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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**  
3 **MONDAY, SEPTEMBER 21, 2015**  
4

5 The regular meeting of Council was called to order by Council President Pro Tem Minek at 7:07 p.m.

6 MOMENT OF SILENT PRAYER/PLEDGE OF ALLEGIANCE

7 ROLL CALL:

8 PRESENT: Council – B. McDonough, B. Minek, 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 council President Kilbane.

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, Council President Kilbane is excused.

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

16  
17 THE CHAIR called for a motion to suspend the rules to present a special resolution.

18 Moved and Seconded

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

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

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

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

23 RESOLUTION NO. 15-23

24 REQUESTED BY: COUNCILMAN MINEK

25 SPONSORED BY: COUNCILMAN MINEK

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

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

30 THE CHAIR called for discussion.

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

34 Moved and Seconded.

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

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

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

38 THE CHAIR called for discussion.

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

41 THE CHAIR called for discussion prior to passage.

42 COUNCILMAN MINEK requested that the resolution be read in pertinent part. THE CLERK read the  
43 resolution.

44 THE CHAIR called for further discussion prior to passage.

45 COUNCILWOMAN CLEARY thanked Lt. Zummo for his service to the city, and wished him good luck  
46 and success in his retirement.

47 MAYOR PATTON said thanked Lt. Zummo for his dedicated service and said she will miss hearing his  
48 voice from behind the window.

49 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Resolution 15-20 passes.

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

51 Councilman Minek presented the resolution to Lieutenant Zummo.

103 the period of October 1, 2015 to September 30, 2016. The Finance Director, Lisa Rocco and Kevin  
104 Milligan of McGowan and Company were in attendance to explain the coverage and respond to questions.  
105 Director Rocco requested that Ord. 15-34 be passed without 3 reads to accommodate the October 1, 2015  
106 starting date for the policy. A letter documenting this request was also submitted to Council. A motion to  
107 amend Ordinance 15-34 to reflect that the contract is not to exceed \$141,000.00 carried 5-1. A motion to  
108 pass without three reads carried 6-0. **Ordinance 15-35** directs the Finance Director to pay all non-collective  
109 bargaining employees for the 27th pay period ending December 31, 2015. Typically, there are 26 bi-weekly  
110 pay periods in a given year and this year, there are 27. The funds for the extra pay period were approved by  
111 Council in the 2015 annual budget. A motion to place on 2nd, subsequent 3rd carried 6-0.

112  
113 **Ordinance 15-36** authorizes the Mayor to submit an application to seek financial assistance from the Ohio  
114 Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs  
115 for funding for the Woodstock Avenue storm and sanitary sewer replacement. Director Berner reported that  
116 the city is submitting an application and offered a brief overview of possible funding options to finance the  
117 80% match of the \$3,416,000 project, which includes engineering and design. A motion to place on 2nd,  
118 subsequent 3rd carried 6-0. **Ordinance 15-37** authorizes the Mayor to enter into an agreement with I-80  
119 equipment for the purchase of a 2003 International bucket truck for the Service Department. Director Berner  
120 reported that the truck is being purchased from a company in Illinois for an amount not to exceed \$47,500.  
121 The cost of the truck will be paid from the Street Lighting 250 Fund. Rob assured Council that it was not  
122 practical to share or contract with another municipality or the County for the use of a bucket truck and  
123 reported that the bucket truck used by the traffic engineer was not sufficient to use for cutting or trimming  
124 trees. Council was asked to pass this ordinance without three reads so that immediate action can be taken to  
125 purchase and take possession of the truck. Director Berner was asked to submit a letter to Council  
126 documenting his request that the ordinance be passed on emergency and state the reason for the request in  
127 the letter. A motion to pass without three reads carried 6-0. **Resolution 15-22** certifies tax rates to the  
128 County Fiscal Officer. Director Rocco reminded Council that this resolution is passed annually to accept the  
129 amounts and rates for the tax levies as determined by the budget commission. The Director further requested  
130 that Resolution 15-22 be passed without three reads to meet the required date for submission to the County.  
131 Director Rocco submitted a letter to council documenting this request and the reason the request was made.  
132 A motion to pass without three reads carried 6-0. That concludes my report. Thank you.

