



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

JANUARY 4, 2016

COMMITTEE/ORGANIZATIONAL MEETING

6:30 pm – Meeting of Committee of the Whole - Council Caucus Room
Organizational meeting for the purpose of assigning committee Chair/Vice-Chair appointments
(immediately followed by Council Caucus)

REGULAR MEETING

7:00 pm - Council Meeting – Council Chambers

Meeting Called to Order

Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Disposition of Minutes:

Regular Meeting of Council Monday, December 21, 2015

Committee Reports:

COUNCIL PRESIDENT KILBANE, Committee of the Whole

~ **LEGISLATIVE AGENDA** ~

Audience Input on Legislation Up For Passage

Legislation on for Third Reading and Final Passage

COUNCILWOMAN CLEARY

Ord. 15-51 | Authorizing Contract with Mackay Engineering 2016-2019

Ord. 15-52 | Ciuni and Panichi Contract for Audit Services for Fiscal Years 2015-2018

Ord. 15-54 | Authorizing Agreement to Sell Property Located at 22669 Lorain Road

Confirmation of the Appointments by the Mayor

Swearing in of Confirmed Appointments

Reports from Mayor, Directors and Other City Officials

Public Session

Miscellaneous Business and Reports from Council

Adjournment

Agenda continued on back →

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UPCOMING MEETINGS OF COUNCIL:

MON. Jan 11	Council Committee Meeting	7:00 p.m.	Council Caucus Room
TUES. Jan. 19	Council Regular Meeting	7:00 p.m.	Council Chambers
MON. Jan 25	Council Committee Meeting	7:00 p.m.	Council Caucus Room

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, DECEMBER 21, 2015**
4

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

6 MOMENT OF SILENT PRAYER/PLEDGE OF ALLEGIANCE

7 ROLL CALL:

8 PRESENT: Council – B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
9 Administration – Mayor Patton, Mr. Berner, Mr. Cingle, Mrs. Fagnilli, Mr. Mackay
10

11 THE CHAIR called for a motion to dispose of the minutes of the Regular Meeting of Council held on
12 Monday, December 7, 2015.

13 Moved and seconded.

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

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

17 **COMMITTEE REPORTS**

18 COUNCILMAN MINEK said, Thank You, The Environment, Public Works, Planning, Zoning &
19 Development Committee met on Monday, December 14, 2015 at 7:00PM to discuss the following:

20 **Community Development:** Guests present were Mayor Patton, Interim Finance Director Cingle, Public
21 Service/Development Director Berner, Mrs. Jennifer Trask Stok & Mr. Douglas Jakima representing
22 Forward Fairview Park. As previously reported presentations were made by The Buxton Company from
23 Texas and our own Cuyahoga County representatives. Mrs. Stok & Mr. Jakima presented how Forward
24 Fairview Park originated as a grass roots group of residents concerned about our Lorain Road business
25 corridor. Forward Fairview Park is compiling an agenda for meetings in 2016. Some of the goals are
26 engaging the community; supporting existing Lorain Road businesses; attracting new businesses and
27 development to the city; making Lorain Road more walkable and improving the appearance of our city's
28 main street. The Mayor and City Council offered assistance when requested. Motion this issue remain in
29 committee was approved 5-0. **Municipal Facilities Maintenance:** Members of council have made
30 inquiries to the administration for documentation pertaining to incidents at the facilities. This evening
31 the discussion pertained to the gas tank removal. Several questions were asked and answered by Director
32 Berner. Members of council are still waiting for additional documentation. Motion this issue remain in
33 committee was approved 5-0. **Sewers:** Briefly discussed regard the recent awarding of a contract to C&K
34 Industrial Services of Independence, Ohio in the amount of twenty-nine thousand nine hundred ninety six
35 dollars and ninety cents (\$29,996.90) to do CCTV inspection and storm sewer flooding services for W.
36 229 St., W.227 St. and Clifford Drive. Motion this issue remain in committee was approved 5-0. This
37 completes my report.
38

39 COUNCILMAN MCDONOUGH said, On Monday, December 14, 2015 the Local Government and
40 Community Services Committee met to discuss 2 ordinances and five issues. Vice Chair McDonough,
41 Council President Kilbane and council members Minek, Russo and Cleary were present, as well as
42 members of the administration. **Ordinance 15-50** would amend Fairview Park codified ordinance section
43 929.06 regarding the extension of solid waste collection charges from the end of 2015 through the end of
44 2017. Discussion ensued to amend the ordinance to add the words “solid waste collection charges” so
45 that it could conform to the previous passage of this ordinance and increase transparency. The vote was
46 5-0 to pass the amendment, and then the vote was 5-0 to place this on second and return to committee.
47 **Ordinance 15-01** would amend Fairview Park ordinance section 143.24 “Holiday Leave” by recognizing
48 Martin Luther King, Jr. Day/Call for Service as an optional holiday for those city employees who choose
49 to participate in a day of community service. Discussion ensued about achieving the goal of the
50 ordinance. The vote was 5-0 to keep the ordinance in committee for further discussion. **The issues of the**
51 **Preservation of Bain Park, Dogs in City Parks, Speeding in Crosswalks, Archiving City Documents**

52 **and City Playgrounds** were all discussed. The votes were 5-0 to keep these issues in committee for
53 further discussion.

