



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

REGULAR MEETING – MONDAY, MAY 2, 2016

6:30 p.m. Council Study Session - Council Caucus Room
6:50 p.m. Mayoral Proclamation Presentation to Firefighter Larry Molls
7:00 p.m. Council Meeting – Council Chambers

Meeting Called to Order | Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Suspension of Rules to Present Special Resolution

COUNCIL PRESIDENT KILBANE

Res. 16-__ | