



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

MONDAY, SEPTEMBER 21, 2015
REGULAR MEETING

6:30 pm - Council Study Session – Caucus Room
Police Department - Swearing-In of New Officers and Promotions (*immediately following Council Study Session*)
7:00 pm Council Meeting – Council Chambers

Meeting Called to Order

Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Motion to Suspend Rules

COUNCILMAN MINEK

Res. 15-__ | Retirement Resolution for Lt. Samuel Zummo

Disposition of Minutes:

Regular Meeting of Council Tuesday, September 8, 2015

Committee Reports

Environment, Public Works, Planning, Zoning and Development - *Councilman Minek, Chair*

Local Government and Community Service – *Councilman Hinkel, Chair*

Finance – *Councilwoman Cleary, Chair*

~ **LEGISLATIVE AGENDA** ~

Legislation for First Reading

COUNCILWOMAN CLEARY

Res. 15-__ | 2016 Cuyahoga County Municipal Grant Program Application

Legislation for Second Reading

COUNCILMAN MINEK

Ord. 15-30 | Bids & Contracts for 2016 Street Repair Program_Year 27

Ord. 15-31 | 2016 Water Main Replacement Plans & Specifications

Ord. 15-32 | 2016 Water Main Replacement Bids & Contracts

COUNCILMAN HINKEL

Ord. 15-33 | Walter Drane Recodification 2015

COUNCILWOMAN CLEARY

Ord. 15-35 | 27th Pay Period for 2015

Ord. 15-36 | Ohio Public Works Commission (OPWC) Grant Application

Agenda continued on back →

Audience Input on Legislation Up For Passage

Legislation on for Passage Under Second Reading Suspension of the Rules

COUNCILWOMAN CLEARY

Ord. 15-34 Contract with McGowan and Company for City Insurance 2015-2016

Ord. 15-37 Authorizing Purchase of 2003 International Bucket Truck for Service Department

Res. 15-22 Certifying Tax Rates to County Fiscal Officer

Reports from Mayor, Directors and Other City Officials

Public Session

Miscellaneous Business and Reports from Council

Adjournment

DO YOU HAVE A SMART DEVICE?

To download tonight's agenda and legislation being considered, scan the code below:



UPCOMING MEETINGS OF COUNCIL:

MON. Sept 28	Council Committee Meeting	7:00 p.m.	Council Caucus Room
MON. Oct 5	Council Regular Meeting	7:00 p.m.	Council Chambers
MON. Oct 12	Council Committee Meeting	7:00 p.m.	Council Caucus Room
MON. Oct 19	Council Regular Meeting	7:00 p.m.	Council Chambers
MON. Oct 26	Council Committee Meeting	7:00 p.m.	Council Caucus Room

CITY OF FAIRVIEW PARK
RESOLUTION NO. 15-
REQUESTED BY: COUNCILMAN MINEK
SPONSORED BY: COUNCILMAN MINEK
CO-SPONSORED BY: COUNCILMEMBERS B. MCDONOUGH, P. WOJNAR, J. HINKEL,
A. RUSSO, P. CLEARY AND COUNCIL PRESIDENT KILBANE

**A RESOLUTION HONORING
SAMUEL S. ZUMMO
UPON HIS RETIREMENT FROM THE POLICE DEPARTMENT**

WHEREAS, Lieutenant Samuel S. Zummo, after providing thirty-one years of distinguished service to the to the Fairview Park Police Department, retired on September 5, 2015; and

WHEREAS, Sam Zummo graduated from Holy Name High School in 1971. He was Senior Class President, a member the National Honor Society and representative on student council. He received a Stadium Scholarship to Ohio State University, where he attended as a history major. While a student there, he was a member of the fencing team and completed the two-year ROTC program as an Army Reserve officer; and

WHEREAS, upon his return to Cleveland in 1976, Sam worked for Republic Steel, was involved in four major rebuilds of blast furnaces and coke plants, and also performed duties as a bricklayer and materials handling expediter. During his ten year tenure at Republic Steel he started taking police tests, which was his genuine career interest. He was ultimately called upon by the Fairview Park Police Department; and

WHEREAS, Sam Zummo began his career with the Fairview Park Police Department on September 1, 1984. As a patrolman, he was an Evidence Technician and a member of the Westshore Enforcement Bureau Crowd Control Unit. On July 10, 1997, he attained the rank of Sergeant working as the midnight shift Sergeant and Evidence Technical Supervisor. He was promoted to Lieutenant on August 22, 2011, took on the position of jail administrator and on occasion served as both the day and afternoon shift commander; and

WHEREAS, Lieutenant Zummo has been married to his high school sweetheart, Fiorella for 42 years. They have two children, Frank and Angela, and five grandchildren. In addition to baby-sitting his 4 younger grandchildren, Sam is looking forward to travelling with his wife. He will also have time to pursue his personal interests of reading, oil landscape painting, drawing, cooking, classical music, and of course – sports.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1: That this council presents this Resolution to Lieutenant Samuel S. Zummo as a testimonial of appreciation for his loyal and dedicated service to the City of Fairview Park for the past thirty-one years, and express their best wishes to him for a long and happy retirement.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3: That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

APPROVED:

1st reading:

2nd reading:

3rd reading:

William F. Minek, Council President Pro Tem

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **TUESDAY, SEPTEMBER 8, 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, Mr. Berner, Ms. Rocco, Mrs. Fagnilli, Mr. Mackay
10

11 THE CHAIR called for a motion to suspend the rules to present special resolutions.

12 Moved and Seconded

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

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

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

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

17 RESOLUTION NO. 15-20

18 REQUESTED BY: COUNCILMAN MINEK

19 SPONSORED BY: COUNCILMAN MINEK

20 CO-SPONSORED BY: COUNCILMEMBERS B. MCDONOUGH, P. WOJNAR, J. HINKEL,
21 A. RUSSO, P. CLEARY AND PRESIDENT KILBANE

22 *A RESOLUTION EXPRESSING APPRECIATION TO BILL HARRISON UPON HIS RETIREMENT*

23 THE CHAIR called for discussion.

24 COUNCILMAN MINEK made a motion that the Charter Provision and Rule 49 requiring that the legislation be
25 read at three separate meetings be suspended and that it be placed before Council for emergency passage.

