

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, APRIL 18, 2016**
4

5 The regular meeting of Council was called to order by Council President Kilbane at 7:00 p.m.

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL:

9 PRESENT: Council –B. Minek, M. Kilbane, J. Hinkel, A. Russo

10 Administration – Mayor E. Patton, Finance Director G. Cingle, Law Director W. McGinty, Engineer M.
11 Mackay

12
13 THE CHAIR called for a motion to excuse Councilman McDonough from the meeting.

14 Moved and Seconded

15 ROLL ON MOTION: Vote: YES-4, NO-0 | Motion carries, Councilman McDonough is excused.

16 YES: B. Minek, M. Kilbane, J. Hinkel, A. Russo

17
18 THE CHAIR called for a motion to excuse Councilman Wojnar from the meeting.

19 Moved and Seconded

20 ROLL ON MOTION: Vote: YES-4, NO-0 | Motion carries, Councilman Wojnar is excused.

21 YES: B. Minek, M. Kilbane, J. Hinkel, A. Russo

22
23 THE CHAIR called for a motion to excuse Councilwoman Cleary from the meeting.

24 Moved and Seconded

25 ROLL ON MOTION: Vote: YES-4, NO-0 | Motion carries, Councilwoman Cleary is excused.

26 YES: B. Minek, M. Kilbane, J. Hinkel, A. Russo

27
28 THE CHAIR called for a motion to, dispose of the minutes of the Regular Meeting of Council held on
29 Monday, March 21, 2016.

30 Moved and seconded.

31 ROLL ON MOTION: Vote: YES-3, NO-0, ABSTAIN-1 | Motion Failed.

32 YES: B. Minek, M. Kilbane, J. Hinkel, A. Russo

33 THE CHAIR asked Councilman Hinkel the reason for his abstention.

34 COUNCILMAN HINKEL said that he was not in attendance at the meeting.

35 THE CHAIR announced that the minutes will be re-offered for approval at the May 2, 2016 council
36 meeting.

37
38 **COMMITTEE REPORTS**

39 THE CHAIR read the report submitted by Finance Committee Vice-Chair, Councilman Wojnar:

40 The Finance Committee Meeting met on April 11, 2016 at 7:00 pm. The following legislation was
41 discussed: **Ordinance 16-09**, accepts a Cuyahoga County Municipal Grant in the amount of \$136,400,
42 and authorizes the City Administration to advertise for bids and enter into a contract with the lowest
43 responsive and responsible bidder as determined by the Board of Control. It also authorizes and directs
44 the City Engineer to prepare plans and specifications for the rehabilitation or replacement of city
45 sidewalks and curb ramps. Council agreed to the changes in Ordinance 16-09 that were requested by
46 Development Administrator Matt Hrubey on April 4. Engineering services are not eligible expenses for
47 the grant. The first amendment changes the dollar amount in Section 3 from \$150,000 to \$136,400 to
48 cover only the actual rehabilitation or replacement costs. The second amendment places the costs to
49 cover plans and specifications by the City Engineer in an amount not to exceed \$13,600 in Section 4. All
50 costs will be appropriated from the Capitol Projects Fund (811). **Ordinance 16-11** and Ordinance 16-12
51 were placed on second reading and returned to committee to invite guests to get a better understanding of

52 both ordinances. The Director of Finance, Greg Cingle will be invited to explain the assessment and cost
53 breakdown of solid waste collection for 2016 and 2017 in Ordinance 16-11. **Ordinance 16-12** authorizes
54 the Mayor to enter into an agreement with Brewer Garrett for the purchase of a JEC 344 S equipment
55 controller building automated system. Council is inviting Service Department Foreman Kevin Bridegum
56 and a representative from Brewer Garrett to answer questions about the system.
57 The Finance Committee Meeting ended at 7:14 pm.