54

55 COUNCILWOMAN CLEARY said, The Finance Committee met on Monday December 14, 2015.
56 Interim Finance Director Greg Cingle, Rob Berner, Director of Economic Development &
57 Service and Mayor Patton were in attendance to discuss the following: **Ordinance 15-45**
58 appropriates funds for current expenses and other expenditures beginning January 1, 2015 and ending
59 December 31, 2015. This ordinance was discussed in committee meeting on November 23 and returned
60 to committee to allow for any final appropriations made prior to passage. Interim Finance Director
61 reported that an additional amendment to the ordinance was needed to increase fund 550 for the contract
62 awarded by the Board of Control for the water main project. The project will be funded in full by the
63 Cleveland Division of Water. A motion to amend Ordinance 15-45 to increase fund 550 by \$333,967.06
64 encumbered for the contract awarded by the Board of Control for the water main project carried 5-0. A
65 motion to place on 3rd and up for passage carried 5-0. **Ordinance 15-47** authorizes the Mayor to enter
66 into a contract with City Architecture for the Center Ridge Road Complete Streets Project. The cities of
67 Fairview Park and Rocky River were awarded a \$64,000 grant under the Transportation for Livable
68 Communities Initiative from NOACA for planning for the Center Ridge corridor. A motion to amend
69 Ordinance 15-47 as follows carried 5-0: In Section 2, add that the two cities will share the required 20%
70 match as follows: Rocky River's share will be \$13,120 and Fairview Park's share will be \$2,880. A
71 motion to place on 3rd and up for passage carried 5-0. **Ordinance 15-48** authorizes the Mayor to enter
72 into an agreement with PB-Tech for the purchase of an AAM/CYCLON "Brac Net" - Building
73 Automation System. Director Berner reported that the current Honeywell system does not function
74 properly, in part due to the fact that the licensing agreement and codes for the unit has lapsed. The new
75 system would replace the Honeywell control system that allows for better control of the heating and
76 cooling set points within the building. Council raised a question regarding the age and cost of the
77 Honeywell system currently in place and the longevity of the proposed BracNet system being considered
78 for replacement. Director Berner did not know off hand the cost and age of the current Honeywell
79 System in place. Council asked that the administration provide requested documents regarding the
80 HVAV System for all municipal buildings that had not been received to date. Director Berner agreed to
81 provide the remaining HVAC documents that have not be received as well as provide the current quotes
82 received to replace the Honeywell control system with a non-proprietary system. A motion to remain in
83 committee carried 5-0. **Ordinance 15-49** establishes the salary range for various offices and positions of
84 the municipal government. The originally submitted Exhibit A, attached to the ordinance called for the
85 creation of the following two new positions: an Assistant Director of Public Works and an Economic
86 Development Coordinator and moved the Service Supervisor also known as Working Foreman from
87 Grade D to Grade E. Mayor Patton reported that she did not intend to create the two new positions,
88 claiming that the exhibit was taken from a draft sent by the Belz Associates when they performed the
89 2013 Compensation Study. Mayor Patton reported that the compensation specialist pulled the positions
90 that are currently listed in the codified ordinances but are not listed in our current job classification chart.
91 Council had made a request that it receive the documents relating to the 2013 compensation study and
92 raised the question in committee as to why it had not received that document with the original request.
93 Mayor Patton reported that it was listed as "draft" in the 2013 report and did not sent to council. Interim
94 Finance Director wanted to review the exhibit and further update before sending to council. The Mayor
95 asked that Ordinance 15-49 be removed and tabled. A motion to remove and table Ordinance 15-49
96 carried 5-0. **Ordinance 15-51** authorizes the Mayor to enter into a 4 year contract with Mackay
97 Engineering to serve as the city's professional consulting engineer. The city has a long-standing history
98 of contracting with MacKay Engineering for its professional engineer services. The city benefits in the
99 long term by contracting with this firm that has provided good service to the city in the past and has the
100 institutional knowledge of the city's infrastructure. A motion to place on 2nd, subsequent 3rd carried 5-0
101 **Ordinance 15-52** authorizes the Mayor to enter into a contract with Cuini & Panichi for FY 2015-FY
102 2018. Cuini & Panichi has been the contracted auditor for FY 2011 through FY 2015. Interim Finance

103 Director Cingle reported that the State of Ohio Auditor's Office has approved the city entering into a four
104 year contract for the independent audit of its financial records due to the city's record of having a clean
105 audit over the past four fiscal audits. The cost of the contract over the four years is \$108,659 and will be
106 paid from the General Fund (100).A motion to place on 2nd, subsequent 3rd carried 5-0. **Ordinance 15-**
107 **53** authorizes payment to Field Turf for the repair to the turf sub-base for the James B. Dailey Stadium.
108 The cost of the repair is \$47,115.00 and will be paid from the Recreation Fund (230). Mayor Patton and
109 Director Berner were asked about the history of the repair to the field. They reported that there was no
110 communication between former Rec Director Brown and the administration on this issue. It was
111 suggested by Director Berner that Joe Brown would know the history behind the field replacement and
112 repairs. Councilwoman Cleary offered to reach out to Joe Brown for an overview of the history of the
113 repair of the field. Council will also request the written minutes and recording of the Recreation
114 Commission meetings to see if there is additional information on this issue. A motion to place on 2nd and
115 return to committee carried 5-0. **Ordinance 15-54** authorizes the Mayor to enter into an agreement with
116 Sub Zero Properties, LTD for the purchase of the property at 22669 Lorain Road. Director Berner
117 reported that the sale price of the property is \$75,000, payable as follows: \$5,000 as a refundable earnest
118 money payment; \$60,000 to be paid at the time of title transfer; and a \$10,000 promissory note to be held
119 by the city and forgiven, in total if the property is developed and open for business within 12 months of
120 the date of title transfer to Sub Zero Properties. Motion to place on 2nd, subsequent 3rd carried 5-0. That
121 concludes my report.