26 Moved and Seconded.

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

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

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

30 THE CHAIR called for discussion.

31 COUNCILMAN MINEK made a motion that Rule 53 requiring reference to Committee be dispensed with and
32 that Resolution 15-20 be placed on final passage.

33 THE CHAIR called for discussion prior to passage.

34 COUNCILMAN MINEK requested that the resolution be read in pertinent part. THE CLERK read the
35 resolution.

36 THE CHAIR called for further discussion prior to passage.

37 Council members and the Mayor thanked Officer Harrison for his service and wished him well in his
38 retirement.

39 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 15-20 passes.

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

41 Councilman Minek presented the resolution to Officer Harrison.
42

43 Councilwoman Cleary placed a resolution before council for emergency passage.

44 RESOLUTION NO. 15-21

45 REQUESTED BY: COUNCILWOMAN CLEARY

46 SPONSORED BY: COUNCILWOMAN CLEARY

47 CO-SPONSORED BY: COUNCILMEMBERS B. MCDONOUGH, B. MINEK, P. WOJNAR,
48 J. HINKEL, A. RUSSO, AND PRESIDENT M. KILBANE

49 *A RESOLUTION OF APPRECIATION & GRATITUDE TO JOE BROWN DIRECTOR OF RECREATION &*
50 *PARKS*

51 COUNCILWOMAN CLEARY made a motion that the Charter Provision and Rule 49 requiring that the
52 legislation be read at three separate meetings be suspended and that it be placed before Council for emergency
53 passage.
54 Moved and Seconded.
55 THE CHAIR called for discussion on the motion. No Discussion.
56 ROLL CALL: Vote: YES-7, NO-0 | Motion carries.
57 YES: B. McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
58 THE CHAIR called for discussion.
59 COUNCILMAN WOJNAR made a motion that Rule 53 requiring reference to Committee be dispensed with
60 and that Resolution 15-21 be placed on final passage.
61 THE CHAIR called for discussion prior to passage.
62 COUNCILMAN WOJNAR requested that the resolution be read in pertinent part. THE CLERK read the
63 resolution.
64 THE CHAIR called for further discussion prior to passage.
65 COUNCILMAN HINKEL thanked Director Brown for taking on his request to develop and adapted Safety
66 Town for children with special needs and for his wife, Stacy's help in the schools, and particularly with
67 working with his son, Conner.
68 COUNCILMAN WOJNAR said that it has been a pleasure to work with Joe and expressed sincere appreciation
69 for what he has been able to accomplish in the short time that he has been here in Fairview Park. He stated his
70 is a consummate professional and ran the Recreation Department in that manner. He thanked Director Brown
71 for all that he has done, and wished him luck in his future endeavors.
72 COUNCILWOMAN CLEARY thanked Director Brown for all of the work he put in with recreation center and
73 maintenance of the parks. She wished him well in his future.
74 COUNCILMAN RUSSO thanked Director Brown for always getting back to him on any questions he had. He
75 wished him lots of luck and said he would be missed.
76 MAYOR PATTON, on behalf of the administration, thanked Director Brown for his time and said that he
77 brought a breath of fresh air and was wonderful to work with. She wished him and his family the best.
78 THE CHAIR thanked Joe for his work at the Recreation Department and wished the best to him and his family.
79 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 15-21 passes.
80 YES: B. McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
81 Director Brown said that he appreciates the resolution and feels that he has accomplished some things that
82 needed to be done over the last 11 months and that it will continue to move in the right direction. He
83 thanked everyone for their time and commitment.
84 Councilman Wojnar presented the resolution to Joe Brown.
85
86 THE CHAIR called for a motion to approve the minutes of the Regular Meeting of Council held on Monday,
87 June 15, 2015.
88 Moved and seconded. No Discussion.
89 ROLL CALL: Vote: YES-7, NO-0, | Motion carries, minutes are approved.
90 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
91
92 THE CHAIR called for a motion to approve the minutes of the Special Meeting of Council held on Thursday,
93 September 3, 2015.
94 Moved and seconded. No Discussion.
95 ROLL CALL: Vote: YES-6, NO-0, ABSTAIN-1 | Motion carries, minutes are approved.
96 YES: B. McDonough, P. Wojnar, J. Hinkel, A. Russo, P. Cleary | ABSTAIN: M. Kilbane
97 THE CHAIR stated said the reason for his abstention was because he was not at the meeting.
98
99 **LEGISLATION FOR FIRST READING**
100 COUNCILMAN MINEK placed the following legislation up for introduction and first reading:
101

102
103 ORDINANCE NO. 15-30
104 REQUESTED BY: MAYOR EILEEN ANN PATTON
105 SPONSORED BY: COUNCILMAN MINEK
106 CO-SPONSORED BY: COUNCILWOMAN CLEARY
107 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO*
108 *ADVERTISE FOR BIDS, THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST*
109 *RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL, AND*
110 *PROVIDE FOR ENGINEERING SERVICES FOR THE WORK TO BE PERFORMED IN YEAR 27 OF THE*
111 *STREET REPAIR PROGRAM AND DECLARING AN EMERGENCY*
112 ACTION: Ordinance 15-30 was placed on first reading and referred to the Environment, Public Works,
113 Planning, Zoning and Development Committee.

114
115 ORDINANCE NO. 15-31
116 REQUESTED BY: MAYOR EILEEN ANN PATTON
117 SPONSORED BY: COUNCILMAN MINEK
118 *AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS*
119 *FOR THE WATER MAIN REPLACEMENT WITHIN CERTAIN STREETS AND DECLARING AN*
120 *EMERGENCY*
121 ACTION: Ordinance 15-31 was placed on first reading and referred to the Environment, Public Works,
122 Planning, Zoning and Development Committee.

123
124 ORDINANCE NO. 15-32
125 REQUESTED BY: MAYOR EILEEN ANN PATTON
126 SPONSORED BY: COUNCILMAN MINEK
127 CO-SPONSORED BY: COUNCILWOMAN CLEARY
128 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO*
129 *ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT FOR WATER MAIN*
130 *REPLACEMENT WITHIN CERTAIN STREETS AS DETERMINED BY THE BOARD OF CONTROL AND*
131 *DECLARING AN EMERGENCY*
132 ACTION: Ordinance 15-32 was placed on first reading and referred to the Environment, Public Works,
133 Planning, Zoning and Development Committee.

