



# CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

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MONDAY, OCTOBER 5, 2015  
REGULAR MEETING

6:30 pm - Council Study Session – Caucus Room  
7:00 pm Council Meeting – Council Chambers

Meeting Called to Order

Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Suspension of the Rules

Disposition of Minutes:

Regular Meeting of Council Monday, September 21, 2015

Committee Reports

Finance – Councilwoman Cleary, *Chair*

~ **LEGISLATIVE AGENDA** ~

Legislation for First Reading

COUNCILWOMAN CLEARY

Ord. 15-\_\_ | Authorizing Contract with Go2IT Group for Computer Systems Support

Legislation for Second Reading

COUNCILWOMAN CLEARY

Res. 15-24 | 2016 Cuyahoga County Municipal Grant Program Application

Audience Input on Legislation Up For Passage

Legislation on for Third Reading and Final Passage

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 →*

Reports from Mayor, Directors and Other City Officials

Public Session

Miscellaneous Business and Reports from Council

Adjournment

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**UPCOMING MEETINGS OF COUNCIL:**

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
MON. Nov 2	Council Regular Meeting	7:00 p.m.	Council Chambers

1  
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.

52 LT. ZUMMO thanked council, the mayor and his colleagues in the city and said that he has worked with the  
53 best group of people he could have ever imagined. He told the incoming officers that they will remember  
54 this day for the rest of their lives and to savor it. He told them to be sensible and to learn from other officers,  
55 so that they can do the same in return. He said if anyone ever needs him, just call his wife and get a hold of  
56 him.

57  
58 CHIEF UPPERMAN thanked him for his service and wished him happiness in his retirement.

59  
60 THE CHAIR called for a motion to approve the minutes of the Regular Meeting of Council held on  
61 Tuesday, September 8, 2015.

62 Moved and seconded. No Discussion.

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

64 YES: B. McDonough, B. Minek, P. Wojnar, J. Hinkel, A. Russo, P. Clear

65

### 66 COMMITTEE REPORTS

67 COUNCILMAN MINEK said, The Environment, Public Works, Planning, Zoning & Development  
68 Committee met on Monday, September 14, 2015 to discuss the following: **Buxton Company** presentation.  
69 All members of Council, Mayor Patton, Public Service/Development Director Berner, Development  
70 Administrator Hrubey and members of the media were present. Located in Fort Worth, Texas and is the  
71 largest provider of retail recruitment services in the United States. The team at Buxton provides big answers  
72 for retail economic development strategies and local business retention and expansion efforts. The Mayor  
73 and Public Service and Development Director Berner have been in contact with this company for possible  
74 assistance in redevelopment of not only the Lorain Road corridor but Center Ridge Road and Brookpark  
75 Road. Mr. Dennis Maher & Cody Howell gave a very informative presentation of the Company. Public  
76 Service and Development Director Berner stated the administration will submit a recommendation to City  
77 Council. **Ordinance 15-30** Bids & Contracts for 2016 Street Repair Program. This is the 27th year of the  
78 program and Fairview Park has the nicest streets. Motion and vote to place this ordinance on second &  
79 subsequent third reading passed 7-0. **Ordinance 15-31** 2016 Water Main Replacement Plans &  
80 Specifications. The engineer is authorized to prepare plans and specifications for the replacement of certain  
81 water mains on the entire length of Seabury Drive, Cromwell Ave. from W. 213 St. to South Park Drive and  
82 W. 212 St. from Addington Blvd. to Northwood Ave. Motion and vote to place on second & subsequent  
83 third reading passed 7-0. **Ordinance 15-32** 2016 Water Main Replacement Bids & Contracts. Estimated  
84 cost of the project for Seabury Drive, Cromwell Ave. and W. 212 St. is \$1,475,000.00. This cost will be  
85 reimbursed by the City of Cleveland Public Water. Motion and vote to place on second & subsequent third  
86 reading passed 7-0. Issue of **Municipal Facilities Maintenance**. Members of city council have requested  
87 information and documentation from the administration. A motion that this issue remain in committee  
88 passed 7-0. This completes my report.

89

90 COUNCILMAN HINKEL said, The Local Government and Community Services Committee met on  
91 September 14 with one item on the agenda. **Ordinance 15-33** is an ordinance to update the codified  
92 ordinances of the city, which updates the city and state laws passed in the year prior. This is an annual  
93 bookkeeping ordinance that we do to keep things current. After a short discussion, a motion to place on  
94 second reading and subsequent third passed by a vote of 7-0. This ended the committee meeting for the  
95 night.