122

123 **LEGISLATION FOR SECOND READING**

124 COUNCILMAN HINKEL placed the following legislation up for second reading:

125 ORDINANCE NO. 15-50

126 REQUESTED BY: MAYOR EILEEN ANN PATTON

127 SPONSORED BY: COUNCILMAN HINKEL

128 *AN ORDINANCE AMENDING SECTION 929.06 OF THE CODIFIED ORDINANCES OF THE CITY*
129 *OF FAIRVIEW PARK AND DECLARING AN EMERGENCY*

130 ACTION: Ordinance 15-50 was placed on second reading and returned to the Local Government and
131 Community Services Committee.

132

133 COUNCILWOMAN CLEARY placed the following legislation up for second reading:

134 ORDINANCE NO. 15-51

135 REQUESTED BY: MAYOR PATTON

136 SPONSORED BY: COUNCILWOMAN CLEARY

137 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FOUR YEAR CONTRACT WITH*
138 *MACKAY ENGINEERING AND SURVEYING COMPANY FOR PROFESSIONAL CONSULTING*
139 *ENGINEERING SERVICES AND DECLARING AN EMERGENCY*

140 ACTION: Ordinance 15-51 was placed on second reading and subsequent third reading.

141

142 ORDINANCE NO. 15-52

143 REQUESTED BY: MAYOR EILEEN PATTON

144 SPONSORED BY: COUNCILWOMAN CLEARY

145 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EXTENSION AGREEMENT*
146 *WITH CIUNI & PANICHI, INC. TO AUDIT THE BASIC FINANCIAL STATEMENTS OF THE CITY OF*
147 *FAIRVIEW PARK FOR FY 2015 THROUGH FY 2018 AND DECLARING AN EMERGENCY*

148 ACTION: Ordinance 15-52 was placed on second reading and subsequent third reading.

149

150 ORDINANCE NO. 15-53

151 REQUESTED BY: MAYOR EILEEN A. PATTON

152 SPONSORED BY: COUNCILWOMAN CLEARY

153 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY FIELD TURF THE COST*
154 *OF THE EMERGENCY REPAIR TO THE TURF SUB-BASE AT THE JAMES B. DALEY STADIUM AND*
155 *DECLARING AN EMERGENCY*

156 ACTION: Ordinance 15-53 was placed on second reading and returned to the Finance committee.

157

158 ORDINANCE NO. 15-54

159 REQUESTED BY: MAYOR EILEEN ANN PATTON

160 SPONSORED BY: COUNCILWOMAN CLEARY

161 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUB ZERO*

162 *PROPERTIES, LTD. FOR THE PURCHASE OF THE PROPERTY LOCATED AT 22669 LORAIN*

163 *ROAD, FAIRVIEW PARK, OHIO, AND DECLARING AN EMERGENCY.*

164 ACTION: Ordinance 15-54 was placed on second reading and subsequent third reading.

165

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

167

168 **LEGISLATION UP FOR THIRD READING AND FINAL PASSAGE**

169 Councilwoman Cleary placed Ordinance 15-45 up for third reading and final passage.

170 ORIGINATED BY: THE FINANCE DEPARTMENT

171 REQUESTED BY: MAYOR EILEEN PATTON

172 SPONSORED BY: COUNCILWOMAN CLEARY

173 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF*

174 *THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2015 AND*

175 *ENDING DECEMBER 31, 2015 AND DECLARING AN EMERGENCY.*

176 Moved and Seconded.

177 THE CHAIR called for any discussion prior to passage.

178 COUNCILWOMAN CLEARY made a motion to amend Ordinance 15-45 to make the changes discussed

179 and agreed upon in committee. The first change is to increase Fund 100.4520 (Building Standards) by

180 \$10,000.00 and the other is an increase of \$330,967.06 to Fund 550 (Water Line Reconditioning Fund)

181 Moved and Seconded.

182 THE CHAIR called for any discussion. No discussion.

183 ROLL ON MOTION: Vote: YES-7, NO-0 | Ordinance 15-45 is amended.

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

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

186 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-45 Amended passes.

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

188

189 Councilwoman Cleary placed Ordinance 15-47 up for third reading and final passage.

190 ORDINANCE NO. 15-47

191 REQUESTED BY: MAYOR EILEEN ANN PATTON

192 SPONSORED BY: COUNCILWOMAN CLEARY

193 CO-SPONSORED BY: COUNCILMAN MINEK

194 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CITY*

195 *ARCHITECTURE FOR THE CENTER RIDGE ROAD COMPLETE STREETS PROJECT AND*

196 *DECLARING AN EMERGENCY*

197 Moved and Seconded.

198 THE CHAIR called for any discussion prior to passage.

199 COUNCILWOMAN CLEARY made a motion to amend Ordinance 15-47 to the following to add the required

200 shared match amounts of \$13,120 by Rocky River and \$2,880 by Fairview Park to Section 1.

201 Moved and Seconded.

202 THE CHAIR called for any discussion. No discussion.

203 ROLL ON MOTION: Vote: YES-7, NO-0 | Ordinance 15-47 is amended.

204 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
205 THE CHAIR called for any further discussion prior to passage. No discussion.
206 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-47 Amended passes.
207 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary

208
209 Councilwoman Cleary placed Resolution 15-31 up for third reading and final passage.

210 RESOLUTION 15-31

211 REQUESTED BY: THE FINANCE DEPARTMENT

212 SPONSORED BY: COUNCILWOMAN CLEARY

213 *A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE*
214 *PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND*
215 *DECLARING AN EMERGENCY*

216 Moved and Seconded.

217 THE CHAIR called for any discussion prior to passage. No discussion.

218 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 15-31 passes.