134
135 COUNCILMAN HINKEL placed the following legislation up for introduction and first reading:
136 ORDINANCE NO. 15-33
137 REQUESTED BY: MAYOR EILEEN ANN PATTON
138 SPONSORED BY: COUNCILMAN HINKEL
139 *AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS*
140 *OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF FAIRVIEW PARK, OHIO*
141 *AND DECLARING AN EMERGENCY*
142 ACTION: Ordinance 15-33 was placed on first reading and referred to the Local Government and Community
143 Services Committee.

144
145 COUNCILWOMAN CLEARY placed the following legislation up for introduction and first reading:
146 ORDINANCE NO. 15-34
147 REQUESTED BY: LISA ROCCO, FINANCE DIRECTOR
148 SPONSORED BY: COUNCILWOMAN CLEARY
149 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MCGOWAN AND*
150 *COMPANY FOR THE PROFESSIONAL SERVICES OF PROVIDING INSURANCE REQUIREMENTS OF*
151 *COMPREHENSIVE GENERAL LIABILITY, POLICE PROFESSIONAL LIABILITY,*
152 *FIREFIGHTER/AMBULANCE ATTENDANTS LIABILITY, BOILER AND MACHINERY INSURANCE,*

153 *COMPREHENSIVE AUTOMOBILE AND PHYSICAL DAMAGE LIABILITY, PUBLIC OFFICIALS LIABILITY,*
154 *PROPERTY AND EQUIPMENT COVERAGES, "UMBRELLA" COVERAGE, AND CYBER PROTECTION*
155 *COVERAGE AND DECLARING AN EMERGENCY*

156 ACTION: Ordinance 15-34 was placed on first reading and referred to the Finance Committee.

157

158 ORDINANCE NO. 15-35

159 ORIGINATED BY: LISA ROCCO, FINANCE DIRECTOR

160 REQUESTED BY: MAYOR EILEEN ANN PATTON

161 SPONSORED BY: COUNCILWOMAN CLEARY

162 *AN ORDINANCE DIRECTING THE DIRECTOR OF FINANCE TO PAY FROM FUNDS TO BE*
163 *APPROPRIATED IN 2015 ALL NON-COLLECTIVE BARGAINING EMPLOYEES FOR THE 27TH PAY*
164 *PERIOD ENDING ON DECEMBER 31, 2015.*

165 ACTION: Ordinance 15-35 was placed on first reading and referred to the Finance Committee.

166

167 ORDINANCE NO. 15-36

168 REQUESTED BY: MAYOR EILEEN ANN PATTON

169 SPONSORED BY: COUNCILWOMAN CLEARY

170 CO-SPONSORED BY: COUNCILMAN MINEK

171 *AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO SEEK FINANCIAL*
172 *ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT*
173 *AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FOR FUNDING FOR THE*
174 *WOODSTOCK AVENUE STORM AND SANITARY SEWER REPLACEMENT AND DECLARING AN*
175 *EMERGENCY*

176 ACTION: Ordinance 15-36 was placed on first reading and referred to the Finance Committee.

177

178 ORDINANCE NO. 15-37

179 REQUESTED BY: MAYOR EILEEN ANN PATTON

180 SPONSORED BY: COUNCILWOMAN CLEARY

181 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH I-80*
182 *EQUIPMENT FOR THE PURCHASE OF A 2003 INTERNATIONAL BUCKET TRUCK AND DECLARING AN*
183 *EMERGENCY*

184 ACTION: Ordinance 15-37 was placed on first reading and referred to the Finance Committee.

185

186 RESOLUTION NO. 15-22

187 REQUESTED BY: LISA ROCCO, FINANCE DIRECTOR

188 SPONSORED BY: COUNCILWOMAN CLEARY

189 *RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET*
190 *COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE*
191 *COUNTY FISCAL OFFICER*

192 ACTION: Resolution 15-22 was placed on first reading and referred to the Finance Committee.

193

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

195

196 **LEGISLATION UP FOR PASSAGE WITHOUT THREE READINGS**

197 COUNCILWOMAN CLEARY placed an ordinance before council for emergency passage.

198 ORDINANCE NO. 15-38

199 REQUESTED BY: MAYOR EILEEN ANN PATTON

200 SPONSORED BY: COUNCILWOMAN CLEARY

201 *AN ORDINANCE MAKING A WRITTEN RETURN TO THE FISCAL OFFICER OF CUYAHOGA COUNTY,*
202 *OHIO, FOR CHARGES FOR THE SERVICES OF THE CITY OF FAIRVIEW PARK, OHIO, FOR CUTTING*
203 *WEEDS ON CERTAIN PARCELS OF LAND DESCRIBED HEREIN, AND AUTHORIZING SAID CHARGES*

204 *TO BE PLACED UPON THE TAX DUPLICATE AND COLLECTED AS OTHER TAXES PURSUANT TO*
205 *SECTION 731.54 OF THE REVISED CODE OF OHIO, AND DECLARING AN EMERGENCY*
206 THE CHAIR called for any discussion.
207 COUNCILWOMAN CLEARY made a motion that the Charter Provision and Rule 49 requiring that the
208 legislation be read at three separate meetings be suspended and that it be placed before Council for emergency
209 passage.
210 Moved and Seconded.
211 THE CHAIR called for discussion on the motion. No Discussion.
212 ROLL CALL: Vote: YES-7, NO-0 | Motion carries.
213 YES: B. McDonough, B. Minek, M. Kilbane, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
214 THE CHAIR called for discussion.
215 COUNCILWOMAN CLEARY made a motion that Rule 53 requiring reference to Committee be dispensed with
216 and that Ordinance 15-38 be placed on final passage.
217 THE CHAIR called for discussion prior to passage.
218 COUNCILMAN WOJNAR said, I just want to reiterate what the mayor said, this is a dangerous situation
219 and we need to get it fixed as soon as possible, so therefore the emergency legislation. Thanks.
220 THE CHAIR called for any further discussion prior to passage. No Discussion.
221 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Ordinance 15-38 passes.
222 YES: B. McDonough, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
223