133  
134 **LEGISLATION FOR FIRST READING**

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

136 RESOLUTION NO. 15-24

137 REQUESTED BY: MAYOR EILEEN ANN PATTON

138 SPONSORED BY: COUNCILWOMAN CLEARY

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

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

144  
145 **LEGISLATION FOR SECOND READING**

146 ORDINANCE NO. 15-30

147 REQUESTED BY: MAYOR EILEEN ANN PATTON

148 SPONSORED BY: COUNCILMAN MINEK

149 CO-SPONSORED BY: COUNCILWOMAN CLEARY

150 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO*  
151 *ADVERTISE FOR BIDS, THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST*  
152 *RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL, AND*

204 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE** None

205

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

207 COUNCILWOMAN CLEARY placed Ordinance 14-34 before council for emergency passage.

208 ORDINANCE NO. 15-34

209 REQUESTED BY: LISA ROCCO, FINANCE DIRECTOR

210 SPONSORED BY: COUNCILWOMAN CLEARY

211 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MCGOWAN AND*

212 *COMPANY FOR THE PROFESSIONAL SERVICES OF PROVIDING INSURANCE REQUIREMENTS OF*

213 *COMPREHENSIVE GENERAL LIABILITY, POLICE PROFESSIONAL LIABILITY,*

214 *FIREFIGHTER/AMBULANCE ATTENDANTS LIABILITY, BOILER AND MACHINERY INSURANCE,*

215 *COMPREHENSIVE AUTOMOBILE AND PHYSICAL DAMAGE LIABILITY, PUBLIC OFFICIALS*

216 *LIABILITY, PROPERTY AND EQUIPMENT COVERAGES, "UMBRELLA" COVERAGE, AND CYBER*

217 *PROTECTION COVERAGE AND DECLARING AN EMERGENCY*

218 THE CHAIR called for any discussion.

219 COUNCILWOMAN CLEARY made a motion that the Charter Provision and Rule 49 requiring that the

220 legislation be read at three separate meetings be suspended and that it be placed before Council for

221 emergency passage.

222 Moved and Seconded.

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

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

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

226 THE CHAIR called for any further discussion.

227 COUNCILWOMAN CLEARY made a made a motion to amend Ordinance 15-34 to change the amount of

228 the contract's not to exceed amount from \$160,000 to \$141,000.

229 Moved and seconded.

230 ROLL CALL: Vote: YES-6, NO-0 | Motion carries; Ordinance 15-34 is amended.

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

232 THE CHAIR called for discussion prior to passage. No Discussion.

233 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Ordinance 15-34 Amended passes.

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

235

236 COUNCILWOMAN CLEARY placed Ordinance 14-37 before council for emergency passage.

237 ORDINANCE NO. 15-37

238 REQUESTED BY: MAYOR EILEEN ANN PATTON

239 SPONSORED BY: COUNCILWOMAN CLEARY

240 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH I-80*

241 *EQUIPMENT FOR THE PURCHASE OF A 2003 INTERNATIONAL BUCKET TRUCK AND DECLARING*

242 *AN EMERGENCY*

243 THE CHAIR called for any discussion.

244 COUNCILWOMAN CLEARY made a motion that the Charter Provision and Rule 49 requiring that the

245 legislation be read at three separate meetings be suspended and that it be placed before Council for

246 emergency passage.

247 Moved and Seconded.

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

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

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

251 THE CHAIR called for discussion prior to passage. No Discussion.

252 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Ordinance 15-37 passes.

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

254

306 great opportunity for the city to gain a good company and good people to our corporate community. There  
307 have been 5 certificate of occupancy permits issued at RiverSouth this year. DIRECTOR BERNER has  
308 communicated with representative of the landlord at the former East Coast Custard store on Story Road and  
309 a new lease is being negotiated with a new tenant. The new tenant is not known at this time, but he will keep  
310 council updated on this. He also met with Ivan Platt, franchise owner for East Coast to discuss possible  
311 relocating within the city of Fairview Park. Black and Veatch will present a sewer model at the October 26  
312 committee meeting of council. A written report will be available to council prior to the meeting so that it can  
313 be reviewed in sufficient time. A PowerPoint presentation will be presented. An RFP for video services for  
314 West 227<sup>th</sup> and West 229<sup>th</sup> north of Lorain Road, as part of this model to expedite the design of a sewer  
315 replacement on those streets. Mastick road culvert repairs are progressing well, the flooring of the wall is  
316 complete and the next step is the stripping of the forms and then applying the concrete sealant before  
317 applying the backfill. Weather permitting the roadway should be re-opened in late October or early  
318 November.

319  
320 DIRECTOR ROCCO thanked council for the passage of the finance legislation and helping to wrap up the  
321 end of the year work. The Finance Department continues to work with each department in regard to the end  
322 of the year budget, and no new requisitions will be accepted after Friday, October 23, 2015. A final  
323 appropriation amendment for 2015 and temporary appropriations for the first quarter of 2016 will be  
324 presented in November for passage before December 31, 2015. The 2016 budget hearings will be held in  
325 January or February of 2016 per council.

326  
327 DIRECTOR FAGNILLI had no report.