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

220

221 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
222 **OFFICIALS**

223 MAYOR PATTON wished everyone a Merry Christmas and thanked them for attending. She announced
224 that the Gemini will be having a cookie creation members-only event and that there will also be a New
225 Years Eve event at the pool as part of an effort to get them involved, active and safe. The fire trucks will
226 be out in the neighborhoods on Thursday beginning at 10 am on Santa Patrol. The event is now on GPS
227 and can be tracked by residents to see where they are. MAYOR PATTON thanked everyone for their
228 participation throughout the year and announced that there are some projects and plans to look forward to
229 in 2016. Economic Development is one of them, with 2 projects being redesigns of vacant buildings on
230 Lorain Road and another is new construction project on vacant land, which has been proposed to city
231 council. Custom Fit Kids will be moving into the old Genie of Fairview building. The business will be
232 like a children's learning center where children 10 and up will learn about gardening, entrepreneurship
233 and daily skills. The building is being totally transformed, and will look beautiful on the corner. The
234 second building will occupy the former Kim's martial arts building, which also sits on a major corner.
235 The will be the location of a business called Duck Duck Daycare, which is run by a Fairview couple. The
236 third building is the proposed new construction of East Coast Custard on the vacant land owned by the
237 city at West 227th St and Lorain. A proposed drawing has been received and will also have a patio.
238 Traffic for the location was discussed, and Director Berner has met with the owner. MAYOR PATTON
239 announced that there will be upcoming work in relation to the sewer projects regarding areas of flooding
240 in the city. Black and Veatch will be working on an intense project coming in the upcoming year and
241 Director Berner will be keeping everyone updated on them.

242

243 DIRECTOR BERNER said that work will begin with field investigation work on West 229th and West
244 227th Streets north of Lorain Road along with Clifford Drive beginning next Monday, December 28th.
245 The work is being done by C & K Industrial Services, Inc. and is expected to last about 2 weeks.

246 DIRECTOR BERNER discussed areas of the CCTV work. Green dye will be put into the storm sewers to
247 see the degree of infiltration are going into the sanitary sewers and will be able to be seen by the cameras
248 running through the pipes. They will also be collecting information on the size, depths and inverts of the
249 sanitary sewers in this area. There is a uniqueness to the sewers on West 227th, as there is a parallel
250 sanitary sewer which will take a little more work. The work will be done and a report will then be
251 presented to our consulting engineer by January 15, 2016, for evaluation. This will allow them to finalize
252 the needed improvements and do a construction estimate so we can then begin the budgeting process for
253 this phase of the sewer improvements. The second phase for 2016 will for the same type of work on
254 West 214th, 215th, 217th and Clifford, north of Lorain Road. The results of the study that was done show

255 that those are the areas where if we do some work now, it will relieve the most basement flooding
256 throughout the city. DIRECTOR BERNER said that the status of the modeling was also discussed in a
257 meeting with Black & Veatch this morning. The draft is complete and they are finishing the review of the
258 recommendation priorities to prepare a final report. The final report with the recommendations will be
259 done in January. The delays in completing this report stem projects being prioritized by their order of
260 importance so that the sanitary back up issues in the best way possible, and one of the challenges to that
261 was determining the exact of the West 227th Street pump station. DIRECTOR BERNER stated that with
262 the recent information received, that is now together and we are in good shape moving forward into
263 2016, which promises to be a very busy year for sewer replacement repair. The information we gathered
264 in 2015 is going to benefit the city for years to come as we embark upon a multiyear strategy to reduce
265 and eliminate basement flooding in Fairview Park. The Service Department will be out this week picking
266 up sand bags in preparation for the winter snow. DIRECTOR BERNER said he knows residents like
267 their sandbags, but in the winter months they do not fare well against the snow plows and we do not want
268 them to get pushed down into the sewer system. They will be put back out in the spring when the weather
269 gets better. DIRECTOR BERNER wished city council and the community Merry Christmas and
270 prosperous New Year in 2016. He said it has been a pleasure to serve over the last 2 and a half years.
271

272 DIRECTOR CINGLE thanked council for the passage of the finance legislation. He wished the residents
273 of Fairview Park a Merry Christmas and a happy, healthy and prosperous 2016.
274

275 DIRECTOR FAGNILLI wished everyone a Merry Christmas and Happy New Year. She said it has been
276 a great year, she can't believe how fast it went. She offered best wishes to everyone and their families
277 and looks forward to seeing them in the New Year.
278

279 ENGINEER MACKAY wished everyone Happy Holidays and a Merry Christmas.
280

281 **PUBLIC SESSION**

282 MR. DAVID FORD – Weber's Ice Cream, 20230 Lorain Road – MR. FORD said that he has owned his
283 ice cream shop in the city for the last 20 years. He said that the proposal for the purchase of parcel at
284 22669 Lorain came to his attention last Thursday. He said in the one mile stretch on Lorain from West
285 202nd Street and West 227th Street, where the parcel is located, there are at least 5 places where you can
286 get a soft serve cone, 6 or 7 where you can get a shake, 3 where you can get hard ice cream and one
287 where you can get a custard scoop. MR. FORD said that he believes we have enough places to get ice
288 cream or custard and does not think that this is the best use for the parcel. He thinks that more
289 opportunities and ways to add to the lives of the citizens in the city of Fairview Park that don't require
290 frozen ice cream, custard, dairy or soft serve. He said if the property wasn't about to be sold and they
291 were aware of it, he and possibly others, would have made a proposal for the parcel of land.
292

293 MR. CHUCK SOTU – 20867 Fairpark Drive – MR. SOTU asked about the status of the former Genie of
294 Fairview property. He said there has not been much activity and sked if there was a problem.

295 DIRECTOR BERNER responded that they began to work before they got their approvals for
296 improvements, so all they were able to do was demolition.