224 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
225 **OFFICIALS**

226 MAYOR PATTON welcomed everyone back from recess and gave the following departmental summer
227 highlights:

228 **Senior Life:**

- 229 - Distributed 131 sets of Senior Farmers Market Nutrition Program vouchers to low-income seniors. Also had
- 230 Mobile Farmers Market set up once a week in Willowood parking lot through September
- 231 - Applied for Giant Eagle grant application (\$10,000) for Senior Transportation program operating expenses.
- 232 Awards to be announced in September.
- 233 - Submitted Older Americans Act Application Proposal to Western Reserve Area Agency on Aging for
- 234 Congregate Nutrition Program (\$18,931).
- 235 - 90+ Luncheon honoring 32 residents 90 or older; two were 100 yrs. old
- 236 - Volunteers luncheon – 50 volunteers honored; -Annual Picnic w/ fiesta theme where over 100 seniors
- 237 participated
- 238 - 4 Lunch & Learns; and
- 239 - Two special Dementia Care training sessions for caregivers

240

241 **Fire Department:**

- 242 - Karl Bort was selected as a delegate to attend a national conference in Washington DC for his volunteer work
- 243 with Camp Phoenix, a burn camp for children
- 244 - Lieutenants Draves and Fink enrolled in a course to complete certification as Fire Officer I
- 245 - Fire departments from the region met with Senator Sherrod Brown to explain risks to the community from
- 246 Rail Transports.
- 247 - Chief Raffin, along with 14 other Chiefs from Ohio, was selected by Ohio Fire Chiefs to attend the Ohio Fire
- 248 Chief Symposium on September 12-13.
- 249 - Lieutenant Fink attended National Fire Academy in Emmitsburg, Maryland during July for the Ohio weekend
- 250 symposium
- 251 - Captain Kavulic was selected and appointed by the Westshore SWAT Team as a SWAT medic; and
- 252 -Regional Search and Rescue training was held at Bohlken Park. The training used a trailer from the State Fire
- 253 Academy that was received through a grant.

254

255 **Police Dept**

- 256 - Police entrance exam given with 128 applicants taking the test. The police agility test was given on June 27th
257 with the top 30 applicants invited, 27 showed, 24 passed. An extensive pre-hire process including background
258 checks, interview, polygraph, psychological and physicals was initiated. Two exemplary candidates were
259 extended a conditional offer of employment pending their passing of the medical physical. They will both be
260 sworn in at our next council meeting on September 21.
- 261 - Patrolman Chase Porter graduated from the Ohio State Highway Patrol Basic Police Academy. Chief
262 Upperman and Lieutenant Shepard attended his graduation ceremony in Columbus.
- 263 - The Police Department was awarded a \$20,000 grant towards the purchase of dash cams for the police
264 cruisers. Matt Hrubey assisted in the grant submission, where we asked for \$50,000 for cameras and the
265 server/storage infrastructure. The grant requests were capped at a limit of \$20,000 per department. The
266 department has ordered the cameras and other required items to equip 2 of our 8 patrol units, as well as the
267 server/storage infrastructure, which includes a wireless upload capability. We are treating this as a pilot
268 program to evaluate the usefulness and effectiveness of having cameras in the cars. If the program does indeed
269 assist in prosecutions and investigation, we will then look to adding 1-2 cameras per year, until all units are
270 equipped.
- 271 - Members of the Fairview Park Police Department SWAT and Crowd Control Units responded as part of the
272 Westshore Enforcement Bureau (WEB) contingent, assisting with security and crowd control for the
273 Republican Debate in Cleveland.
- 274 - Auxiliary officers displayed our newest police cars, the motorcycle and the WEB SWAT vehicle to attendees
275 of Westgate's and the Gemini Center's Touch-a-Truck community outreach events.
- 276 - Police and auxiliary officers saturated the area around the schools for the first day of school. Extra officers
277 were on duty to maintain safety, welcome the kids to school and educate parents of the traffic patterns
278 necessary to safely and efficiently drop off and pick up their children near the schools. An auxiliary officer was
279 assigned to the schools during those times for the first two weeks of school.
- 280 - Police participated in the national DRIVE SOBER OR GET PULLED OVER campaign from August 21 –
281 September 7th – to educate and increase enforcement of impaired drivers.
- 282 -New Patrol Officer Matthew McIntrye completed the Lakeland Community Basic Police Academy. He has
283 begun his 3 month Field Training Officer Program under Patrolman Jonathan Bandi. He takes the state police
284 certification test on September 17th, where upon passing, he will receive his commission as a police officer in
285 the State of Ohio.
- 286 - Chief Upperman, Patrolmen Jonathan Bandi and Justin Brewer conducted ALICE training for the staff of
287 Messiah Lutheran School. ALICE is a protocol for dealing with active shooter situations in schools. Our
288 department has already conducted training in all the public schools in Fairview Park.
- 289 - Promotional test for Lieutenant of Police was administered to the two eligible Sergeants, Michael Wickes and
290 Dennis Wilson. The individual with the highest score will be promoted to fill the open Lieutenant position
291 created by the retirement of Lieutenant Samuel Zummo. Patrolman Justin Brewer will then be promoted to
292 Sergeant to fill the vacancy created by the Lieutenant promotion.
- 293 - Lieutenant Samuel Zummo retired with 31 years of service on September 5.
- 294 MAYOR PATTON announced the following upcoming events:
- 295 -Friday, Sept 11 is Movie Night at Bain Cabin at 9 PM.
- 296 - Recycle Round-up will be held on Saturday, September 26th from 9 a.m. until noon behind city hall.
297 Shredding will also be available along with computers and scrap tires. If anyone has time to help volunteer on
298 this community outreach day, please let Bridget know.
- 299 MAYOR PATTON reported that a staff member from the Office of the Auditor of State David Yost was at city
300 hall today to present the city with the Auditor of State Award with Distinction. This award is given to those
301 entities that file an annual Comprehensive Annual Finance Report and timely financial reports in accordance
302 with GAAP, as well as receive a "clean" audit report. The "clean" audit report means that your financial audit
303 did not contain findings for recovery, material citations, material weaknesses, significant deficiencies, Single
304 Audit findings or any questioned costs. MAYOR PATTON thanked Finance Director Lisa Rocco, Deanna

305 Lebiecz and Carlene Hayes from our finance department, along with the Chiefs, Department Directors and City
306 Council for working together with Lisa in receiving this award.

