

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, MAY 18, 2015**
4

5 The regular meeting of Council was called to order by Council President Kilbane at 7:02 p.m.

6 MOMENT OF SILENT PRAYER/PLEDGE OF ALLEGIANCE

7 ROLL CALL:

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

10
11 THE CHAIR called for a motion to excuse Councilman Minek.

12 Moved and Seconded.

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

14 ROLL CALL: Vote: YES-6, NO-0 | Motion carries, Councilman Minek is excused.

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

16
17 THE CHAIR called for a motion to approve the minutes of the Regular Meeting of Council held on Monday,
18 April 20, 2015.

19 Moved and seconded. No Discussion.

20 ROLL CALL: Vote: YES-6 NO-0 | Motion carries, minutes are approved.

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

22
23 THE CHAIR called for a motion to approve the minutes of the Regular Meeting of Council held on Monday,
24 May 4, 2015.

25 Moved and seconded. No Discussion.

26 ROLL CALL: Vote: YES-6 NO-0 | Motion carries, minutes are approved.

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

28
29 **COMMITTEE REPORTS:**

30 COUNCILMAN RUSSO said that the Environment, Public Works, Planning, Zoning & Development
31 Committee met in committee on Monday, May 11, 2015. Director Berner was present for the issue
32 of sewers and gave a reported that the flow monitors are working well, and that there is one located
33 off of West 222nd St that seems to be off the charts and is being looked into. An additional four
34 monitors will be installed, which cost about \$2800 each. So far the recordings are good. A motion to
35 keep the issue in committee passed 5-0.

36
37 COUNCILMAN MCDONOUGH said, The Local Government and Community Services Committee met on
38 May 11, 2015 from 7:45 to 9:00 pm. The issue was council rules, and the committee discussed updating the
39 rules, Law Director Sara Fagnilli was present answering questions and making sure that the updates would be
40 compliant with the city charter. The committee voted 5-0 to keep the issue in committee pending future
41 legislation.

42
43 COUNCILWOMAN CLEARY said, The Finance Committee met on Monday, May 11th. The Director of
44 Service and Development, Rob Berner was in attendance to discuss the following: Ordinance 15-20 authorizes
45 the city to advertise for a request for qualifications, and the Mayor to enter into a contract with the most
46 qualified firm for the city hall parking lot retrofit project. The current parking lot has problems with drainage.
47 The current award of a \$140,000.00 grant to retrofit 7,630 square feet of the parking lot with pervious
48 pavement, will reduce the amount of untreated stormwater runoff. The grant award calls for the city to match
49 40% or \$56,000 of the project cost which has been budgeted for in the Capital Projects 811 Fund. A motion to
50 place on 2nd, subsequent 3rd carried 5-0. Resolution 15-14 authorizes the submission of an application for a

51 grant from the Ohio Department of Natural Resources Natureworks Grant Program. The grant is for the
52 purchase and installation of new playground equipment at Grannis Park. The grant calls for a local match of
53 25% match of the projected cost of the project. A motion to amend Resolution. 15-14 to include the total cost of
54 the equipment and the total amount of the city's match carried 5-0. A motion to place on 2nd, subsequent 3rd
55 carried 5-0. That concludes my report.

56
57 **LEGISLATION FOR FIRST READING**

58 COUNCILMAN HINKEL placed the following legislation up for introduction and first reading:

59 ORDINANCE NO. 15-21

60 REQUESTED AND SPONSORED BY: COUNCIL AS A WHOLE

61 *AN ORDINANCE AMENDING FAIRVIEW PARK CODIFIED ORDINANCE SECTION 111.03 to clarify the*
62 *Rules of Council, AND DECLARING AN EMERGENCY.*