96

97 COUNCILWOMAN CLEARY said, The Finance Committee met on Monday, September 14, 2015. Finance  
98 Director Rocco and Rob Berner, Director of Service and Economic Development were in attendance.  
99 **Ordinance 15-34** authorizes the Mayor to enter into a contract with McGowan and Company for the  
100 Comprehensive General Liability, Police Professional Liability, Firefighters/Ambulance Attendants  
101 Liability, Boiler and Machinery Insurance, Comprehensive Automobile and Physical Damage Liability,  
102 Public Officials Liability, Property and Equipment, "Umbrella" Coverage, and cyber protection coverage for

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*

153 *PROVIDE FOR ENGINEERING SERVICES FOR THE WORK TO BE PERFORMED IN YEAR 27 OF THE*  
154 *STREET REPAIR PROGRAM AND DECLARING AN EMERGENCY*  
155 ACTION: Ordinance 15-30 was placed on second reading and subsequent third.  
156  
157 ORDINANCE NO. 15-31  
158 REQUESTED BY: MAYOR EILEEN ANN PATTON  
159 SPONSORED BY: COUNCILMAN MINEK  
160 *AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS*  
161 *FOR THE WATER MAIN REPLACEMENT WITHIN CERTAIN STREETS AND DECLARING AN*  
162 *EMERGENCY*  
163 ACTION: Ordinance 15-31 was placed on second reading and subsequent third.  
164  
165 ORDINANCE NO. 15-32  
166 REQUESTED BY: MAYOR EILEEN ANN PATTON  
167 SPONSORED BY: COUNCILMAN MINEK  
168 CO-SPONSORED BY: COUNCILWOMAN CLEARY  
169 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO*  
170 *ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT FOR WATER MAIN*  
171 *REPLACEMENT WITHIN CERTAIN STREETS AS DETERMINED BY THE BOARD OF CONTROL AND*  
172 *DECLARING AN EMERGENCY*  
173 ACTION: Ordinance 15-32 was placed on second reading and subsequent third.  
174  
175 COUNCILMAN HINKEL placed the following legislation up for introduction and first reading:  
176 ORDINANCE NO. 15-33  
177 REQUESTED BY: MAYOR EILEEN ANN PATTON  
178 SPONSORED BY: COUNCILMAN HINKEL  
179 *AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS*  
180 *OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF FAIRVIEW PARK,*  
181 *OHIO AND DECLARING AN EMERGENCY*  
182 ACTION: Ordinance 15-33 was placed on second reading and subsequent third.  
183  
184 ORDINANCE NO. 15-35  
185 ORIGINATED BY: LISA ROCCO, FINANCE DIRECTOR  
186 REQUESTED BY: MAYOR EILEEN ANN PATTON  
187 SPONSORED BY: COUNCILWOMAN CLEARY  
188 *AN ORDINANCE DIRECTING THE DIRECTOR OF FINANCE TO PAY FROM FUNDS TO BE*  
189 *APPROPRIATED IN 2015 ALL NON-COLLECTIVE BARGAINING EMPLOYEES FOR THE 27TH PAY*  
190 *PERIOD ENDING ON DECEMBER 31, 2015.*  
191 ACTION: Ordinance 15-35 was placed on second reading and subsequent third.  
192  
193 ORDINANCE NO. 15-36  
194 REQUESTED BY: MAYOR EILEEN ANN PATTON  
195 SPONSORED BY: COUNCILWOMAN CLEARY  
196 CO-SPONSORED BY: COUNCILMAN MINEK  
197 *AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO SEEK FINANCIAL*  
198 *ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT*  
199 *AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FOR FUNDING FOR THE*  
200 *WOODSTOCK AVENUE STORM AND SANITARY SEWER REPLACEMENT AND DECLARING AN*  
201 *EMERGENCY*  
202 ACTION: Ordinance 15-36 was placed on second reading and subsequent third.  
203

