



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

TUESDAY, JANUARY 19, 2016
REGULAR MEETING

6:30 pm – Council Study Session - Council Caucus Room
Immediately followed by:
Swearing-In of Patrolman Adam Reyes & Firefighter Heath Hartegan
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, January 4, 2015

Committee Reports:

Local Government and Community Services, *Councilman Hinkel, Chair*
Finance – *Councilwoman Cleary, Chair*

~ **LEGISLATIVE AGENDA** ~

Legislation for First Reading

COUNCILMAN MINEK

Ord. 16-__ | Summerfest 2016 - Allowing Sale of Alcoholic Beverages

COUNCILWOMAN CLEARY

Res. 16-__ | 2016 TLCI Grant Application for Lorain Rd Planning Study

Audience Input on Legislation Up For Passage

Legislation for Third Reading and Final Passage

COUNCILMAN HINKEL

Ord. 15-50 | Amending Section 929.06 Solid Waste Collection Charges Extension

COUNCILWOMAN CLEARY

Ord. 15-53 | Authorizing Payment to Field Turf for Change Order for Emergency Repair

Reports from Mayor, Directors and Other City Officials

Agenda continued on back →

Public Session

Miscellaneous Business and Reports from Council

Adjournment

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UPCOMING MEETINGS OF COUNCIL:

MON. Jan 25	Council Committee Meeting	7:00 p.m.	Council Caucus Room
MON. Feb 1	Council Regular Meeting	7:00 p.m.	Council Chambers
MON. Feb 8	Council Committee Meeting	7:00 p.m.	Council Caucus Room
MON. Feb 15	Council Regular Meeting	7:00 p.m.	Council Chambers

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, JANUARY 4, 2016**
4

5 The regular meeting of Council was called to order by Council President Kilbane at 7:01 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 21, 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 THE CHAIR reported that council met as a Committee of the Whole this evening at 6:30 p.m. for the
19 purpose of conducting an organizational meeting. Committee Chairs and Vice-Chairs of Standing
20 Committees were discussed, and with confirmation of a voting majority of council this evening, they will
21 be effective. Also discussed were council's long and short term goals and it was a nice discussion. The
22 meeting adjourned at 6:40 p.m.
23

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

25 MR. DAVID FORD – Weber's Ice Cream, 20230 Lorain Road – MR. FORD reported that he submitted a
26 competing bid for the property at 22669 Lorain Road to construct and ice cream parlor in this location,
27 which he found out on December 17, 2015 was offered to a competitor at a \$325,000 discount. He
28 wanted to know if his larger offered would be considered?

29 THE CHAIR asked Mr. Ford if he was told the price was \$400,000.

30 MR. FORD said that when he called after TrueNorth shortly after they pulled the tanks he was told
31 \$400,000.

32 THE CHAIR clarified that this was when TrueNorth owned the property.

33 MR. FORD agreed and said that the next time he heard about a possible sale was when the former
34 owners of East Coast Custard put in a bid to purchase, but could not afford it. He said he discovered the
35 property was for sale from an article in the newspaper at a price of \$75,000, which he could afford. MR.
36 FORD discussed limitations with his current location including parking, inability to have a drive-thru and
37 manufacturing. He said once he discovered the lot was available at rate that was affordable he put a bid
38 forward.

39 COUNCILMAN RUSSO asked Mr. Ford about plans to finance and build on the property.

40 MR. FORD said that he has \$400,000 available to him. He said he went to a bank and found out that due
41 to EPA restrictions, no bank will lend money to build on that land and you need to have your own
42 resources. MR. FORD presented a drawing of the proposed building to council. He explained that this is
43 the concept that he is going for, and that the local architect he uses is currently out of town. He is
44 considering becoming a supplier and recently found out he need more manufacturing space as well.

45 COUNCILMAN MINEK asked Mr. Ford if the drawing presented done in anticipation of purchasing
46 property to the north of his current location.

47 MR. FORD said it was, but he was unsuccessful in purchasing that property.

48 COUNCILMAN MCDONOUGH asked Mr. Ford is he had any conversations with the city, or vice
49 versa, regarding the property at 22696 Lorain Road and if he was aware it was city property available for
50 development.

51 MR. FORD stated he did not, and was also not aware that price was something he could afford.

52 COUNCILMAN MCDONOUGH asked about his previous understanding that Mr. Ford wanted to build
53 a hamburger joint and a miniature golf business.

54 MR. FORD said that it was, and could see this at another location, but he found out the very next day
55 about the need for manufacturing space. He said that this need is the priority now.