63 Ordinance 15-21 was placed on first reading and referred to the Local Government and Community Services
64 Committee.

65
66 ORDINANCE NO. 15-22

67 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

68 *AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FAIRVIEW PARK TO ENTER INTO AN*
69 *AGREEMENT WITH THE CUYAHOGA COUNTY JUVENILE COURT IN CONNECTION WITH A*
70 *COMMUNITY DIVERSION PROGRAM TO ADDRESS JUVENILE MISDEMEANOR AND STATUS*
71 *OFFENDERS IN THE CITY OF FAIRVIEW PARK, ESTABLISHING A COMMUNITY DIVERSION PROGRAM*
72 *FUND AS A SPECIAL REVENUE FUND, AND DECLARING AN EMERGENCY.*

73 Ordinance 15-22 was placed on first reading and referred to the Local Government and Community Services
74 Committee.

75
76 COUNCILWOMAN CLEARY placed the following legislation up for introduction and first reading:

77 ORDINANCE NO. 15-23

78 ORIGINATED BY: THE FINANCE DEPARTMENT

79 REQUESTED BY: MAYOR EILEEN ANN PATTON

80 SPONSORED BY: COUNCILWOMAN CLEARY

81 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF*
82 *THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2015 AND*
83 *ENDING DECEMBER 31, 2015 AND DECLARING AN EMERGENCY*

84 ACTION: Ordinance 15-23 was placed on first reading and referred to the Finance Committee.

85
86 ORDINANCE NO. 15-24

87 REQUESTED BY: MAYOR EILEEN ANN PATTON

88 SPONSORED BY: COUNCILWOMAN CLEARY

89 *AN ORDINANCE AUTHORIZING ADDITIONAL FLOW MONITORS FROM HYDROMAX USA, LLC AND*
90 *DECLARING AN EMERGENCY*

91 ACTION: Ordinance 15-24 was placed on first reading and referred to the Finance Committee.

92
93 ORDINANCE NO. 15-25

94 REQUESTED BY: MAYOR EILEEN ANN PATTON

95 SPONSORED BY: COUNCILWOMAN CLEARY

96 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT THROUGH THE STATE OF*
97 *OHIO COOPERATIVE PURCHASING PROGRAM WITH BOBCAT OF CLEVELAND FOR THE PURCHASE*
98 *OF A SKID-STEER LOADER AND A COMPACT EXCAVATOR FOR THE SERVICE DEPARTMENT AND*
99 *DECLARING AN EMERGENCY*

100 ACTION: Ordinance 15-25 was placed on first reading and referred to the Finance Committee.

101

102 ORDINANCE NO. 15-26
103 REQUESTED BY: MAYOR EILEEN ANN PATTON
104 SPONSORED BY: COUNCIL WOMAN CLEARY
105 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT THROUGH THE STATE OF*
106 *OHIO COOPERATIVE PURCHASING PROGRAM WITH VALLEY FORD TRUCK, INC. FOR THE*
107 *PURCHASE OF A TRUCK WITH PLOW FOR THE SERVICE DEPARTMENT AND DECLARING AN*
108 *EMERGENCY*
109 ACTION: Ordinance 15-26 was placed on first reading and referred to the Finance Committee.

110
111 RESOLUTION NO. 15-17
112 ORIGINATED BY: THE FINANCE DEPARTMENT
113 REQUESTED BY: MAYOR EILEEN ANN PATTON
114 SPONSORED BY: COUNCIL WOMAN CLEARY
115 *A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE CITY OF FAIRVIEW PARK,*
116 *STATE OF OHIO, FOR FISCAL YEAR BEGINNING JANUARY 1, 2016, AND SUBMITTING THE SAME TO*
117 *THE CUYAHOGA COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY*
118 ACTION: Resolution 15-17 was placed on first reading and referred to the Finance Committee.