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

255 RESOLUTION NO. 15-22  
256 REQUESTED BY: LISA ROCCO, FINANCE DIRECTOR  
257 SPONSORED BY: COUNCILWOMAN CLEARY  
258 *RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET*  
259 *COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE*  
260 *COUNTY FISCAL OFFICER*  
261 THE CHAIR called for any discussion.  
262 COUNCILWOMAN CLEARY made a motion that the Charter Provision and Rule 49 requiring that the  
263 legislation be read at three separate meetings be suspended and that it be placed before Council for  
264 emergency passage.  
265 Moved and Seconded.  
266 THE CHAIR called for discussion on the motion. No Discussion.  
267 ROLL CALL: Vote: YES-6, NO-0 | Motion carries.  
268 YES: B. McDonough, B. Minek, P. Wojnar, J. Hinkel, A. Russo, P. Cleary  
269 THE CHAIR called for any further discussion.  
270 COUNCILWOMAN CLEARY made a made a motion to amend Resolution 15-22 to add council's  
271 signatures and dates into the resolution.  
272 Moved and seconded.  
273 ROLL CALL: Vote: YES-6, NO-0 | Motion carries; Resolution 15-22 is amended.  
274 YES: B. McDonough, B. Minek, P. Wojnar, J. Hinkel, A. Russo, P. Cleary  
275 THE CHAIR called for discussion prior to passage. No Discussion.  
276 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Resolution 15-22 Amended passes.  
277 YES: B. McDonough, B. Minek, P. Wojnar, J. Hinkel, A. Russo, P. Cleary  
278

279 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**  
280 **OFFICIALS**

281 MAYOR PATTON reported the following:  
282 -Westshore Area mayors met last week with the House Speaker's representatives and with Nan Baker. As  
283 there may be funds to help recoup some of the money we all lost through the Local Government Fund, we  
284 were unified in recommending that if this money has to be allocated toward a specific budget item, we  
285 would like it for capital improvements so that we can continue working on repairing and replacing sewers  
286 throughout our communities. Mayor Sutherland is going to bring this recommendation to the legislative  
287 committee of Mayors and Managers so that we can work with the state legislators to make this a reality.  
288 -20 resumes were received for the position of Recreation Director. The Recreation Commission will be  
289 meeting to review them and set interview appointments with the next couple weeks.  
290 - Saturday, September 26th is Recycle Day in Fairview Park. Shredding, tires and computers will all be  
291 accepted. If anyone is interested in volunteering, please call Matt Hrubey for details.  
292 - Tuesday, September 29th is the Lorain Road Rehabilitation Group meeting at 7:00 p.m. at city hall. This  
293 resident based group is engaged in business attraction and retention. Come and join one of the many  
294 committees put in place.  
295 - Thursday, October Oct 1st is the League of Women Voters Candidate's Night at 7:30p.m. at city hall.  
296  
297 DIRECTOR BERNER reported that the Service Department supervised the installation of new signals at the  
298 intersection of West 210<sup>th</sup> St and Westwood Dr. They are currently working on sidewalk repairs on parts of  
299 Lorain Road and there have been 24 new trees under the Adopt-A-Tree program. He encouraged everyone to  
300 promote the program and said that details are available on the website. The service department will be doing  
301 the annual Stormwater Pollution Prevention Program (SP3) this week, which tells them how to maintain the  
302 storm sewers so that water does not contaminate the waterways. Preparation has begun for the leaf  
303 collection season, which will begin in late October. The I-Mark building located at West 220<sup>th</sup> Street and  
304 Mastick Road has been purchased by the Hospitality Group, whose intent is to move their corporate  
305 headquarters there sometime late this year. The Group runs a number of different restaurants, and this is a

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.

356 DIRECTOR BERNER said that there have been some small repairs done on Seabury in the last couple  
357 months, but that there are no major repairs planned. He advised that the ordinance on the agenda was  
358 actually for water line work, and that he can get more information by calling the Service Department. He  
359 explained that the program is in partnership with Cleveland Water where there are so many failing water  
360 lines replaced per year based on priority level. It has been very successful, and we try to stay ahead of when  
361 we also need to repave the streets so it can be done all at once.  
362

363 MR. JON DONELON – 4583 Concord Drive – MR. DONELON asked about the policy for commercial  
364 vehicles being parked in driveways.

365 DIRECTOR BERNER responded that commercial vehicles are allowed as long as there is no lettering, but  
366 believes there is an ordinance prohibiting advertised vehicles.

367 MR. DONELON asked if there have been waivers to the ordinance.

368 DIRECTOR BERNER said that he has not personally granted any waivers, but there have been requests for  
369 variances made to the Board of Zoning and Appeals, who are the only ones who can grant them.

370 MR. DONELON asked why a waiver would be granted.

371 DIRECTOR BERNER said that the Board would hear the case of the applicant and argument on both sides  
372 of the hardship and any other reasons before ruling on the issue.