56 COUNCILMAN MCDONOUGH asked if he had any other conversations regarding properties in
57 Fairview that might accommodate an expansion for Weber's Ice Cream.

58 MR. FORD said that Director Berner spoke to him about the property next to Minotti's and he reminded
59 him about the issues with being in that corridor and why that would not be a fit for what he is trying to
60 do.

61 COUNCILMAN HINKEL asked Mr. Ford to confirm what he wanted to build at the 22696 property.

62 MR. FORD said that he wants to build an all-year ice cream parlor, not just a stand that he has currently.
63 He also would have a drive-thru and plenty of parking and a manufacturing for his supplier aspirations.

64 He said that he has to do something before 2017 in order to take advantage of the opportunities available
65 to him.

66

67 MR. DAVID BOBECZKO – MR. BOBECZKO stated that he is the proprietor for Custard Guys. Ltd,
68 doing business as East Coast Custard. He said that this has been a long process and he has been working
69 closely with the city and previous owners for the last two years. He said that an agreement could not be
70 reached with the landlord at the Fairview East Coast, and that when the owners retired he was brought in.
71 He owns the franchise for the territory and all the equipment to make the project happen. MR. DAVID
72 BOBECZKO said he has worked Director Berner and Mayor Patton extensively and followed through on
73 everything promised on. He said that prints and site plans are done for the building and that they are
74 scheduled to be discussed on January 20. He stated that the only thing being held up is the vote by
75 council to make everything happen, and he would appreciate consideration to make it move forward. He
76 said that they will be in the area one way or the other. MR. BOBECZKO said that his loyalty has been to
77 Fairview Park since the very beginning and it was very important to the former owners who ran the
78 business for the last 20 years as well. He stressed that his timelines are tight and that he is planning to
79 open in the Spring and that he is weeks away from having a permit to break ground in his hands. He plans
80 to reinstate the jobs lost and bring back tax revenue that is not currently coming in due to closing. He said
81 he would appreciate council helping to move the project forward.

82

83 **LEGISLATION FOR THIRD READING AND FINAL PASSAGE**

84 COUNCILWOMAN CLEARY placed Ordinance 15-51 up for third reading and final passage.

85 ORDINANCE NO. 15-51

86 REQUESTED BY: MAYOR PATTON

87 SPONSORED BY: COUNCILWOMAN CLEARY

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

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

92 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-51 passes.

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

94

95 COUNCILWOMAN CLEARY placed Ordinance 15-52 up for third reading and final passage.

96 ORDINANCE NO. 15-52

97 REQUESTED BY: MAYOR EILEEN PATTON

98 SPONSORED BY: COUNCILWOMAN CLEARY

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

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

103 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-52 passes.
104 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
105
106 COUNCILWOMAN CLEARY placed Ordinance 15-54 up for third reading and final passage.
107 ORDINANCE NO. 15-54
108 REQUESTED BY: MAYOR EILEEN ANN PATTON
109 SPONSORED BY: COUNCILWOMAN CLEARY
110 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SUB ZERO*
111 *PROPERTIES, LTD. FOR THE PURCHASE OF THE PROPERTY LOCATED AT 22669 LORAIN*
112 *ROAD, FAIRVIEW PARK, OHIO, AND DECLARING AN EMERGENCY.*
113 THE CHAIR called for any discussion prior to passage.
114 COUNCILMAN RUSSO said that he wanted to reiterate some items mentioned in caucus prior to
115 meeting. He said that when the property was first available for sale in 2000, it was listed for sale at
116 \$400,000 and was still that price even after it was demolished until 2014 when it was donated to the city
117 in 2014. He asked if this was correct.
118 MAYOR PATTON confirmed, and said that due to the property being up for sale for a very long time,
119 and because it was identified as a streetscape area, she asked that it be donated so it could be available
120 for any interested parties. A number came forward, but wanted buildings that already existed. She said to
121 her knowledge it was advertised as they normally do, through the city's website directory, and that
122 anyone that is interested always calls. She said she has no question that it was advertised properly.
123 THE CHAIR said that it was on sale for a long time at almost a half a million dollars and then drastically
124 reduced. He asked Mayor Patton is she felt that everyone that would be interested was aware of that.
125 MAYOR PATTON said that the price was not put on, and the price would have fluctuated due to the
126 market from 2000 until 2014. The property sat for a long time because it was at an unreasonable price
127 and the city was basically being held hostage on the price of the land. She believes that proper procedure
128 was followed on this.
129 COUNCILWOMAN CLEARY asked the Mayor to clarify her statement made in caucus that the city
130 aggressively made businesses aware that the property was available. She asked if aggressively meant the
131 website, or were other efforts made. She said that Mr. Berner stated earlier that there is no marketing
132 budget, and asked that since we have someone who makes signs in the city, couldn't that have been
133 available to advertise as you would a home for sale. She also inquired about other places online other
134 than the city's site for commercial property.
135 MAYOR PATTON replied that it was advertised on the city's website.
136 DIRECTOR BERNER said that advertising the property was a challenge because they were not sure how
137 the property should be developed or what it was worth. He and the mayor discussed several times,
138 depending on what would come in, would dictate what recommendation they take on the sale of the
139 property. He stated they considered giving it away for free if someone was going to come in and build an
140 office building and employ a group of doctors, that it would benefit the city. He believes they cognitantly
141 made the decision not to put a price tag on the property because of this. MR. BERNER said that when
142 Mr. Bobeczko approached, he was aware how much Casey Sagan had offered on the property over a year
143 prior, but he explained that the city was going to look at the economic benefit to the city, and encouraged
144 him to make an offer to do that. He said that Mr. Bobeczko did that, showing how he would increase the
145 number of employees, how his corporate income tax would be higher based on his business plan and
146 assurances on the value on the type and size of structure he was building. MR. BERNER said that based
147 on those things, that's what they looked at making a recommendation on the sale of the property. He said
148 that the idea of going out and marketing it would have been very difficult for the city because it could
149 have been used for so many different purposes at different prices, which is why he and the mayor made
150 the decision that they couldn't really put a price on it.
151 COUNCILWOMAN CLEARY said that her question wasn't really why there isn't a price, but more of
152 was more of a concern on how people are made aware that property is for sale. She said that we had the
153 Directors from the County's Director of Economic Development and Regional Collaboration and the