307

308 DIRECTOR BERNER gave the following updates from the summer:

309 **Service Department**

310 -The Service Department took delivery of most of the new equipment authorized by city council this
311 summer, including an F-350 Pick-up truck and F-550 Dump truck, both with snow plows, an E35 Bobcat
312 mini-excavator and an S65 Bobcat Skid Steer

313 - Barriers were installed on the Lorain Rd Sidewalk between near West 192nd on South side of the roadway
314 per ODOT Specifications

315 - A meeting with Director Berner, the mayor and ODOT District 12 officials regarding the condition of the
316 Brookpark Rd. Bridge railings. They have committed to replacing the railings and overlaying the bridge
317 deck in the spring of 2017. Until then, we will keep the north side sidewalk closed because the railing is
318 dangerous.

319 -Service Department was busy this summer doing multiple sewer repairs, road way repairs from water
320 breaks, sewer cleaning and jetting, catch basin rebuilds, cleaning Coe Creek, Painting crosswalks and stop
321 bars and multiple tree trimming and removal.

322 -The Parks and Recreation Department had a successful summer of program activities. The parks crew
323 pruned trees in several parks and repaired a number of different playground apparatuses. The field turf was
324 replaced at James B. Daley Stadium.

325

326 **Development Department**

327 -Mayor Patton and Director Berner met with officials from the Buxton Group over the summer and have
328 invited them to make a presentation at committee meeting next Monday, September 14th.

329 -A group of residents, property owners and business owners interested in Lorain Road business met this
330 summer to discuss ways to improve Lorain Road properties.

331 -The Building Department Issued Certificates of Occupancies to the following businesses: Larry Chu,
332 Riyas's Nails – 22080 Lorain Road; Diyana George, dba Nates Deli – 22098 Lorain Rd.; Nick Opritz, dba
333 Broke Ass Phone – 21065 Center Ridge; and Edward Difiore Jr. dba Westside Music and Pawn – 22370
334 Lorain Rd.

335

336 **Capital Projects**

337 -The 2015 Street program is nearly complete. Cross-Roads Asphalt Recycling was the contractor and the
338 streets were: Mastick Road Hill, Sharon Lane, Riviera Drive, South Valley Drive and West 214th Street-The
339 Mastick Road repair is progressing. Last Wednesday Shirmer Construction poured the footer for the wall
340 and they plan to pour the wall on Friday. Once the wall is done, they will do the backfill and then
341 resurfacing of the road. The project is moving ahead of schedule.

342

343 THE CHAIR asked if there was any update on the NASA development.

344 DIRECTOR BERNER said that there have been several conversations with potential buyers and renters, but
345 at this point three have fallen through.

346 THE CHAIR asked what has happened with the Gallaghers.

347 DIRECTOR BERNER stated that they still own the property and have had offers from two different buyers
348 in the last year, but neither materialized. He said that it is a challenge for us, and that we are part of a
349 forming group called circle NASA, which is comparable to the University Circle Group, a Development
350 Corporation. NASA has been a focus of their group as well. DIRECTOR BERNER said that the challenge is
351 finding someone who wants that much square footage, and if not someone who wants to subdivide it.

352

353 DIRECTOR ROCCO thanked council for the passage of the finance emergency legislation, which is
354 required to be filed on or before September 14. The 2014 audit has been released for review by the State
355 Auditor's Office, and can be found under the Auditor's state website under the City of Fairview Park.

356 DIRECTOR ROCCO announced that the city has received the Auditor's Award with Distinction and
357 thanked Deanna Leibedz and Carlene Hayes in the Finance Department, all city Departments and staff,
358 including the Clerk of Council for their work and dedication. The award of distinction is the highest award
359 given and is a team effort. The state auditor's office has extended the city auditors, Cuini and Panichi's
360 contract with the city for an additional four years. DIRECTOR ROCCO said that she is currently working
361 on the 2016 annual budget for submission to council in November, and that she and Director Fagnilli are
362 currently working on preparing the new income tax ordinance for council's review and passage pursuant to
363 House Bill 5. Both have attended meetings held by the regional tax agency over the summer on the new law
364 and its requirements. DIRECTOR ROCCO reported that she also attended a meeting at the County Fiscal
365 Office regarding the 2015 triennial update last week and the city's estimated residential value increased
366 overall at 6.6%

367
368 ENGINEER MACKAY reported that we are very pleased with the progress of the Mastick Road retaining
369 wall and look forward to its completion in October. In regard to the 2015 water line projects and after
370 consultation with the Cleveland Water Department, it was agreed that the project would be rebid this month
371 and the the project would be completed next year in 2016. He stated he would keep everyone informed with
372 that process.

373
374 **PUBLIC SESSION**
375 MS. KELLIE DUBAY GILLIS - 19164 Henry Road – MS. GILLIS said that she wanted to speak on
376 greenspace in Fairview Park, specifically related to Director Brown. She said that as a resident and taxpayer
377 wanted to voice that she appreciated the work that he was doing during his year tenure here, and had the
378 vision to continue doing, specifically for master planning for the parks. She said she is hopeful that that we
379 will find someone as qualified and with the vision that Director Brown had to bring into the city. She said it
380 was a shock to hear of him leaving as they had become a part of the community. One item she did get to
381 discuss with him was the idea of little free libraries in the city parks. She said it could bring opportunities
382 for scout troop projects and would be a great way to bring literacy and a book exchange program to Fairview
383 Park.

384
385 CHUCK SOTU - 20867 Fairpark Drive - MR. SOTU said he attended the Coffinberry meeting held in the
386 summer and how hard it was to hear at the meeting in the back of the room. He wasn't sure if it was the
387 conversations between the lawyers in the room contributed, but said that perhaps we should consider
388 updating the sound system.