328  
329 ENGINEER MACKAY reported that the 2015 water line projects are currently being advertised and bids  
330 will be opened on September 30, 2015 and a recommendation will be made to the Board of Control at that  
331 time. There are presently four bidders, so competitive numbers are expected. The 2015 streets are all  
332 finished, minus some minor punch list items. Mastick Road is progressing well. The concrete retaining wall  
333 has been completely poured and is cured and the backfill for the roadway will be done this week. Asphalt  
334 pavement and replacement will follow.

335  
336 MAYOR PATTON announced that Matt Hrubey will be hosting a public meeting on the Community  
337 Development Block Grant on Monday, September 28 at 6:00 p.m.

338  
339 **PUBLIC SESSION**

340 MS. DIANA SANTORA - 4885 South Park Drive – MS. SANTORA spoke on the signage in front of city  
341 hall encouraging everyone to thank a police officer. She also reported that a mass was offered on September  
342 11 to honor all departments, police, fire and paramedics. She said that we have the best of the best in this  
343 city and she has had to call for their services on a few occasions. They have been comforting, caring and  
344 professional during their transport and we cannot ask for anything better. She suggested that we thank our  
345 emergency and safety forces all year long.

346  
347 MR. JOE WIDMAN - 4361 West 202<sup>nd</sup> Street – MR. WIDMAN spoke about the safety and upkeep of  
348 Grannis Park. He said that condition of the park is getting worse, and that vandalism and drug use has been  
349 progressing. He would like for something to start happening and came to make everyone aware of this in  
350 case they didn't know. He expressed concern for his children other children who would like to use the park.  
351 He was informed that there have been visits to the park that have been recorded in CAD reports by the  
352 police and hopes that there can be more enforcement or deterrents in the park.

353  
354 MR. DAVE ROTHCHILD - 21482 Seabury Ave – MR. ROTHCHILD inquired about where to get more  
355 information about the sewer repairs and the work that will be done on Seabury.

405 DIRECTOR BERNER said that the property maintenance enforcement is two-fold; there are residential  
406 inspections every 3 years and it is also complaint driven. He said sometimes things do fall between the  
407 cracks.

408 MR. DONELON said that he is pretty happy overall, but doesn't want to see the city drop its guard in this  
409 area.

410

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

412 COUNCILMAN MCDONOUGH thanked Mr. Widman for coming out and voicing his concerns regarding  
413 Grannis Park. He asked that any public works concerns be forwarded to Director Berner and that concerns  
414 about crime be advised to the Police Department. He doesn't believe that the Grannis situation is something  
415 that the Police department can ticket themselves out of, but because since there are juveniles, perhaps we  
416 can look into utilizing the Juvenile Diversion Program and what is causing the issues there. He said that he  
417 will be asking for the Parks and Recreation Commission to look at and address and create a plan for. He  
418 thanked Mr. Widman for coming out and bringing it to the attention of council.

419

420 COUNCILMAN WOJNAR congratulated the new and promoted officers who were in attendance tonight  
421 and wished Lieutenant Zummo a happy and eventful retirement.

422

423 COUNCILWOMAN CLEARY asked Director Berner how to promote and make residents aware of the  
424 Adopt-A-Tree program outside of what's available on the website.

425 DIRECTOR BERNER said that it is in the city newsletter and on the website, and that any time people call  
426 and ask about the trees on their tree lawn they make them aware of the program. It is also promoted in  
427 conjunction with Arbor Day.

428 COUNCILWOMAN CLEARY requested that Director Berner submit the Black and Veatch report in  
429 electronic form prior to the council committee meeting.

430 DIRECTOR BERNER said that he will get it to council. He said that it is very technical, and he has trouble  
431 reading it. He has asked that it be "dummied down" and will share that when available.

432 COUNCILWOMAN CLEARY thanked residents that came out to the meeting this evening and  
433 congratulated the safety forces who were welcomed and promoted tonight, as well as Lieutenant Zummo on  
434 his retirement.

435 THE CHAIR announced that council held an executive session on Tuesday, September 8 to discuss the  
436 employment of a public employee. He also reported that the Planning and Design Commission held a  
437 meeting on September 16 at 7:00 in city hall with 7 items on the docket.

438 THE CHAIR said that as a retired police officer for Fairview Park he welcomed the new officers and  
439 congratulated those promoted tonight.

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

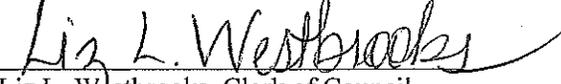
441 Moved and Seconded.

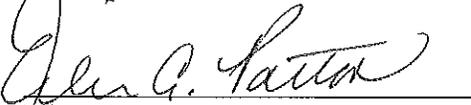
442 ROLL CALL: Vote: YES-6, NO-0 | Meeting adjourned at 8:16 p.m.

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

444

445   
446 Michael P. Kilbane, President of Council

445   
446 Liz L. Westbrook, Clerk of Council

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449 Eileen Ann Patton, Mayor

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