154 Director for Planning Commission at a committee meeting recently and they spoke about marketing and
155 how municipalities contact real estate brokers, not to set a price, but asking how to push the property to
156 make interested parties aware. She said we now have a potential buyer with a shovel-ready project and
157 another saying they didn't know which is a concern. She stated that she is disappointed that other
158 businesses in Fairview may not have known that the property was available. COUNCILWOMAN
159 CLEARY asked for clarification on Mr. Ford's statement that no bank would lend money for
160 development of the property, as she understands it has been abated.
161 MAYOR PATTON stated that there is no further abatement action required on the land and confirmed it
162 is ready for development.
163 MR. FORD stated there is an EPA certificate on the property that denotes that there is a certain portion
164 of the parcel where you cannot build a basement, or be lived on. He said that Chase Bank told him that
165 there is no way that they would loan money to buy or build on that property, that it would need to be self-
166 funded, which is what he intended to do. He said a real estate attorney should have been able to get the
167 environmental information, as he did, which is why he knew to ask the question.
168 MR. BERNER stated that when Mr. Bobeczko went to the bank to secure funding he did ask for a copy
169 of the letter from the State Department of Commerce, which was provided. The letter does state that it
170 is environmentally clean.
171 THE CHAIR read the letter in part stating that the Bureau of Underground Storage Tank Regulations
172 (BUSTR) reviewed all information and based on it no further action was required. The letter was dated
173 March 2005.
174 THE CHAIR asked if there was any further discussion on Ordinance 15-54.
175 COUNCILMAN RUSSO said that it seems like there was a long time for the \$400,000 to be in people's
176 heads and he doesn't think at this time it's our job to choose between the two places, it more of what's
177 the best thing for the city, and if Mr. Ford didn't know about it, are there others who also had businesses
178 and knew it was being sold at less than \$100,000, would they have wanted to contribute or try and put an
179 offer in. COUNCILMAN RUSSO said what we need to see and he has always said is that cash value is
180 not necessarily what's important, but how much benefit the city would get. He said it seems that people
181 had the larger number stuck in their head and perhaps we should advertise and give everyone else an
182 opportunity to give their idea on would be the best thing for the city, both economically and a cash value
183 for it.
184 COUNCILMAN MCDONOUGH said that he was currently on the website, and it lists several properties
185 for sale. A lot are private owners, but for the property of 22669 Lorain Road, it lists as vacant land that is
186 negotiable. He said that he thinks it's a good idea to instead of having to rely on going to the website, to
187 also have a sign out that actually says it available for purchase and development. It puts the public on
188 notice and the more people that are interested, the more ideas you can have. He said the listing says the
189 property is primed for redevelopment and located on a highly visible corner of Lorain Road and West
190 227th and to contact Rob (Berner) for the price. He said that respect to the pricing, he understands, but
191 every property has some value and is listed on the County Fiscal Officers website and suggested
192 including that value in the future and providing signage. COUNCILMAN MCDONOUGH stated that he
193 is concerned in hearing two different answers regarding Mr. Ford's knowledge of the property on behalf
194 of the city and not knowing, but he applauds Mr. Bobeczko in wanting to continue the tradition of a
195 wonderful business that has been in the city for 18 years and is willing to invest in the city. He said he
196 hopes that there is enough land and vacancies in the city to allow us the best of both worlds and having an
197 East Coast Custard and Weber's Ice Cream.
198 THE CHAIR asked if there was any further discussion on Ordinance 15-54.
199 COUNCILWOMAN CLEARY asked for a legal opinion from Director Fagnilli on the concern of
200 rebidding when the price is already known. She asked if the land is sold to the highest bidder, would Mr.
201 Bobeczko be put at a disadvantage with Mr. Ford knowing the previous price offered when he submitted
202 his bid.
203 DIRECTOR FAGNILLI said that the Charter permits council to sell property by ordinance, which
204 permits the Administration to present a deal like this to council. She said the focus is similar to what Mr.