297 MR. SOTU also asked what the responsibility of the homeowners would be in regard to the upcoming
298 sewer project and any problems between the sewer in the street and their homes and if they would be
299 responsible for repairs.

300 DIRECTOR BERNER said that the work being done next week will be in the main sewers and shouldn't
301 have any effect at all on the residents. Following the investigation work, if it is determined that a heavy
302 percentage of the infiltration sanitary sewers is from the private properties, then it will be addressed at
303 that time, but right now there is no responsibility on their part.

304 MR. SOTU said he knows there have been some discussions on flooding and about laterals being
305 improperly installed properly years ago and into homes which is why he was asking the question of
306 whether they would have to pay to fix those types of problems.

307 DIRECTOR BERNER said that Mackay Engineering did a project where a number of private laterals
308 were tested last year, so there has been some testing. He said there has been a lot of investigation on
309 private property to determine how many wrong connections there are in some areas, and if they find that
310 there are a lot if infiltration coming into the mains then billing the private property would be the next
311 step.

312 MR. SOTU said he remembers people being concerned about who was going to pay for it and possibly
313 trying to get money from the state.

314 MAYOR PATTON said that that is a very difficult task. She said that the preliminary testing being done
315 will be able to answer that question at a later date. That is why it is important to do this phase now, so we
316 know what the end result is to plan for the final project to eliminate the flooding altogether. MAYOR
317 PATTON said it is a very important subject in our community and something where due diligence will be
318 done every single day next year to work on it. It is a community project, that unfortunately we have to do,
319 but we are excited about this beginning step. This will immediately help the area that Councilman Hinkel
320 is in and then it will be moving down to Councilman Minek's area and will be expanded as funding
321 comes in and more target areas are identified.

322 MR. SOTU wished everyone a Merry Christmas.

323

324 MS. CHRIS GERRETT - 20332 Eastwood Avenue – MS. GERRETT said that she is the President of
325 Fairview Park Historical Society and knows that the Cabin has been an issue recently. She said that
326 Historical Society Museum is housed in the cabin and it was included in the fire system last year, but the
327 break-in and alarm system does not include the museum. She asked that the museum be included any
328 preservation ordinance so that they can be advertised, which they are currently not doing due to safety
329 concerns.

330 THE CHAIR said that council is currently discussing an ordinance for funding for the cabin, and will add
331 this as an item in those discussions. He thanked Ms. Gerrett for bringing her concern to council's
332 attention.

333

334 MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL

335 COUNCILMAN MCDONOUGH thanked Mr. Ford and Ms. Gerrett for coming out tonight to discuss
336 their concerns regarding future development on Lorain and the safety for Bain Park Cabin. He
337 encouraged Mr. Ford to speak to the Forward Fairview Park group of Jennifer Trask and Doug Yakima.
338 They are an exciting group looking to the future of Lorain Road and staying in touch with the
339 Development Director for possible opportunities to expand and grow businesses and acquire sites from
340 the city, which has a lot of property. COUNCILMAN MCDOUNOUGH highlighted five businesses that
341 he has visited recently in the city: In the Drink Cafe (formerly Valley Road Tavern) at 19367 Lorain
342 Road, Troubadour Coffee located at 21380 Lorain Road, Dominic Santos Italian Restaurant at 21467
343 Lorain Road, The Pita Pit at 3250 Westgate Mall and Dulcelicious Cupcakes at 22368 Lorain Road.
344 COUNCILMAN MCDONOUGH announced that the second annual Light Up Coffinberry Neighborhood
345 will take place December 22 at 5:45 pm. Residents in Coffinberry are encouraged to place luminaries in
346 front of their houses to light the way for carolers who will be singing throughout the neighborhood
347 starting at 6:00 pm starting at West 196th St and South Sagamore proceeding along Sagamore,
348 Coffinberry North Sagamore and West 196th St. Those that live nearby are welcome to join in this
349 neighborhood event. COUNCILMAN MCDONOUGH wished everyone a Merry Christmas to everyone
350 in Fairview Park.

351

352 COUNCILMAN MINEK said on behalf of his family, he wishes everyone a Merry Christmas and Happy
353 New Year.

354

355 COUNCILMAN WOJNAR wished everyone a Merry Christmas and Happy New Year.
356
357 COUNCILMAN HINKEL wished everyone a Merry Christmas and Happy New Year. He said he is
358 looking forward to the swearing-in ceremony on Sunday, Dec 27 at 1:00 pm. He invited everyone to
359 attend if they can.
360
361 COUNCILMAN RUSSO wished everyone a Merry Christmas and Happy Holidays. He said he is looking
362 forward to next year and starting officially as an elected official, as opposed to an appointed one. He
363 thanked council for the appointment and wished everyone a Happy New Year.
364
365 COUNCILWOMAN CLEARY made a motion to remove and table Ordinance 15-49.
366 Moved and Seconded.
367 THE CHAIR called for any discussion. No discussion.
368 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries.
369 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
370 COUNCILWOMAN CLEARY acknowledged the residents who are taking time to decorate their homes
371 for the holidays, especially Seabury where you can see visitors and families parking and getting out to
372 walk up and enjoy the decorations. This neighborhood was also recently recognized as having one of the
373 best displays in the area, which is another plus for Fairview Park. COUNCILWOMAN CLARY wished
374 everyone a Merry Christmas and wishing happiness, good health and peace we so desperately need in the
375 coming New Year.
376
377 THE CHAIR wished everyone Happy Holidays and a Happy New Year and best of health to their
378 families.
379 THE CHAIR made a motion to adjourn into executive session to discuss pending legislation and the
380 employment of a public employee.
381 Moved and Seconded.
382 THE CHAIR called for any discussion. No discussion.
383 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, council is in executive session.
384 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
385 THE CHAIR made a motion to return from executive session.
386 Moved and Seconded.
387 THE CHAIR called for any discussion. No discussion.
388 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, council returned to regular session.
389 THE CHAIR made a motion to adjourn the meeting.
390 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 9:47 p.m.
391 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
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396 _____
Michael P. Kilbane, President of Council
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400 _____
401 Eileen Ann Patton, Mayor
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CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-51
REQUESTED BY: MAYOR EILEEN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FOUR YEAR CONTRACT WITH MACKAY ENGINEERING AND SURVEYING COMPANY FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES AND DECLARING AN EMERGENCY