389 COUNCILWOMAN CLEARY said that she was also at the meeting and missed a lot of what they said, but
390 believes that one of the reasons was because at times it turned into conversations and discussion and those
391 speaking did not come to the microphones. She said that when we hold meetings like that, we need to be
392 mindful to make sure individuals speak at the microphones.

393
394 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**

395 COUNCILMAN MCDONOUGH welcomed everyone back from summer session.

396
397 COUNCILMAN MINEK reported that the Board of Control met August 10, 2015 to award a contract for the
398 city hall parking lot and retrofit project. The project is for permeable pavement which will serve as a storm
399 water management tool. The Ohio EPA awarded the city an eighty-four thousand dollar (\$84,000) grant
400 which will cover 60% of the project, and the remaining fifty-six thousand (\$56,000) will be provided by the
401 city as a cash match through Fund 811. The contract was awarded to F. Buddie Contracting, Ltd. In an
402 amount not to exceed \$140,000. The contract was awarded to the company for the best demonstrated
403 creativity and comprehension of the project's objective – a functional storm water management system that
404 incorporates education and pleasing aesthetics.

405
406

407 COUNCILMAN HINKEL welcomed everyone on council and the administration back from recess. He said
408 that he received a lot of calls over the summer about the upkeep of homes and he wanted to thank them for
409 their time and efforts. He said he also had a chance to do two ride-alongs with Lieutenant Paul Shepard in
410 relation to complaints of speeding on W. 228th St. He thanked Lt. Shepard for that opportunity, and said it
411 was nice getting to know him and to see the situation for himself. COUCNILMAN HINKEL said that his
412 neighbor was one of the attendees at the 90+ luncheon and that she really enjoyed the lunch and her time
413 with the mayor. He recognized Finance department for their award and thanked them for their hard work.

414
415 COUNCILMAN RUSSO welcomed everyone back and thanked the Administration for being available and
416 able to answer questions over the summer.

417
418 COUNCILWOMAN CLEARY acknowledged Director Rocco and the Finance department for their
419 distinguished award. This is the fourth year in a row it has been received, and is evidence to the tremendous
420 effort that is put forth. She offered congratulations to Sergeant Bruce Mihalak and new Lieutenant Thomas
421 Zinsmayer. COUNCILWOMAN CLEARY wished the Council Clerk a happy birthday.

422
423 THE CHAIR made a motion to adjourn into executive session to discuss the employment of a public
424 employee.

425 Moved and Seconded.

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

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

428 THE CHAIR made a motion to return to the regular meeting.

429 Moved and Seconded.

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

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

432 THE CHAIR made a motion to adjourn meeting with no further business before council.

433 Moved and Seconded.

434 ROLL CALL: Vote: YES-7, NO-0 | Meeting adjourned at 8:15 p.m.

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

436

437

438

439

440 _____
Michael P. Kilbane, President of Council

Liz L. Westbrooks, Clerk of Council

441

442

443

444 _____
Eileen Ann Patton, Mayor

445

446

447

448

449

450

451

452

453

454

455

456

457

CITY OF FAIRVIEW PARK
RESOLUTION NO. 15-
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

A RESOLUTION ACCEPTING THE PROJECTS PROPOSED BY THE MAYOR TO BE FUNDED AND AUTHORIZING THE APPLICATIONS FOR ASSISTANCE TO BE SUBMITTED UNDER THE 2016 CUYAHOGA COUNTY COMPETITIVE MUNICIPAL GRANT PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, applications for assistance under the 2016 Cuyahoga County Competitive Municipal Grant Program must be submitted by October 30, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the Council of the City of Fairview Park hereby approves the application to be submitted for the projects to be funded under the 2016 Cuyahoga County Competitive Municipal Grant Program.

SECTION 2. That the funds needed for the City's share of the project requests have or will be appropriated for that purpose from the appropriate funds.

SECTION 3. That the Clerk is hereby authorized to attach a certified copy of this Resolution to the Application for Assistance prior to its filing.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that the application must be submitted by the October 30, 2015 deadline, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrook, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-30
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN MINEK
CO-SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO ADVERTISE FOR BIDS, THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL, AND PROVIDE FOR ENGINEERING SERVICES FOR THE WORK TO BE PERFORMED IN YEAR 27 OF THE STREET REPAIR PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the City has been engaged in an ongoing street repair program for 26 years; and the City Engineer has recommended a program for Year 27, for which plans and specification must be prepared; and

WHEREAS, the City of Fairview Park must advertise and enter into an agreement to perform the work on the streets to be repaired in Year 27 of the Street Repair Program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the Director of Public Service and Development be and is hereby authorized to advertise for and accept bids for the repair of the City streets selected for Year 27 of the Street Repair Program.

SECTION 2. That the Mayor is authorized to enter into a contract with the lowest responsive and responsible bidder as determined by the Board of Control for repair of the City streets selected for Year 27 of the Street Program, in an amount not to exceed Four Hundred Thirty Thousand Dollars (\$430,000.00), including engineering services.

SECTION 3. That the City Engineer is hereby authorized and directed to prepare plans and specifications for repair and reconstruction of the streets listed to be repaired in Year 27 of the street program, and the City Engineer shall be paid for the services rendered in accordance with his contract with the City, as follows:

- Clifford Drive (West 215th to West 212th)
- Angela Drive (Entire)
- West 224th Street (Intersection of Mastic only)
- Rivercliff Drive (Entire)
- Westpark Drive (North Park to Eaton)
- Bohlken Park Entry

SECTION 4. That the funds for Year 27 of the Street Program shall be appropriated from Fund 811, except that the \$13,750 for the Bohlken Park Entry shall be appropriated from Fund 230.

SECTION 5. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 6. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that the repairs should be done as soon as weather permits; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 09.08.15
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrook, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-31
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS FOR THE WATER MAIN REPLACEMENT WITHIN CERTAIN STREETS AND DECLARING AN EMERGENCY

WHEREAS, it has been determined that certain water mains on Seabury Drive, Cromwell Drive and West 212th Street are in need of replacement requiring the City Engineer to prepare plans and specifications for said work.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the City Engineer is hereby authorized and directed to prepare plans and specifications for the replacement of certain water mains on Seabury Drive, Cromwell Drive and West 212th Street.