205 Berner said, which is the value of the property and what might be do with it and how we want to sell
206 being directly related to what goes in there. She said she believes that council has the flexibility to make
207 that choice, She stated that she doesn't believe it comes down to offering \$5,000 more at a time and
208 seeing who can come up with the best number for a price. The issue is what are the projects, are they
209 viable and Mr. Berner and the Mayor have tried to put together a package here that works.
210 COUNCILWOMAN CLEARY said she understands the duty of council, but her concern was that they
211 were presented this offer at the 12th hour after a businessman has come forward with a shovel-ready
212 project.
213 THE CHAIR said that he believes the question is that if we stop the process where we are and return the
214 Ordinance to committee and eventually put back out to bid, would that open us up for litigation.
215 COUNCILWOMAN CLEARY concurred, and thanked the Chair for clarification.
216 DIRECTOR FAGNILLI said that she doesn't believe there is a cause of action if council chooses not to
217 pass the ordinance with the original offeree. The question becomes more of a practical matter, and that is
218 there is a shovel-ready that has plans ready to go against an offer that is a few thousand dollars higher
219 with absolutely nothing behind it. The other thing you have to remember is that somebody can say, "I
220 don't know", but the fact of the matter is, as a matter of public record this property was for sale at a price
221 well below \$400,000 a year ago, on our website, in our council minutes, in our meetings-it was discussed
222 in committee probably more than once, and the fact that somebody's not looking at that or not paying
223 attention to it, when, I think Mr. Ford told you that he knew that deal didn't go through. It was a matter of
224 public record in how much we were going to sell it for, it was discussed in committee. So to say well the
225 offer was \$400,000, whatever and now nobody knows and it's not enough of an effort, it's on the public
226 record. So I don't think there is any legal liability, I think you have to look at the practicalities of what
227 you have before you. DIRECTOR FAGNILLI said she wanted to note that a manufacturing facility like
228 Mr. Ford is suggesting wouldn't be permitted under the zoning code. A retail establishment as a retail
229 establishment where it is in General Business "A" is fine. When we start talking about turning into a
230 manufacturing facility that could be another issue. DIRECTOR FAGNILLI said that you run the risk of
231 having a project that's ready to move forward against one that may not move forward. She noted that she
232 forwarded a statement this afternoon from Dollar Bank regarding the financeability of this project, and
233 their support and backing for it, so there is a bank who is willing to finance this project.
234 COUNCILMAN RUSSO asked Director Fagnilli if this Ordinance was removed from committee to
235 entertain other offers for 10 days, does that negate the first two reading should SubZero be the highest
236 bid, so that we wouldn't have to go through the entire three readings again?
237 DIRECTOR FAGNILLI asked Councilman Russo to repeat his question.
238 COUNCILMAN RUSSO asked if we wanted to entertain different offers other than from Mr. Ford
239 within 10 days by providing a sealed bid to Mr. Berner, what could we do in order to do that, and if we
240 did, would the first two readings be voided?
241 DIRECTOR FAGNILLI said that she believes the question is asking if council could not take action on
242 the Ordinance and send back to committee, which they could do, but then the problem becomes whether
243 or not you've derailed the project by doing that. She stated there is someone who has invested money
244 into this project that is ready to go and you're going to put it out to another bid, and he may need to
245 reconfigure projects and financing and whether or not it works, She said it seems that would be patently
246 unfair to the offer you have in front of you. If it was a new buyer you would need a new ordinance.
247 COUNCILMAN RUSSO asked if we continue to sell to SubZero would we just need to amend the
248 ordinance and it could still pass in two weeks.
249 MAYOR PATTON and DIRECTOR FAGNILLI questioned what the bidding process would be.
250 DIRECTOR FAGNILLI said there are two bids out there that are public knowledge and others could be
251 higher or lower, but it does not relieve council of making a decision in two weeks.
252 COUNCILMAN RUSSO replied ten days, in a sealed bid over to the Administration. He said he doesn't
253 want it to just be between the two entities, but for anyone in the community or any other business who
254 may have been in the same boat as Mr. Ford and didn't realize the property could be purchased for less
255 than six figures.