WHEREAS, the Mayor has advised City Council that it is desirable and necessary to continue the practice of engaging the services of a professional engineering firm to act as a consulting engineer to the City; and

WHEREAS, the firm of Mackay Engineering has performed said work for the City in the past; and

WHEREAS, the Mayor has recommended to Council that it is in the best interest of the City to enter into a contract with Mackay Engineering and Surveying Company for the years 2016 through 2019.

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

SECTION 1. That the Mayor of the City of Fairview Park, Ohio, be and is authorized to enter into a contract with Mackay Engineering and Surveying Company, for the period commencing January 1, 2016 and ending December 31, 2019, a copy of which is attached hereto as "Exhibit A," with such revisions that may be made by the Director of Law and approved by the Mayor without altering the substance thereof.

SECTION 2. The costs of said contract to be paid out the of General Fund (100), unless it is determined by the Director of Finance that any particular engineering expense is more appropriately paid from another fund or as authorized by further legislation.

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 duly declared to be an emergency measure, necessary for the immediate preservation of public peace, health, safety and welfare; and for the further reason that it is immediately necessary to employ a civil engineer for the proper supervision of ongoing City improvements; 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: 12.07.15
2nd reading: 12.21.15
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

EXHIBIT “A”

THIS AGREEMENT made and entered into as of the _____ day of _____, 20____, at Fairview Park, Ohio, by and between the CITY OF FAIRVIEW PARK, OHIO, hereinafter referred to as “CITY” and MACKAY ENGINEERING AND SURVEYING COMPANY, an Ohio Corporation, hereinafter referred to as “MACKAY” pursuant to the provisions of Ordinance No. _____, passed _____ by the Council of the City of Fairview Park, Ohio.

WITNESSETH

NOW, THEREFORE, for the consideration hereinafter stated and the conditions hereinafter specified, said parties agree the said Engineer shall be and he is hereby employed as Engineer for the City for a period beginning on the 1st day of January 2016 and ending on the 31st day of December 2019.

1. It is mutually agreed between the parties hereto that in consideration of said employment and appointment of Engineer for said City, that Mackay shall furnish the following services to the City:

(a) General Services – Mackay Shall:

Either Michael Mackay the principal officer of Mackay, or Kimberly Kerber, or an employee of Mackay designated by either of them shall attend, as requested by the Mayor, such Council meetings, necessary Planning and Design Commission meetings, meetings with representatives of the E.P.A., County Engineer, County Sanitary Engineer, Rocky River Sewer District, North Olmsted Sewer District, Ohio Department of Transportation, and public and private utility companies;

Supervise general engineering matters of the City;

When requested by the Law Director, prepare for and serve as an expert witness where the City is a litigant;

Advise and consult with Council and Officials of the City, reply to correspondence and receive telephone calls from the general public;

Either Michael Mackay or Kimberly Kerber, or an employee of Mackay designated by Michael Mackay will be the contact for the Mayor, Council and other City Officials and such contact will be changed only as requested by the City.

(b) Specific Services – Mackay Shall:

Review site plans, review retention basin design and plans, and inspect grades and drainage;

When required perform property, topographic or right-of-way surveys; establish centerlines of streets which are not defined by monuments; review shop or mill drawings; perform field or laboratory testing of materials; perform tests borings and other subsurface explorations; provide resident engineers, inspectors, and supervisors of construction; provide legal descriptions; provide assessments list and the calculation of assessments; or any engineering or surveying service not described in Paragraph 1(a), 1(c) and 1(d) herein;

Prepare and recommend to both the Mayor and Council a multi-year plan and priority list for the placement, repair and improvement of both storm sewers and streets within the City, as well as alternatives for the financing of these project, with annual updates, when authorized by the Mayor and Council;

(c) Subdivision of Land – Mackay Shall:

Review and approve plats and improvements plans of subdivisions within the City and submit written reports of his findings to the Planning and Design Commission and Council;

Supervise construction of subdivision improvements, including sanitary sewers, storm sewers, water mains, culverts, pavements and grading;

When the improvements are completed he shall submit a written report recommending acceptance of the maintenance of the dedicated streets to Council;

(d) Public Improvements – Plan Preparation - Mackay Shall:

Prepare all necessary plans, profiles, sections, specifications, bid documents and estimates of cost for public improvements as requested by the Director of Public Service and Development and authorized by the City Council;

(e) Public Improvements – Construction – Mackay Shall:

Analyze and tabulate bids received and recommend the lowest and best bidders to Council;

Serve as the representative of the municipality in the execution of the public improvements undertaken by the City;

Certify the correctness of estimates of work performed and materials furnished by contractors;

Provide control stakes for horizontal and vertical control;

Provide supervision and inspection services for the construction;

Prepare assessments and assessment lists for those projects which are assessed;

Furnish the Mayor and Council with monthly progress reports of the construction;

On behalf of the City, execute change orders in the aggregate not to exceed 10% of contract amount to a maximum of \$10,000. Change orders in the aggregate amount above \$10,000 shall be subject to review by the Directors of Law and Finance, and, if necessary, have approval of the Council for funding;

All plans, reports, estimates, statements, related to such projects shall be the property of the municipality and a complete set of “as-built” drawings of the completed improvements shall be filed with the Director of Public Service and Development upon completion of improvement.