SECTION 2. Funding will be obtained from the City of Cleveland to reimburse the City of Fairview Park for the cost of the preparation of the plans and specifications.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that that the work be started as soon as possible, and provided it receives the affirmative vote of a majority plus one of members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 09.08.15
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrook, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-32
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN MINEK
CO-SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT FOR WATER MAIN REPLACEMENT WITHIN CERTAIN STREETS AS DETERMINED BY THE BOARD OF CONTROL AND DECLARING AN EMERGENCY

WHEREAS, it has been determined that certain water mains on West 212th Street, Seabury Drive and Cromwell Drive are in need of replacement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the Director of Public Service and Development be and is hereby authorized to advertise and accept bids for the water main replacement on West 212th Street, Seabury Drive and Cromwell Drive.

SECTION 2. That the Mayor is hereby authorized to enter into a contract with the lowest responsive and responsible bidder for the water main replacement on West 212th Street, Seabury Drive and Cromwell Drive, as determined by the Board of Control.

SECTION 3. The estimated cost of this water main replacement is \$1,475,000.00 and should be appropriated from Fund (550).

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that the work be started as soon as possible, and provided it receives the affirmative vote of a majority plus one of members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 09.08.15
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-33
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN HINKEL

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF FAIRVIEW PARK, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of Fairview Park, Ohio;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, OHIO:

SECTION 1. That the editing, arrangement and numbering of those ordinances enacted by Council from 5-5-2014 to 6-15-2015, as listed in the Comparative Section Table, are hereby approved and adopted as printed in the 2015 Replacement Pages to the Codified Ordinances so as to achieve uniformity of style and classification. A copy of such Replacement Pages are on file with the Clerk of Council and incorporated as a part hereof.

SECTION 2. The following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

Traffic Code

- 301.161 Highway Maintenance Vehicle. (Added)
- 301.162 Highway Traffic Signal. (Added)
- 331.43 Vehicular Operation on Street Closed Due to Rise in Water Level. (Added)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended)
- 337.16 Number of Lights; Limitations on Flashing. (Amended)
- 337.17 Focus and Aim of Headlights. (Amended)
- 341.01 Commercial Vehicle Definitions. (Amended)
- 341.03 Prerequisites to Operation of a Commercial Motor Vehicle. (Amended)

General Offenses Code

- 501.01 Definitions. (Amended)
- 501.07 Requirements For Criminal Liability. (Amended)
- 501.08 Culpable Mental States. (Amended)
- 525.01 Law Enforcement and Public Office Definitions. (Amended)

General Offenses Code (continued)

525.02	Falsification. (Amended)
525.05	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
533.09	Soliciting. (Amended)
533.15	Unlawful Advertising of Massage. (Added)
537.05	Aggravated Menacing. (Amended)
537.051	Menacing by Stalking. (Amended)
537.06	Menacing. (Amended)
537.12	Misuse of 9-1-1 System. (Amended)
537.17	Criminal Child Enticement. (Amended)
545.01	Theft and Fraud Definitions. (Amended)
545.02	Determining Property Value in Theft Offense. (Amended)
545.05	Petty Theft. (Amended)
545.15	Securing Writings by Deception. (Amended)
545.18	Receiving Stolen Property. (Amended)
549.01	Weapons Definitions. (Amended)

SECTION 3. The cost of this update to the Codified Ordinances of the City of Fairview Park shall be charged to the General Fund – Legislative (100-7780-5246000).

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and immediately provide for the updates to the Codified Ordinance of the City of Fairview Park, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 09.08.15
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrook, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-35
ORIGINATED BY: LISA ROCCO, FINANCE DIRECTOR
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE DIRECTING THE DIRECTOR OF FINANCE TO PAY FROM FUNDS TO BE APPROPRIATED IN 2015 ALL NON-COLLECTIVE BARGAINING EMPLOYEES FOR THE 27th PAY PERIOD ENDING ON DECEMBER 31, 2015.

WHEREAS, it is reasonable and necessary for the efficient operation of the City of Fairview Park that the City fairly compensate its employees, both collective bargaining and non-collective bargaining employees; and

WHEREAS, the 2015 annual budget appropriation approved by City Council in March 2015, provides funding for all salaries in the 2015 calendar year based upon 27 calendar pay dates; and

WHEREAS, the calendar year 2015 includes 27 bi-weekly pay dates rather than the normal 26 calendar pay dates.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That effective only with pay date of December 31, 2015, all salaried employees whose salaries are established by Ordinance will be paid their regular bi-weekly pay for the 27th bi-weekly pay;

SECTION 2. That all appropriate previous salary ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this shall take effect from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 09.08.15
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-36
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY
CO-SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO SEEK FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FOR FUNDING FOR THE WOODSTOCK AVENUE STORM AND SANITARY SEWER REPLACEMENT AND DECLARING AN EMERGENCY

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Fairview Park is planning to make capital improvements to the Woodstock Avenue Storm and Sanitary Sewers; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs; and

WHEREAS, the Director of Public Service and Development and Mackay Engineering for the City of Fairview Park have conducted a capital inventory and needs assessment and has determined that it is necessary to submit an application for financial assistance for the Woodstock Avenue Storm and Sanitary Sewer Replacement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. The Mayor is hereby authorized to make an application to request funds from the District One Public Works Integrating Committee of Cuyahoga County and the Ohio Public Works Commission for the Woodstock Avenue Storm and Sanitary Sewer Replacement.

SECTION 2. That the Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining such financial assistance in conjunction with the recommendations of Mackay Engineering, and approved as to form by the Director of Law, all in accordance with all authority granted to and limitations upon the Director of Finance.