256 DIRECTOR FAGNILLI said she believes it still begs the question of what goes in the property and that
257 someone could buy on speculation and you have nothing there. She said she is not sure anyone could put
258 together a package quickly enough to make a legitimate offer, nor if it's the best position for the city.
259 COUNCILWOMAN CLEARY said she understands that we have a shovel-ready project that could be
260 passed tonight, and acknowledged that Mr. Ford and other residents weren't aware of the property being
261 up for sale with the exception of the website and the expectation to look thee should be. She stated that
262 she believes is a testament to the Department of Economic Development. She wondered how many times
263 you go back forth before deciding there is some responsibility to go forward with the project. She is
264 concerned about the reasons stated by Director Fagnilli with rebidding, including having a shovel-ready
265 project and one that could potentially have zoning issues. COUNCILWOMAN CLEARY said that it a
266 very unfortunate, from where she is sitting that a business owner in the city was not even aware prime
267 property was available, but at the same time she is reluctant to penalize and risk nothing happening is
268 SubZero walks away from it and zoning isn't available.

269 MR. FORD said that he has owned his business for 20 years and has driven buy the property every day.
270 He said if the city had a sign there, he would have asked. He said the property was not offered and would
271 have put in an offer even earlier. He said he does not have to do manufacturing there, and has not made a
272 deal to do so as yet. He said he does have a business that is 85 years old, makes a unique product and has
273 been in the city for over 30 years. MR. FORD asked for consideration and said that he can afford the
274 project and will follow through if given the opportunity, which he does not believe has happened.

275 COUNCILMAN RUSSO said he understands Mr. Ford's position and can appreciate it. He is trying to
276 think of a fair way to do something on it, but it seems if we delay, the entire city gets delayed as the
277 project will not be open by its intended date by the Spring.

278 MR. FORD responded that he could get this done as quickly as anyone else and could provide financial
279 information. He repeated that he had no knowledge the property was available or owned by the city. He
280 said he also has equipment and everything ready to go, with the exception of an architect. He said he has
281 to get something done and he would love to stay in Fairview Park.

282 MAYOR PATTON said that her experience, when people have an interest in property in the city is to
283 first contact the city. They come to them and express their ideas and what they are looking for. She said
284 that they have been very successful in working with them, and that the lack of a sign and a comment that
285 perhaps the Economic Department didn't do correctly is not fair. She said that this is how an Economic
286 Development Department works, that they work with interested people that come into the city and that
287 sometime they seek them out. They show them the properties available and they are successful at it. She
288 said this particular property sat vacant until she contacted TrueNorth and convinced them to give the land
289 to the city to make it productive, which they did about a year ago. She said that East Coast was one of the
290 first interested parties in this property due to the lease issues they were having. MAYOR PATTON said
291 there was not a price listed for the property and it was negotiated considering the income taxes,
292 employment, a catering business and the location in the city, which gets heavy pedestrian traffic. She
293 stated the story indicating that East Coast Custard was coming back numerous hits. She stated that city
294 council is permitted to sell property and has been presented with the ordinance, discussed it and has
295 placed it on subsequent third reading for passage, which is where we are today. She said that the
296 prospective buyer has brought everything that has been asked of him including plans, financing and
297 employment ratios and at the 11th hour a second offer was given. MAYOR PATTON said that to say that
298 because a sign was not up, is not the way economic development works in a community. She said that it
299 may help to put one at the Minotti property. She said interested parties will come to the city and there is
300 no separate real estate person at city hall making offers. This is the normal procedure and it was followed
301 properly. She said we are now at the 11th hour with a decision that city council has to make. MAYOR
302 PATTON stated that Mr. Bobeczko is on a timeline and they would like to get this done now, which is
303 what city council has to weigh. She said it's a great business that we would like to have back and a great
304 addition to that end of the city as marketing begins for Forward Fairview Park and making the area at that
305 end of the city as attractive as this end.