58

59 **LEGISLATION FOR SECOND READING**

60 THE CHAIR placed Ordinances 16-11 and 16-12 up for second reading.

61 ORDINANCE NO. 16-11

62 REQUESTED BY: MAYOR EILEEN ANN PATTON

63 SPONSORED BY: COUNCILWOMAN CLEARY

64 *AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR COLLECTION OF THE MONTHLY*
65 *CHARGE FOR COLLECTION OF SOLID WASTE IN THE CITY OF FAIRVIEW PARK, OHIO FOR*
66 *THE TAX YEARS 2016 AND 2017, AND DECLARING AN EMERGENCY*

67 ACTION: Ordinance 16-11 was placed on second reading and returned to the Finance Committee.

68

69 ORDINANCE NO. 16-12

70 REQUESTED BY: MAYOR EILEEN ANN PATTON

71 SPONSORED BY: COUNCILWOMAN CLEARY

72 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BREWER*
73 *GARRETT FOR THE PURCHASE OF A JEC 344 S EQUIPMENT CONTROLLER BUILDING*
74 *AUTOMATION SYSTEM AND DECLARING AN EMERGENCY.*

75 ACTION: Ordinance 16-12 was placed on second reading and returned to the Finance Committee.

76

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

78

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

80 THE CHAIR placed Ordinance 16-09 up for third reading and final passage.

81 ORDINANCE NO. 16-09

82 REQUESTED BY: MAYOR EILEEN ANN PATTON

83 SPONSORED BY: COUNCILWOMAN CLEARY

84 CO-SPONSORED BY: COUNCILMAN MINEK

85 *AN ORDINANCE ACCEPTING A CUYAHOGA COUNTY MUNICIPAL GRANT, AUTHORIZING THE*
86 *CITY ADMINISTRATION TO ADVERTISE FOR BIDS, AUTHORIZING THE MAYOR TO ENTER INTO*
87 *A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED*
88 *BY THE BOARD OF CONTROL, AUTHORIZING AND DIRECTING THE CITY ENGINEER TO*
89 *PREPARE PLANS AND SPECIFICATIONS FOR THE REHABILITATION AND REPLACEMENT OF*
90 *CITY SIDEWALKS AND CURB RAMPS AND DECLARING AN EMERGENCY*

91 Moved and Seconded

92 THE CHAIR made a motion to amend Ordinance 16-09 to separate costs of rehabilitation and
93 replacement and engineering services as agreed to in committee.

94 Moved and Seconded.

95 THE CHAIR called for any discussion. No Discussion.

96 ROLL ON MOTION: Vote: YES-4, NO-0 | Ordinance 16-09 is amended.

97 YES: B. Minek, M. Kilbane, J. Hinkel, A. Russo

98 THE CHAIR called for any discussion prior to passage. No Discussion.

99 ROLL ON PASSAGE: Vote: YES-4, NO-0 | Ordinance 16-09 is amended.

100 YES: B. Minek, M. Kilbane, J. Hinkel, A. Russo

101

102

103 **LEGISLATION ON FOR PASSAGE UNDER SECOND READING SUSPENSION OF RULES**
104 THE CHAIR announced that the council will not take action on resolution on the agenda for passage
105 under suspension of the rules due to absence of the required supermajority needed for passage. This
106 legislation will be re-offered on May 2, 2016.

107
108 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
109 **OFFICIALS**

110 MAYOR PATTON gave the following departmental updates:

111 SERVICE: The Department is working on 13 water leaks, and Service Supervisor Kevin Bridegum and
112 Steve Owens have been working on the walkway around Bohlken Park to sealcoat it.

113 SENIOR LIFE: The Cleveland Indians watch party will be held on Thursday, April 21 at 12:10 p.m.
114 Also, donations are welcome for upcoming Senior Prom. The theme is "An Evening in Shangri-La."

115 RECREATION: The Spring Fling is this Saturday, April 23. The fence at the batting cage is up at
116 Bolhken Park. Free yoga in Bain Park will be offered as a new program on Sundays mornings at 9 am.
117 More publicity will be coming on this. The Food Truck Festival Committee will be meeting this week.
118 The event will held on August 6 this year. New military flags are being ordered for the parking lot of the
119 Gemini Center.