2. The City shall pay Mackay for services rendered by it as follows:

(a) For service set for in Paragraph 1(a) herein for the year 2016 a retainer of Three thousand one hundred twenty eight and 32/100 Dollars (\$3,128.32) per month. For the years 2017, 2018, and 2019 the above referenced retainer shall be increased by the same percentage increases that are received by the City’s employees represented by the Unions.

(b) For Consulting Engineer services, set forth in paragraphs 1(b), 1(c), 1(d), 1(e), Mackay shall be paid at the rate of \$108.55 per hour in the year 2016 for the services of Michael Mackay or Kimberly Kerber. For the years 2017, 2018 and 2019 the above referenced rate shall be increased by the same percentage increases that are received by the City’s employees represented by the Unions.

(c) For the services of Mackay’s staff set forth in paragraphs 1(b), 1(c), 1(d), 1(e) payment shall be made according to the following schedule of hourly rates:

<u>Professional</u>	<u>2016</u>
Engineer	\$ 90.18
Surveyor	\$ 61.31
CAD Draftsman	\$ 70.82
Asst. Technician	\$ 34.92
Survey Crew (3 Person)	\$143.56
Survey Crew (2 Person)	\$121.33
Inspector	\$ 53.82
Transportation	\$ 0.00
Outside Services	At Cost

For the years 2017, 2018 and 2019 the above referenced rates shall be increased by the same percentage increases that are received by the City’s employees represented by the Unions.

Payments shall be made monthly upon billing by Mackay, setting forth the date and hours spent by its employees, and expenses incurred.

3. Mackay shall not render any engineering services of any kind and description or be employed or otherwise retained to perform such services, whether supervisory or otherwise, for any private or public person, firm or corporation, with respect to any construction, installation, building, improvement, or work to be performed or done by any such private or public person, firm, or corporation within the confines of the City limits, which might require its official approval as City Engineer.

IN WITNESS WHEREOF, the City of Fairview Park, Ohio has caused to be hereunto affixed its name by its Mayor and Michael Mackay, President of Mackay Engineering and Surveying Company, has hereunto affixed his signature, the day and year aforesaid.

In the presence of:

CITY OF FAIRVIEW PARK, OHIO

By: _____
Eileen Ann Patton, Mayor

MACKAY ENGINEERING AND
SURVEYING COMPANY

By: _____
Michael Mackay, President

Approved as to legal form:

Sara J. Fagnilli
Director of Law
City of Fairview Park

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-52
REQUESTED BY: MAYOR EILEEN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EXTENSION AGREEMENT WITH CIUNI & PANICHI, INC. TO AUDIT THE BASIC FINANCIAL STATEMENTS OF THE CITY OF FAIRVIEW PARK FOR FY 2015 THROUGH FY 2018 AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park is required to have an independent audit of its financial records each year; and

WHEREAS, Ciuni and Panichi, Inc. has previously contracted with the City of Fairview Park for the audit period of FY 2011 through FY 2014, and has proposed to the City, and been approved by the Auditor of State, to extend the contract to provide the City with the required audit services for FY 2015-FY 2018.

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 extension agreement with Ciuni & Panichi, Inc. in the amount of One Hundred Eight Thousand Six Hundred Fifty-Nine Dollars (\$108,659.00), to provide services to audit the basic financial records of the City of Fairview Park for FY 2015 through FY 2018 as follows: FY 2015 - \$25,693, FY 2016 - \$26,651, FY 2017 – \$27,655, and FY 2018 - \$28,660, to be paid from the General Fund (100), a copy of which is attached hereto as “Exhibit A,” with such revisions that may be made by the Director of Law and approved by the Mayor without altering the substance thereof.

SECTION 2. 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 3. 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 begin the FY 2015 audit process, 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: 12.07.15
2nd reading: 12.21.15
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council



Dave Yost • Auditor of State

EXTENSION AGREEMENT

This Agreement between Auditor of State Dave Yost (Auditor), City of Fairview Park, Cuyahoga County (Public Office), and Ciuni & Panichi, Inc., an independent public accountant (IPA), extends an existing agreement between these parties as identified in SECTION I below and incorporated herein by reference. These parties agree to abide by all terms and conditions of the original agreement, except as specifically identified in Section II below, and that no remuneration will be granted in relation to work performed under this modification/extension prior to the execution of this Agreement by all parties.

SECTION I – ORIGINAL CONTRACT INFORMATION

Public Office Name on RFP	<u>City of Fairview Park</u>	
Original Contract Period	<u>January 1, 2011 through December 31, 2014</u>	
Date RFP was issued	<u>November 8, 2011</u>	Date MOA Executed <u>December 16, 2011</u>
Public Office Contact	<u>Greg Cingle</u>	E-mail <u>Greg.Cingle@fairviewpark.org</u>
IPA Contact	<u>Rhonda Hall</u>	E-mail <u>rhall@cp-advisors.com</u>

SECTION II – EXTENSION INFORMATION

Extension Period: January 1, 2015 to December 31, 2018
Check one: Annual Audit _____ or Biennial Audit _____

The RFP and related contract are hereby amended for the audit periods noted above as follows:

Please note: Underlined language represents additions to original contract.