SECTION 3. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare; and for the further reason that said application is required to be submitted to the District One Integrating Committee in a timely manner, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 09.08.15
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-34
REQUESTED BY: LISA ROCCO, FINANCE DIRECTOR
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MCGOWAN AND COMPANY FOR THE PROFESSIONAL SERVICES OF PROVIDING INSURANCE REQUIREMENTS OF COMPREHENSIVE GENERAL LIABILITY, POLICE PROFESSIONAL LIABILITY, FIREFIGHTER/AMBULANCE ATTENDANTS LIABILITY, BOILER AND MACHINERY INSURANCE, COMPREHENSIVE AUTOMOBILE AND PHYSICAL DAMAGE LIABILITY, PUBLIC OFFICIALS LIABILITY, PROPERTY AND EQUIPMENT COVERAGES, "UMBRELLA" COVERAGE, AND CYBER PROTECTION COVERAGE AND DECLARING AN EMERGENCY

WHEREAS, the City utilizes McGowan and Company's professional services to obtain necessary insurance coverage including cyber protection coverage; and,

WHEREAS, McGowan and Company has obtained insurance coverage determined by the Finance Director to best serve the City's needs.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into a contract with McGowan and Company for the Comprehensive General Liability, Police Professional Liability, Firefighters/Ambulance Attendance Liability, Boiler and Machinery Insurance, Comprehensive Automobile and Physical Damage Liability, Public Officials Liability, Property and Equipment, "Umbrella" Coverage, and cyber protection coverage for the period of October 1, 2015 to September 30, 2016.

SECTION 2. That the cost of the Comprehensive General Liability insurance and Cyber insurance coverage for October 1, 2015 to September 30, 2016, not to exceed One Hundred Sixty Thousand Dollars (\$160,000.00), shall be paid from the General Fund (100.7790.5221100).

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare: and for the further reason that the present insurance expires September 30, 2015; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 09.08.15
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-37
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH I-80 EQUIPMENT FOR THE PURCHASE OF A 2003 INTERNATIONAL BUCKET TRUCK AND DECLARING AN EMERGENCY

WHEREAS, the Service Department is in need of a bucket truck for use in its street lighting work within the City of Fairview Park; and

WHEREAS, a 2003 International Bucket Truck can be purchased from I-80 Equipment, 20490 E. 550th Street, Colona, Illinois 61241.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. The Mayor is hereby authorized to enter into an agreement with I-80 Equipment, 20490 E. 550th Street, Colona, Illinois 61241, for the purchase of a 2003 International Bucket Truck in an amount not to exceed Forty-Seven Thousand Five Hundred Dollars (\$47,500.00) for use by the Service Department.

SECTION 2. That the cost of the truck will be paid from the Street Lighting Fund, Fund 250.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and so that the bucket truck can be available for use by the Service Department in as soon as possible, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force from immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 09.08.15
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrook, Clerk of Council

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(CITY COUNCIL)
Revised Code, Secs. 5705.34-5705.35

The Council of the City of Fairview Park, Cuyahoga
County, Ohio, met in _____ session on the _____ day of _____
(Regular Or Special)
2015, at the office of City Council Chambers with the following members

- present:
- Brian McDonough, Ward 1
 - William Minek, Ward 2
 - Paul Wojnar, Ward 3
 - John Hinkel, Ward 4
 - Angelo Russo, Ward 5
 - Peggy Cleary, Council at Large
 - Michael Kilbane, Council President

Mr./Mrs./Ms. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously
adopted a Tax Budget for the next succeeding fiscal year commencing January 1st,
2016; and

WHEREAS, The Budget Commission of Cuyahoga County, Ohio, has
certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate
of each tax necessary to be levied by this Council, and what part thereof is without, and what part
within the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Fairview Park,
Cuyahoga County, Ohio, that the amounts and rates, as determined
by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate
of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY FISCAL OFFICER'S ESTIMATED TAX RATES

FUND	Amount to Be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Commission Inside 10 M. Limitation	County Fiscal Officer's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund			3.33	5.00
General Bond Retirement Fund				0.00
Police Pension			0.30	
Park Fund				0.00
Recreation Fund				1.00
Fire Pension Fund			0.30	
Permanent Improv. Fund				0.87
Fire Fund				1.00
TOTAL	\$0	\$0	3.93	7.87

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on _____,20 for not to exceed _____ years.		
Current Expense Levy authorized by voters on _____,20 for not to exceed _____ years.		
Total General Fund outside 10m. Limitation.		
Park Fund: Levy authorized by voters on _____,20 for not to exceed _____ years.		
Recreation Fund: Levy authorized by voters on _____,20 for not to exceed _____ years.		
Fund: Levy authorized by voters on _____ for not to exceed _____ years.		
Fund: Levy authorized by voters on _____,20 for not to exceed _____ years.		
Fund: Levy authorized by voters on _____,20 for not to exceed _____ years.		
Fund: Levy authorized by voters on _____,20 for not to exceed _____ years.		

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the Fiscal Officer of said County.

Mr./Mrs./Ms. _____ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

Mr./Mrs./Ms. _____ Brian McDonough, Ward 1	_____ YES _____ NO
Mr./Mrs./Ms. _____ William Minek, Ward 2	_____ YES _____ NO
Mr./Mrs./Ms. _____ Paul Wojnar, Ward 3	_____ YES _____ NO
Mr./Mrs./Ms. _____ John Hinkel, Ward 4	_____ YES _____ NO
Mr./Mrs./Ms. _____ Angelo Russo, Ward 5	_____ YES _____ NO
Mr./Mrs./Ms. _____ Peggy Cleary, Council at Large	_____ YES _____ NO
Mr./Mrs./Ms. _____ Michael Kilbane, Council President	_____ YES _____ NO
Mr./Mrs./Ms. _____	
Mr./Mrs./Ms. _____	

Adopted the ____ day of _____, 20____.

Attest:

Michael P. Kilbane, Council President

Liz L. Westbrooks, Clerk of Council

Eileen A. Patton, Mayor

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio Cuyahoga County, ss.

I, _____, Clerk of the Council of the City

of Fairview Park within and for said County, and in whose custody the Files

and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original _____

now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20__

Liz L. Westbrooks, Clerk of Council

1st reading: 09.08.15
2nd reading:
3rd reading:

No. Resolution 15-

COUNCIL OF THE CITY OF

FAIRVIEW PARK

CUYAHOGA County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY FISCAL OFFICER

(City Council)

Adopted _____, 20__

Clerk of Council

Filed _____, 20__

County Fiscal Officer

By _____
Deputy