120 POLICE: The Department has received 119 calls over the weekend.

121 FIRE: The Fire Department will be hosting an open house on August 6. It was welcomed by the
122 community and the plan is to do this every 2 years. There will be a special emphasis on thanking the
123 residents for passage of the fire levy.

124 BUILDING: The foundation is in at East Coast Custard at (West) 227 and Lorain Ave. Assistant
125 Building Commissioner Larry Puskas started with the city today. One of his first duties will be to
126 examine the sidewalks for the grant that was passed today.

127 A grant was submitted for the HVAC system in the amount of \$70,000 has been awarded.

128
129 DIRECTOR CINGLE announced that the State Auditor's Office will be coming back tomorrow through
130 the week to continue work on the 2015 audit.

131
132 ENGINEER MACKAY reported that four bids were received for the street program, which were
133 reviewed and a recommendation was made to the Board of Control. The 2015 water line project continue
134 to be worked on by Fabrizi and their progress will continue to be advised. The 2016 water line project
135 plans and specifications have been resubmitted to the Cleveland Water Department for their final
136 approval and authorization to bid. It will hopefully be bid in the next several weeks.

137
138 **PUBLIC SESSION**

139 MS. KATHY DONALON – 4583 Concord Drive – MS. DONALON asked about the process and priority
140 for street paving. She has fixed several driveways, the curbs falling apart and sewers are falling in.

141 ENGINEER MACKAY explained that the streets are evaluated every year by the Service Department
142 and then given to him for review as well on a ratings basis. There are a specific amount for streets
143 determined by the amount available in the capital improvements budget, so it is limited to what we can
144 do, but has been 5 streets on average every year.

145 MS. DONALON said that Service has been great coming out, but the chunks resemble boulders and are
146 now going into people's driveways. It has been patched so much that the sewers are becoming bad as
147 well.

148 ENIGINEER MACKAY said that it does need to be rated for the priority list, and then it will be
149 resurfaced. He said that a look taken at it as well.

150 MS. DONALON asked who voted on the RiverSouth Condominiums. She said it doesn't look as great as
151 it did when they started because there are so many of them right on top of each other. She said it looks
152 like a fire hazard.

153 MAYOR PATTON said that it is a combination of a lot of different entities. The plans are approved by
154 the Planning and Design, Board of Zoning Appeals and by council in an ordinance. She said it looks a lot
155 different when it's on paper versus when you look at them.

156 LAW DIRECTOR MCGINTY explained that residential properties follow the ordinances we have on our
157 books, and as long as they do that, they are in control of the property if they want to develop it just as
158 every other resident. When there is a commercial property, they must bring in building materials, size
159 schemes, colors, sign information and it all must meet the requirements by the city. This is not the case
160 with residential development.

161 MS. DONALON asked if they were all sold.

162 MAYOR PATTON said that she believes they have sold 18-20.

163 THE CHAIR explained that initially the developer wanted to build condos, but was also trying to get
164 them in Bay Village at the same time and changed plans for Fairview to office buildings. When Bay
165 Village turned the plans down, he came back to Fairview to build condos. Prior to council consideration
166 he placed signs advertising 7 year tax abatement. He said he wasn't sure who that deal was worked out
167 with, but it was not him.

168 MS. DONALON said since she will likely not be back to a meeting, she wanted to commend Mayor
169 Patton on a fine job she has done for the city.

170

171 MR. JON DONALON – 4583 Concord Drive – MR. DONALON said that he lives on Concord and Ms.
172 Donalon complains about his closet, which he does not think is so bad, so he believe she exaggerates a
173 little.

174

175 MR. CHUCK SOTU - 20867 Fairpark Drive – MR. SOTU said he wanted to comment that he was at the
176 meetings when the RiverSouth development was being planned and that there were only 5-10 people in
177 the audience. He said he feels it is a failure of the community to not be outspoken about this project
178 earlier. He questioned whether residents could stop a project like this is someone wanted to build it, and
179 what that process is.