373 MR. DONELON asked what a hardship is.

374 MAYOR PATTON said that this has been discussed on the Planning Commission and corrected Director  
375 Berner by saying that the rule is that commercial vehicles are not permitted in residential driveways. The  
376 writing or lettering on the vehicles is not addressed in any city ordinances. The commercial plate on the  
377 vehicle determines if it is a commercial or passenger vehicle. A variance on this would need to be applied  
378 for to the Board of Zoning and Appeals and is where the word hardship appears for part of the reasoning  
379 they would have to present to the Board. They would need to prove to the Board why they need the variance  
380 and are not able to abide by the city ordinance. Some of the reasons given in the past are that it is a work-  
381 commercial vehicle, that they work out of the vehicle. In one case recently where it was granted, the  
382 neighbors all agreed that it was ok, and the homeowner also backs the truck in so that the safety notification  
383 beeping does not go off when leaving the driveway. She said that it depends a lot on who shows up for the  
384 meeting and what the consensus is.

385 MR. DONELON said that is the point he was leading up to and thinks that is crazy. He said he was just at  
386 the meeting last week and said that in the case before the Board on this issue half of the people there that  
387 lived on the gentleman's street and said he was a nice guy. He said he feels that this is something that the  
388 city should do, and not the residents which pits neighbor against neighbor. He said if it's not against the law  
389 it should be because it looks tacky and brings down the neighborhood.

390 MAYOR PATTON said that this is something that is being considered in the review of ordinances by the  
391 Planning Commission and they are considering bringing a recommendation to council to review it again.  
392 She said that there have been many applications and that the workforce has changed. More people are  
393 having to drive commercial vehicles to work and are on-call and have no choice with their job. She asked if  
394 we send a message that the workforce needs to change, by putting magnets on the side of cars or having  
395 collapsible ladders to put in the trucks.

396 MR. DONELON suggested that perhaps the city parking lot be offered as parking for these vehicles. He said  
397 he hopes that this is looked at differently.

398 DIRECTOR BERNER said that while the Board can make a recommendation, only council can change the  
399 ordinances.

400 MR. DONELON said that a while back he was told that they needed to repair the steps on their home, which  
401 he thought was good thing and would like more enforcement. He said that there is a home at 20725 Valley  
402 Forge and another on Concord where the city maintenance ordinances need to be enforced.

403 MAYOR PATTON asked that residents be the eyes and ears and report these issues and said that employees  
404 are asked to report things as they are out and about.

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

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Michael P. Kilbane, President of Council

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Liz L. Westbrooks, Clerk of Council

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Eileen Ann Patton, Mayor

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

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GO2IT GROUP FOR PROFESSIONAL SUPPORT SERVICES FOR THE CITY'S COMPUTER SYSTEMS AND DECLARING AN EMERGENCY

WHEREAS, the City's computer systems require monthly maintenance and periodic support services; and

WHEREAS, Go2IT Group has provided the necessary professional computer services for the past several years, and the City, at its option can extend the contract for an additional year for the services to maintain and operate the City's computer services from October 1, 2015 to September 30, 2016, and it is in the best interest to extend the contract.

**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 a contract with Go2IT Group to provide professional computer maintenance and support services for the City's computer systems in an amount not to exceed Thirty-Three Thousand Dollars (\$33,000.00) for the period October 1, 2015 to September 30, 2016.

SECTION 2. The cost of the professional services contract with Go2IT Group shall be paid from the General Fund (100), the Recreation Fund (232) and the Permanent Improvement Fund (260) as determined by the Finance Director.

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 to immediately provide for continued computer maintenance service, 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:

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 15-24  
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:

1<sup>st</sup> reading: 09.21.15  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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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:

1<sup>st</sup> reading: 09.08.15  
2<sup>nd</sup> reading: 09.21.15  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, 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:

1<sup>st</sup> reading: 09.08.15  
2<sup>nd</sup> reading: 09.21.15  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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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:

1<sup>st</sup> reading: 09.08.15  
2<sup>nd</sup> reading: 09.21.15  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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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:

1<sup>st</sup> reading: 09.08.15  
2<sup>nd</sup> reading: 09.21.15  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, 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 27<sup>th</sup> 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 27<sup>th</sup> 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:

1<sup>st</sup> reading: 09.08.15  
2<sup>nd</sup> reading: 09.21.15  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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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:

1<sup>st</sup> reading: 09.08.15  
2<sup>nd</sup> reading: 09.21.15  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council