119
120 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE**

121
122 **LEGISLATION FOR THIRD READING/FINAL PASSAGE**

123 COUNCIL WOMAN CLEARY placed the following legislation up for third reading and final passage:

124 ORDINANCE NO. 15-20
125 REQUESTED BY: MAYOR EILEEN ANN PATTON
126 SPONSORED BY: COUNCIL WOMAN CLEARY
127 *AN ORDINANCE AUTHORIZING THE CITY OF FAIRVIEW PARK TO ADVERTISE FOR REQUEST FOR*
128 *QUALIFICATIONS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE MOST QUALIFIED*
129 *FIRM AS DETERMINED BY THE BOARD OF CONTROL, FOR THE FAIRVIEW PARK CITY HALL*
130 *PARKING LOT RETROFIT PROJECT 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-6 NO-0 | Ordinance 15-20 passes.

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

135
136 RESOLUTION NO. 15-14

137 REQUESTED BY: MAYOR EILEEN ANN PATTON

138 SPONSORED BY: COUNCIL WOMAN CLEARY

139 *A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FINANCIAL ASSISTANCE*
140 *UNDER THE STATE OF OHIO, DEPARTMENT OF NATURAL RESOURCES NATUREWORKS GRANT*
141 *PROGRAM, 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-6 NO-0 | Resolution 15-14 passes.

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

146
147 **LEGISLATION UP FOR PASSAGE WITHOUT THREE READINGS**

148 COUNCIL WOMAN CLEARY placed an ordinance before council for emergency passage.

149 ORDINANCE NO. 15-27

150 REQUESTED BY: MAYOR EILEEN ANN PATTON

151 SPONSORED BY: COUNCIL WOMAN CLEARY

152 CO-SPONSORED BY: COUNCILMAN MINEK

153 *AN ORDINANCE AUTHORIZING THE CITY OF FAIRVIEW PARK TO ENTER INTO A CONTRACT WITH*
154 *SCHIRMER CONSTRUCTION, LLC FOR EMERGENCY REPAIRS TO MASTICK ROAD AND DECLARING*
155 *AN EMERGENCY*

156 THE CHAIR called for any discussion.

157 COUNCILWOMAN CLEARY made a made a motion that the Charter Provision and Rule 50 requiring that the
158 legislation be read at three separate meetings be suspended and that it be placed before Council for emergency
159 passage.

160 Moved and Seconded.

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

162 ROLL CALL: Vote: YES-6, NO-0 | Motion carries.

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

164 THE CHAIR called for discussion prior to passage.

165 MAYOR PATTON said that the condition of Mastick Road between West 210th (St) and Eaton Road has
166 required the closure of the eastbound lane. It does create imminent public danger. This will be a county-city
167 project, an 80/20 split, and we certainly appreciate the cooperation of city council, our city engineer and
168 Schirmer Construction and especially the County for stepping forward on this situation that we have. Thank
169 you.

170 COUNCILMAN WOJNAR said, I just want to reiterate what the mayor said, this is a dangerous situation
171 and we need to get it fixed as soon as possible, so therefore the emergency legislation. Thanks.

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

173 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Ordinance 15-27 passes.

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

175

176 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
177 **OFFICIALS**

178 MAYOR PATTON reported that last week was busy and it continues into this week. Last Wednesday she
179 and Police Chief Erich Upperman were invited to Mayor Jackson's office to talk about peaceful protests and
180 the plans that were in place. She read a press release issued by Mayor Jackson, who asked that they share
181 with as many people as possible in the community, which the city did by Facebook and sending to the 1200
182 individuals that receive the city's e-newsletter. MAYOR PATTON said that the police departments in the
183 Westshore COG have also been working closely together with the City of Cleveland. Last Friday, at a
184 community advisory board meeting for Fairview Hospital, the finished product of the helicopter pad was
185 revealed. It is on the east side of the building, furthest away from Fairview Park. They are estimating about
186 6 arrivals per month, and will start on June 20th. She asked that residents be prepared to see the level of
187 noise and how it affects the city. MAYOR PATTON said that the third graders from Gilles-Sweet will be
188 here tomorrow visiting areas in city hall and at the Senior Center. Michelle Dunn, who is a senior at
189 Fairview High school will begin shadowing tomorrow as well. Just Add Water, a new business in Fairview,
190 held a ribbon cutting on Friday, and they are very excited to be in the city. The mayor thanked everyone that
191 attended the Spring Fling on Saturday at the Fairview Shopping Center. It was a wonderful celebration,
192 where they raised a new flag over the shopping center. She reminded everyone that the city's Memorial Day
193 activities will begin at 8:00 am at city hall in the lobby, followed by a parade. MAYOR PATTON
194 announced that Stamper's will be closing after 17 years in the city on May 31. Owners Mary and Jim
195 Stamper are retiring. They had a wonderful run here and we are thankful for the business that they brought
196 into the city.