180 MAYOR PATTON replied that the process falls under the Planning and Design commission, which has a
181 council representative. She said that when the neighborhood comes out and voice their opinion, it is
182 weighed very heavily on the Planning Commission. She reiterated that if all of the city's ordinances are
183 conformed to, there would be a tough time voting it down, because it is private property and they have
184 rights to build as well. She stated that this also went before the Board of Zoning.

185 MR. SOTU asked if the drainage ditch in the front of the development is code.

186 MAYOR PATTON said that it was according to the engineer.

187 ENGINEER MACKAY said that this is the accepted practice that the Ohio Environmental Protection
188 Agency requires, that there be water quality treatment, and that they prefer a pond like that. He said that
189 there is supposed to be landscaping, and from the times he's been down there lately doesn't appear to be
190 finished.

191 MR. SOTU thanked Engineer Mackay for clearing that up and expressed concern that the pond, which is
192 in the front, could be a danger to a young child.

193 MAYOR PATTON said that there is a landscape architect on the Planning and Design Commission, and
194 a lot of discussions took place on that subject to make sure it's landscaped properly.

195 THE CHAIR expressed concern that the even a minimal amount of three feet of water is still enough to
196 drown in.

197 MR. SOTU added that the concern about the Zika virus could also pose a problem. He thanked everyone
198 for entertaining his questions.

199

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

201 COUNCILMAN MINEK said that the Board of Control met this morning to award a contract for the
202 2016 Street Repair Program, which is in its 27th year. The City engineer reviewed the four bids received
203 and recommended awarding the contract to Crossroads Asphalt, Incorporated of Columbia Station, Ohio.

204 The contract was awarded by vote of the board in the amount of four hundred forty-three thousand, three
205 hundred and twenty dollars (\$443,320.00). The engineer's estimate was four hundred eighty-seven
206 thousand dollars (\$487,000.00). Crossroads successfully completed 2013, 2014 and 2015 Street Repair
207 Program projects. COUNCILMAN MINEK reported that the Planning and Design Commission will meet
208 on Wednesday to discuss 6 docket items: 21400 Lorain Road; NM Residential Property Management
209 Co.- review of plan for new signage; 22090 Lorain Road, Dimanti Salon - review of plan for signage and
210 exterior renovations (door); 22049 Lorain Road, Common Threads-review of plan for signage; 22031
211 Lorain Road, Donation Center- review of plan for signage; 19220 Lorain Road; Anchor Medical Staffing
212 - review of plan for signage and review of Sections 1187 & 1191-Article VII, Section 2(b) of the Charter
213 of the City of Fairview Park].

214
215 COUNCILMAN HINKEL said he wanted to mention the Spring Fling event, which will be held this
216 Saturday, April 23 at noon.

217
218 THE CHAIR announced that council held an executive session on April 4, 2016 to consider the
219 appointment of a public employee.

220
221 THE CHAIR announced that Council received a request from Mayor Patton on April 1, 2016 to appoint
222 Shawn Leininger as Director of Public Service and Development, and he would now entertain a motion
223 to approve the appointment.

224 Moved and Seconded.

225 THE CHAIR asked for any discussion. No discussion.

226 ROLL ON MOTION: Vote: YES-4, NO-0 | Motion carries, Mr. Leininger's appointment is approved.

227 YES: B. Minek, M. Kilbane, J. Hinkel, A. Russo

228

229 THE CHAIR made a motion to adjourn the regular meeting.

230 Moved and Seconded.

231 THE CHAIR asked for any discussion. No discussion.

232 ROLL ON MOTION: Vote: YES-4, NO-0 | Meeting adjourned at 7:28 p.m.

233 YES: B. Minek, M. Kilbane, J. Hinkel, A. Russo

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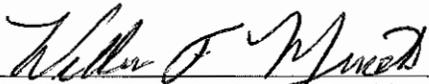
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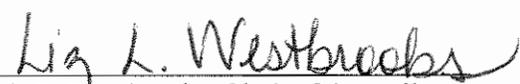
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William F. Minek, Council President Pro Tem


Liz L. Westbrooks, Clerk of Council

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Eileen Ann Patton, Mayor

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