Work Papers, Work Product, and Records Retention

The IPA will maintain all engagement documentation in segregated files. The IPA agrees to provide the Auditor of State unconditional access to examine and review engagement documentation created or obtained by the IPA involving its performance under the contract. The IPA agrees to provide copies of any engagement documentation determined necessary by the Auditor of State. The Auditor of State is bound by ORC 4701.19, which provides that an IPA's engagement documentation remains the property of the IPA, even in the possession of the Auditor of State's office, and are not public records available for public disclosure. In the case of support for a finding for recovery, the Auditor of State may request the IPA to sign a limited waiver of this statutory provision. The IPA also will maintain and provide access to timesheets and expense reports that support the IPA's invoices under the contract. All such engagement documentation, timesheets, and expense reports shall be retained by the IPA for a period of five (5) years from the date of completion of the contract.

SECTION II – EXTENSION INFORMATION (continued)

Review of Reports and Work Papers - Access to / Retention Thereof

Furthermore, should it be necessary for AOS to send a notice of proposed finding regarding a potential finding for recovery, AOS will require the IPA to execute a limited waiver, to be prepared by AOS. It is the AOS' policy to allow the individual subject to the proposed FFR to review the engagement documentation (i.e. work papers) on which the proposed finding is based. Since Ohio Rev. Code § 4701.19 provides that an IPA's engagement documentation remains the property of the IPA, even in the possession of the AOS, it is necessary for the IPA to execute the limited waiver for the sole purpose of permitting AOS to show supporting documents (i.e. work papers) to those subject to proposed findings for recovery.

Contract Modifications

Modifications should only be requested for issues which were not known at the time of the original proposal, including but not limited to, changes in accounting or professional standards, changes in reporting entity, significant changes in funding, etc. IPA firms must complete the Modification Agreement Form, after any necessary discussions with the Auditor of State representative, and obtain Public Office approval. The Auditor of State will review, and if determined appropriate, approve the signed Modification Agreement, which will set forth the terms of the contract between the Auditor of State, the Public Office, and the firm. **Such agreement must be executed by the Auditor of State prior to the performance of any additional work. No remuneration will be granted in relation to work performed prior to execution of such agreement.** Any additions or reductions to the work agreed to between the Public Office and the firm shall be at an hourly rate that will not exceed the average hourly rate for the corresponding fiscal period set forth in the schedule of fees and expenses included in the sealed dollar cost bid, except in limited circumstances approved by the Auditor of State where the total cost for the audit period does not exceed the original proposed amount. The Modification Agreement Form is available on the Auditor of State's website.

Date Final Report is Due

It is anticipated this process will be completed and the final report delivered by **June 30th for each engagement period of the contract.** The final report package should be e-mailed to ipareport@ohioauditor.gov **no later than this date.**

Affirmations

The IPA shall mark "Affirmed" or "N/A," as applicable, for each of the affirmations noted in the attached Mandatory Elements Form.

Cost: Refer to the attached Schedule of Professional Fees and Expenses for details related to the costs associated with this Extension.

SECTION III – RECITALS/APPROVAL

Due to the need for a contract extension, as stated in SECTION II above, the parties with intent to be legally bound agree as follows:

- 1. IPA shall, in the performance of its engagements related to the Public Office for the fiscal period(s) set forth in the original Contract, previous Modification Agreements, and in this Agreement, perform all engagement work as set forth in the original Memorandum of Agreement, previous Modifications Agreements and in this Agreement;
- 2. The performance of the engagement work provided for in this Agreement, and all related payments provided for herein, shall in all respects be subject to the terms and conditions set forth in the original Contract;
- 3. Should this extension result in the total hours of the contract to exceed the threshold established for use of a MBE/EDGE subcontractor, the IPA shall follow all minority participation and other relevant requirements of the original contract. If applicable, the required MBE/EDGE subcontractor with respect to this Agreement will be:

Subcontractor: _____

Address: _____

- 4. Should this extension involve the use of other subcontractors, the IPA shall follow all relevant requirements of the original contract. If applicable, the other subcontractor with respect to this Agreement will be:

Subcontractor: _____

Address: _____

In the event of any conflict or inconsistency between the provisions of this Agreement and the parties' prior contract, the provisions of this Agreement shall control in all respects.

IN WITNESS WHEREOF, Auditor, Public Office and IPA have executed this agreement.

Ciuni & Panichi, Inc.

Date

Legislative Authority or Designee for the City of Fairview Park

Date

Auditor of State

Date

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-54
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUB ZERO PROPERTIES, LTD. FOR THE PURCHASE OF THE PROPERTY LOCATED AT 22669 LORAIN ROAD, FAIRVIEW PARK, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Fairview Park owns the property located at 22669 Lorain Road, Fairview Park, Ohio; and

WHEREAS, Sub Zero Properties, Ltd. has offered to purchase the property located at 22669 Lorain Road, Fairview Park, Ohio; and

WHEREAS, Sub Zero Properties, Ltd. intends to build a new building on the property located at 22669 Lorain Road for its business operations; and

WHEREAS, the sale price of the property will be Seventy-Five Thousand Dollars (\$75,000.00), payable as follows: Five Thousand Dollars (\$5,000.00) as a refundable earnest money payment, Sixty Thousand Dollars (\$60,000.00) to be paid at the time of title transfer, and a Ten Thousand Dollar (\$10,000.00) promissory note to, and to be held by, the City of Fairview Park, which will be forgiven in total if the property is developed and opened for business within twelve (12) months of the date that title transfers to Sub Zero Properties, Ltd.; and

WHEREAS, it is in the best interest of the City of Fairview Park to sell the property at 22669 Lorain Road to Sub Zero Properties, Ltd., under the terms and conditions herein.

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 Sub Zero Properties, Ltd., according to the terms and conditions contained herein, and execute any and all necessary documents for the sale of the land located at 22669 Lorain Road, Fairview Park, Ohio.

SECTION 2. 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 committee that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and provide for the sale of the subject land in a timely fashion and 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 immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 12.07.15
2nd reading: 12.21.15
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council