197

198 DIRECTOR BERNER said that the Service Department will be working this week to hang baskets and flags
199 on Lorain Road and major intersections. Service crews have been working on municipal properties to get
200 them in shape for the summer. The sewer crew has been out working on Lorain Road at West 223rd St
201 cleaning sewers and visually recording the sewer to identify a failure. There are two locations in Lorain
202 Road where the road has begun to drop, and they want to determine whether the cause is because of sewer
203 failure. DIRECTOR BERNER reported that the Parks and Recreation Department are working on Bolhken,

204 Morton and Bain Park. They are maintaining the fields for recreational sports and the coming rental season.
205 He commended the Service Department on the work they have done getting the cemetery cleaned and
206 groomed for the holiday weekend. The buildings at 21000 Brookpark Road (formerly NASA 500 and 501)
207 have completed their electrical change over. A grand opening and ribbon cutting was held at Just Add Water
208 located at 22641 Lorain Road. DIRECTOR BERNER said he gave updates on the sewer skeletal model
209 project, which was also summarized in the Sun News. The Cleveland Water company has notified the city
210 that they have approved the water line replacement project for next year. Design and engineering for this
211 project will be forwarded to council for authorization in the next few weeks.

212
213 DIRECTOR ROCCO reported that the Comprehensive Annual Financial report is in draft form and
214 currently under review by the State Auditor. The Finance Department is working with the Police
215 Department to implement the acceptance of credit card payments. The alternative tax budget has been
216 submitted in anticipation of the summer recess. This document is due to the County Fiscal Office in July,
217 and is required annually to levy the city's real property tax rates. DIRECTOR ROCCO will be attending the
218 State Treasurer's Center for Public Investment Management Academy, which is an annual requirement of all
219 state fiscal officers.

220
221 DIRECTOR FAGNILLI had no report.

222
223 ENGINEER MACKAY announced that that the plans for the 2015 water line projects are complete and
224 awaiting approval from the Cleveland Water Department. Once approved, the project will be put out for
225 bidding. The street repair program is currently out for bids, which will be opened on June 3, 2015.
226 ENGINEER MACKAY thanked council for the passage of the emergency legislation authorizing the repair
227 of Mastick Road.

228
229 **PUBLIC SESSION**

230 MS. KELLIE DUBAY GILLIS - 19164 Henry Road – MS. GILLIS said that this week is important for
231 Ward 1 residents , as the Planning & Design Commission will be considering the proposed plans for the
232 Coffinberry development on Wednesday at 7pm. She said she received her notice letter and that residents
233 are looking forward to participating. She said that she still thinks that there is a role for City Council and the
234 Administration in the issue. In reflecting on what she thinks the entities can do, she said that she would like
235 to see a proposal to increase the proposed donated space by Garland closer to 42,000 feet. She said that the
236 residents supported the 2005 rezoning and, in exchange, believe they are justified in expecting an area of
237 greenspace larger than 12,000 square feet. The collaborative hopes to work with city council, city
238 administration and the Board of Education to move closer to one acre. She advised that if you add up 3 lots
239 in the proposed site plats that have been submitted it amounts to about 43,000-47,000 square feet. She said
240 the point is that they are getting 25% of what was committed to and shown to residents in the master plan.
241 MS. GILLIS said that it is a material modification of what was presented, and they still hope that all entities
242 will work with them and that they would like to see proposals to show how they are willing to collaborate to
243 get closer to the desired amount of 42,000 square feet.