306 COUNCILMAN RUSSO asked if the next step in the process was to go to the Planning and Design
307 Commission.
308 MAYOR PATTON confirmed and said that the meeting is on January 20.
309 COUNCILMAN RUSSO said that if that is the case then this could be put back in committee and passed
310 at the next council meeting without delaying the project's timeline.
311 COUNCILMAN WOJNAR said that while he believes that the city has a responsibility to let residents
312 know about opportunities to purchase property in the city and there probably could have been a better job
313 doing so, he also believes that businesses have the responsibility to look for them. SubZero found out
314 about the land and bid on it and council has legislation pending in front of them that he feels should
315 move forward.
316 THE CHAIR asked for any further consideration prior to passage.
317 MR. CHUCK SOTU – 20867 Fairpark Drive – MR. SOTU asked what the SubZero project was and what
318 it entails.
319 MAYOR PATTON responded that SubZero is East Coast.
320 THE CHAIR asked for any further consideration prior to passage. No Discussion.
321 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 15-54 passes.
322 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
323
324 THE CHAIR said the Mayor has presented a list and resumes for recommendations for Director appointments
325 council will now consider them individually.
326
327 THE CHAIR made a motion to approve the re-appointment of Greg Cingle as Interim Finance Director.
328 Moved and Seconded.
329 THE CHAIR called for any discussion. No Discussion.
330 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion passes.
331 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
332
333 THE CHAIR made a motion to approve the appointment of Regina Sillasen as Senior Life Director.
334 Moved and Seconded.
335 THE CHAIR called for any discussion. No Discussion.
336 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion passes.
337 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
338
339 THE CHAIR made a motion to approve the appointment of Sara Fagnilli as Law Director.
340 Moved and Seconded.
341 THE CHAIR called for any discussion. No Discussion.
342 ROLL ON MOTION: Vote: YES-3, NO-4 | Motion fails.
343 YES: B. Minek, J. Hinkel, A. Russo | NO: B. McDonough, P. Wojnar, M. Kilbane, P. Cleary
344
345 THE CHAIR made a motion to approve the appointment of Steven Owens as Recreation Director.
346 Moved and Seconded.
347 THE CHAIR called for any discussion. No Discussion.
348 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion passes.
349 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
350
351 THE CHAIR made a motion to approve the appointment of Rob Berner as Director of Public Service and
352 Economic Development.
353 Moved and Seconded.
354 THE CHAIR called for any discussion.
355 COUNCILMAN RUSSO asked if a position changes by Charter, for instance the change suggested by
356 Councilwoman Cleary to split the Economic Development position, what would happen to that position.

357 THE CHAIR said he was not sure.
358 COUNCILWOMAN CLEARY said that this was a conversation that needed to happen and is not for sure yet.
359 THE CHAIR called for any further discussion.
360 ROLL ON MOTION: Vote: YES-0, NO-7 | Motion fails.
361 NO: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
362
363 Mayor Patton administered the oath of office to Directors Cingle, Sillasen and Owens.
364

365 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
366 **OFFICIALS**

367 DIRECTOR CINGLE thanked council for his re-appointment. He said he appreciative, humbled and
368 honored and will represent the City of Fairview Park to the best of his ability. He also thanked council
369 for their support on items on third reading this evening.
370

371 ENGINEER MACKAY thanked council and the Mayor for reappointing Mackay Engineering as the City
372 Engineer and said he looks forward to working with the Administration, council and the citizens of
373 Fairview Park on various capital projects that are planned. He said that plans are being finalized for the
374 2016 Street Program and it will be bid in the next month or so. The 2016 Water Line projects continue
375 and will keep everyone advised for the bidding of that project.
376

377 **PUBLIC SESSION**

378 MS. DEB HAMMERLE - 22326 Haber Drive – MS. HAMMERLE said tonight was an interesting way
379 to begin four more years together. She wished everyone a Happy New Year and is looking forward to a
380 new 2016.
381

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

383 COUNCILMAN WOJNAR wished everyone a Happy New Year.
384

385 THE CHAIR said that a few items of Council business to attend to this evening and said he would like to begin
386 by opening the floor for nominations to the position of Clerk of Council.

387 COUNCILWOMAN CLEARY nominated Liz Westbrooks as Clerk of Council.

388 So moved and seconded.

389 THE CHAIR asked for any further nominations.

390 THE CHAIR entertained a motion to close the nominations.

391 Moved and Seconded.

392 THE CHAIR asked for any discussion. No discussion.

393 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion passes.

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

395 THE CHAIR entertained a motion to appoint Liz Westbrooks as Clerk of Council.

396 Moved and Seconded.

397 THE CHAIR asked for any discussion. No discussion.

398 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion passes.

