and will report on his
225 findings upon his return. The spring recycle and shredding day will be held on Saturday from 9:00-12:00 pm
226 in the back of city hall. This event is for city residents, so please bring identification. There will be two
227 grand openings this week for Just Add Water at 2:00pm on Friday and for Valley Tavern, formerly Ace's
228 Tavern on Saturday at noon. MAYOR PATTON also announced the following events: Westshore Council
229 of Governments meeting on Wednesday, May 13 in Bay Village, Senior citizen and high school Prom will
230 be held on Wednesday at 3:00 pm at the Senior Center, Fairview Shopping Centre will be having a Spring
231 Fling and Thank A Vet event on Saturday, May 16 from 11:00 until 2:00pm, later that day at 9:00 PM there
232 will be the After Prom event at Fairview Park. The annual Memorial Day event will be held on May 25
233 starting with at 8:00 am at city hall and followed by a parade down Lorain road at 9:00 am.
234

235 DIRECTOR ROCCO thanked council for the passage of the finance legislation and said that the department
236 is getting back to business as usual. Work continues to finalize the 2014 audit, and the 2016 alternative tax
237 budget and supplemental appropriations are being prepared. DIRECTOR ROCCO said that she is working
238 with Mackay engineering to prepare the budget for the 2016 water project application and she will be
239 attending the Rocky River Municipal Court Fiscal Officer's meeting on Thursday, May 7.
240

241 DIRECTOR FAGNILLI had no report.
242

243 ENGINEER MACKAY reported that plans and specifications 2015 water line project have been
244 resubmitted to the Cleveland Water for final review and approval before bidding. The plans and
245 specifications for the 2015 paving projects are also being completed and the bid opening date will be
246 advised.
247

248 **PUBLIC SESSION**

249 MS. KELLIE DUBAY GILLIS - 19164 Henry Road – MS. GILLIS thanked the city for holding the town
250 hall meeting on April 30. She said it was a packed house, which she thought showed the concern by
251 residents in terms of development issue at Coffinberry. She hoped that it would be a collaborative effort
252 with the school board there, and felt that all the answers they were looking for could not be answered
253 because they were not. MS. GILLIS said there have been some additional questions that have come from the
254 public records requests she though council would be interested in. She advised that they are not insinuations
255 accusations, just questions they would like to get answers to. They included questions regarding why there

256 was only one bidder who received the appraisal report, an email from Director Berner to a prospective
257 developers about use of the land and their responses and questions.
258 MAYOR PATTON said that she thought this question was answered at the town hall and responded that
259 when she and Director Berner took materials when they attended the executive session and explained what
260 the Gemini Project was about to new school board members and the superintendent and that was the mixed
261 reaction.
262 MS. GILLIS said that they still seemed to be uncertain after that date, and that is what they are trying to find
263 out.
264 MAYOR PATTON responded that she cannot answer either question, and that the body present can't
265 answer them.
266 MS. GILLIS said that she hopes that the city and schools can work together to get answers as it was a joint
267 venture. She continued with a question on the appraised acreage report of December 1, 2014 and asked that
268 why a new appraisal was not requested. She asked about the timeline of when the number of homes changed
269 from 15 to 18. She said that there are still questions out there that may require a rebid of the property once
270 answered and cautioned moving further with the development process with city resources invested. She
271 thanked the city once again for hosting the town hall meeting and said she looks forward to continuing an
272 open dialogue with the city and schools.
273

274 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**

275 COUNCILMAN MCDONOUGH agreed that the town hall meeting was educational and said it was nice to
276 have the residents of the city come together and discuss the history of the property. He said it would have
277 been nice to have the Board of Education there and that a letter was received with response, and feels that it
278 would be nice to have all parties at the table for a dialogue or to have people come together to identify
279 solutions. He recognized school board members Joslyn Dalton and Katie Davis, who were in attendance
280 tonight and welcomed them to be part of the conversation. He said that the public records requests have
281 been eye-opening and thanked Tom Berns for the making them. It gave an interesting look at the comments,
282 discussions and interworkings of the city and school board. COUNCILMAN MCDONOUGH said that he
283 thinks it is time for the Board of Education and city council to meet to discuss the issue in attempt to resolve
284 unanswered questions. He asked to have the issue reassigned to committee or have a subcommittee formed.
285 He thanked the Administration for use of the Dunson room. COUNCILMAN MCDONOUGH invited
286 everyone to an open house hosted by Brickhaus Partners for the RiverSouth Modern Ecohomes on May 6.
287 He asked that the issue of mold testing for the victims of sewer flooding in the city be assigned to
288 committee.
289

290 COUNCILMAN MINEK announced that the Northeast Ohio Amber Alert Readiness program will have a
291 presentation on protecting children on May 20, 2015 between 6:30 and 8:30 pm at Cleveland State
292 University. He said he had the opportunity to attend the fire department's training exercise with a live burn
293 trailer. He said it was remarkable, with many area departments participating and working together. He
294 commended Lieutenant Tim Draves on a job well done. He congratulated Lieutenant Paul Shepard on his
295 recognition as Police Officer of the Year and also to Mr. Kreps and Mr. Starks on their recognition as 2015
296 Citizens of the Year.

297 COUNCILMAN MINEK made a motion to remove the issue of Planning Code Chapter 1149 -
298 Administrative Provisions from the Environment, Public Works, Planning, Zoning and Development
299 Committee.

300 Moved and Seconded

301 THE CHAIR asked for any discussion. No discussion.

302 THE CHAIR called for discussion on the motion. No Discussion.

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

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

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306 COUNCILMAN WOJNAR had no comments.

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COUNCILMAN HINKEL had no comments.

COUNCILMAN RUSSO said that he attended the fire training and took the opportunity to participate. He said it was amazing, and thanked Chief Raffin for making sure he was safe. He said he appreciates all the work that they do.

COUNCILWOMAN CLEARY acknowledged Chief Raffin and Lieutenant Draves for arranging the training. It brought together firefighters from surrounding activities and that ironically, in responding to a fatal fire and accident later that day they were again working together and reinforced the benefit and value of working collaboratively. COUNCILWOMAN CLEARY said she continues to be in awe of the bravery and courage of these first responders and wanted to acknowledge the hard work, training and preparation that goes into keeping residents safe. She congratulated Lieutenant Shepard on his recognition and also thanked the Administration for setting up the town hall meeting.

THE CHAIR assigned the issue of dogs in community parks to the Local Government and Community Services Committee. He asked that if councilmembers would like to have issues assigned to a committee that they bring them to caucus prior to the meeting or at committee meetings.

THE CHAIR said, with no further business before council made a motion to adjourn.

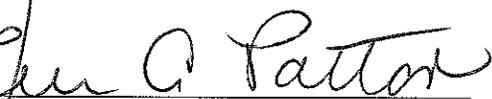
Moved and Seconded.

ROLL CALL: Vote: YES-7, NO-0 | Motion carries, meeting adjourned at 7:48 p.m.

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


Michael P. Kilbane, President of Council


Liz L. Westbrook, Clerk of Council


Eileen Ann Patton, Mayor