244
245 DIANA SANTORA – 4885 South Park Drive – MS. SANTORA asked when the emergency repairs will
246 start on Mastick Road.

247 DIRECTOR BERNER advised that soil drilling and boring will begin tomorrow, and once they have that
248 data the design engineering firm will come up with the plan and cost estimate. He said there will probably
249 not be any major construction for at least 4-6 weeks.

250 MS. SANTORA asked about how traffic in the area would be affected.

251 DIRECTOR BERNER said that until construction begins, traffic will be monitored in its current condition,
252 and if determined to becomes too much of a safety hazard, it will be closed completely. He said that it has
253 been one lane almost a week, and we hope to keep it open somewhat.

254

255 CHUCK SOTU - 20867 Fairpark Drive - MR. SOTU asked Mayor Patton is the issue of snow removal has
256 been mentioned in the meetings with businesses on Lorain Road as it hasn't been the greatest in the last few
257 years.
258 MAYOR PATTON said that they haven't met with them yet, but DIRECTOR BERNER has been working
259 to make initial contact with them and get feedback, and that issue is one of the top three things to talk to
260 them about. She said signage, curb appeal and other items will be on the agenda, but no dates have been set
261 yet.
262 MR SOTU asked what the reason was for closing Stampers.
263 MAYOR PATTON said that she doesn't know, that they said they were just retiring form that business.
264
265 Resident from West 229th St (*name indiscernible on recording*) – Asked if Fairview Park was getting bike
266 lanes.
267 THE CHAIR replied that there will be bike and pedestrian access on the new bridge into the park.
268 MAYOR PATTON added that there will not be any on the main streets.
269

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

271 COUNCILMAN MCDONOUGH asked that any new proposals or matters be referred to committee
272 following the Coffinberry Property discussion at the Planning & Design meeting on Wednesday.
273
274 COUNCILMAN WOJNAR announced that the resurfacing project of the turf at the football staium is
275 nearing completion and looks good.
276
277 COUNCILMAN HINKEL said that he feels bad about the closing of Stampers. He said Jim and Mary were
278 definitely a part of this community and supportive of the city. He personally had a lot of great times at their
279 establishment. In reference to Mayor Jackson's press release he said that there will be Fairview Park police
280 downtown once the verdict is announced and hopes that they will be safe, as well as the protestors out
281 exercising their rights.
282
283 COUNCILMAN RUSSO had no comments.
284
285 COUNCILWOMAN CLEARY thanked Councilman McDonough for bringing the information on the
286 Juvenile Diversion Program to Fairview. She said it's a very good program, that they had a similar program
287 when she worked in Lakewood and was an asset to the city, and believes it will also be a huge asset to
288 Fairview as well, and looks forward to it.
289

290 THE CHAIR made a motion to adjourn with no further business before council.
291 Moved and Seconded.

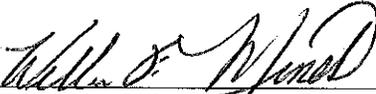
292 ROLL CALL: Vote: YES-6, NO-0 | Motion carries, meeting adjourned at 7:34 p.m.

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

294

295

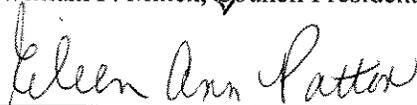
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297 
William F. Minek, Council President Pro Tem

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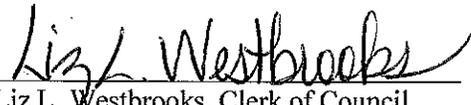
301 
Eileen Ann Patton, Mayor

302

303

304

305


Liz L. Westbrooks, Clerk of Council