399 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
400

401 THE CHAIR opened the floor for nominations for Council President Pro Tem.

402 THE CHAIR nominated Bill Minek.

403 Seconded by Councilman McDonough.

404 THE CHAIR asked for any further nominations.

405 THE CHAIR entertained a motion to close the nominations.

406 THE CHAIR entertained a motion to appoint Councilman Minek as President Pro Tem.

407 Moved and Seconded.

408 THE CHAIR asked for any discussion. No discussion.
409 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion passes.
410 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
411
412 THE CHAIR made appointments of the Chair and Vice-Chairs for the Standing Committees of Council. He
413 made a motion to approve the following appointments:
414 Finance Committee- Chairwoman Councilwoman Cleary and Vice-Chair Councilman Wojnar
415 Local Government and Community Services Committee- Chairman Councilman Hinkel and Vice-Chair
416 Councilman McDonough
417 Environment, Public Works, Planning, Zoning and Development Committee – Chair Councilman Minek and
418 Vice-Chair Councilman Russo.
419 Moved and Seconded.
420 THE CHAIR asked for any discussion. No discussion.
421 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion passes.
422 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
423 THE CHAIR charged committees with the following legislation and issues:
424 Local Government and Community Services Committee:
425 Ord. 15-50 Amending Section 929.06 Solid Waste Collection Charges Extension
426 Ord. 15-01 Amending Section 143.24 Holiday Leave
427 Issues of: Bain Park Preservation, Dogs in City Parks, Speeding and Crosswalks, Archiving City Documents and
428 City Playgrounds
429
430 Environment, Public Works, Planning, Zoning and Development Committee, the issues of:
431 Safety Fence on Bridges, Community Development, Municipal Facilities Maintenance and Sewers
432
433 Finance Committee
434 Ord. 15-48 Authorizing Building Automation System Purchase
435 Ord. 15-53 Authorizing Payment to Field Turf for Change Order for Emergency Repair
436 Issue of: Gemini Center Revenue
437
438 THE CHAIR said as Council President it is his duty to make the appointment of Council’s representative to the
439 Planning and Design Commission. He appointed Councilman Minek to that position. He said he has been there
440 for a while and does a good job.
441
442 THE CHAIR made a motion to entertain the following appointments as Council’s representatives to the various
443 boards and commissions
444 Board of Control – Councilman Russo with Councilman Minek as an Alternate
445 Board of Taxation Review – Councilwoman Cleary
446 Cable Regulatory Staff – Councilman McDonough
447 Community Council – Councilwoman Cleary and Councilman McDonough
448 Community Reinvestment Area Housing Council – Councilman Minek and Councilwoman Cleary
449 Board of SAFE – Councilman Wojnar
450 Senior Life Advisory Council – Councilman Minek
451 Chamber of Commerce Liaison – Councilman Russo
452 School Board Liaison – Council President Kilbane
453 Moved and Seconded.
454 THE CHAIR asked for any discussion. No discussion.
455 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion passes.
456 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
457

458 THE CHAIR made a motion to appoint Paul Wojnar as Council’s representative to the Parks and Recreation
459 Commission.
460 Moved and Seconded.
461 THE CHAIR asked for any discussion. No discussion.
462 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion passes.
463 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
464
465 THE CHAIR said, per Council Rule 13, Council has the authority to appoint a Sergeant at Arms.
466 THE CHAIR entertained a motion to appoint Raymond Hammerle as the Sergeant at Arms.
467 MOVED & SECONDED
468 Moved and Seconded.
469 THE CHAIR asked for any discussion. No discussion.
470 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion passes.
471 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
472
473 THE CHAIR announced that council held an executive session on December 21, 2015 to discuss pending
474 litigation and the employment of a public employee.
475
476 COUNCILMAN MCDONOUGH asked that the issue raised regarding permissible manufacturing in the city.
477 THE CHAIR asked if he had any objection to discussing in committee first before assigning the issue.
478 COUNCLIMAN MCDONOUGH had no objection.
479
480 THE CHAIR said with no further business to come before Council this evening, he would entertain a motion to
481 adjourn.
482 Moved and Seconded.
483 THE CHAIR asked for any discussion. No discussion.
484 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 8:11 p.m.
485 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
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490 _____
491 Michael P. Kilbane, President of Council
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495 Eileen Ann Patton, Mayor
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CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-
REQUESTED BY: COUNCILMAN MINEK
SPONSORED BY: CITY COUNCIL

AN ORDINANCE AMENDING SECTION 921.05 (a)(3) OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK TO PERMIT THE SALE OF BEER AND WINE COOLERS ONLY TO BE SOLD AND CONSUMED AT SUMMER FEST 2016 TO BE HELD IN BOHLKEN PARK ON JULY 7, 8, 9, AND 10, 2016 AND DECLARING AN EMERGENCY

WHEREAS, the Fairview Park Municipal Foundation has requested this Council to permit the sale of beer and wine coolers only at Summer Fest 2016 to be held in Bohlken Park; and

WHEREAS, Section 921.05 (a)(3) of the Codified Ordinances of the City of Fairview Park prohibits alcoholic beverages in Bohlken Park; and

WHEREAS, the Council desires to permit the sale and consumption in Bohlken Park during the hours of Summer Fest 2016, which is to be held on July 7, 8, 9, and 10, 2016.

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

SECTION 1. Section 921.05 (a)(3) of the Codified Ordinances of the City of Fairview Park is hereby amended to permit the sale and consumption of beer and wine coolers only in Bohlken Park on July 7, 8, 9, and 10, 2015, during the published hours of Summer Fest, provided that the Fairview Park Municipal Foundation and or the organization it lawfully permits to do so, obtain the appropriate permit from the State of Ohio, Department of Commerce, Division of Liquor Control, comply with all legal requirements of said state permit, and that the Fairview Park Municipal Foundation and/or the organization it lawfully permits to do, provide the proper liability insurance as required by the City and naming the City as an additional insured.

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 so that the proper licensing can be obtained for the event, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
RESOLUTION NO. 16-
REQUESTED BY: MAYOR EILEEN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

A RESOLUTION CONFIRMING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR THE TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) GRANT PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) provides grant funding through the Transportation for Livable Communities Initiative (TLCI) for planning projects that integrate transportation and land use planning, promote livability, and advance the goals of NOACA's long-range transportation plan for Northeast Ohio; and

WHEREAS, the City of Fairview Park has submitted an application to NOACA requesting \$54,000 in TLCI grant funding to undertake a comprehensive planning study of Lorain Road from West 214th Street/Fairview Parkway to West 223rd Street, and a resolution confirming and authorizing that application is required; and

WHEREAS, the total cost of the Lorain Road planning study is \$60,000 and the City of Fairview Park certifies it will provide 10 percent local matching funds, or \$6,000, from sources other than United States Department of Transportation (USDOT) funds, specifically General Fund account number 100.7711; and

WHEREAS, the TLCI program provides funding on a reimbursement basis, requiring the applicant to first expend funds and then request reimbursement from NOACA; and

WHEREAS, the City of Fairview Park agrees to abide by all federal requirements as a sub-recipient of federal transportation funds, including Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, and including all applicable federal procurement requirements; and

WHEREAS, the City of Fairview Park agrees to be responsible for managing any and all subcontracting agencies, organizations, or consultants; and

WHEREAS, the City of Fairview Park agrees to complete the agreed upon scope of services or will forfeit current and future TLCI awards and repay TLCI funds expended on unfinished projects; and

WHEREAS, the City of Fairview Park is authorized to execute a contract with NOACA if awarded a TLCI grant.

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 authorizes the Mayor of the City of Fairview Park to submit an application to NOACA, acting as designated recipient of USDOT funds, for the TLCI grant program and to execute a contract with NOACA if selected for funding.

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 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 January 29, 2016 deadline and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 15-53
REQUESTED BY: MAYOR EILEEN A. PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

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

WHEREAS, Field Turf provided the necessary labor and materials to replace the field turf at the James B. Daley Stadium, by agreement authorized by Ordinance No. 15-07 Amended.

WHEREAS, Field Turf, an authorized vendor of the educational purchasing consortia of the Ohio Schools Council for field turf installation, provided the City of Fairview Park the opportunity to purchase the field turf at the price as determined by the Ohio Schools Council's bid process, the payment of which was authorized by Ordinance No. 15-07 Amended.

WHEREAS, a section of the field experienced a soil sub-base failure underneath the turf requiring additional work outside of the field turf replacement authorized by Ordinance No.15-07 Amended, and not covered by the bid obtained by the Ohio Schools Council's bid process.

WHEREAS, the additional sub-base repair needed to be performed on an emergency basis so that the field was ready for use for the fall football season, and was performed at the request of the Director of Recreation.

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 Finance is hereby authorized to pay Field Turf in the amount of Forty-Seven Thousand, One Hundred Fifteen Dollars (\$47,115.00) for the emergency repair of the sub-base soil under the turf at the James B. Daley Stadium, to be paid from the Recreation Fund (230).

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 pay for the emergency repair, 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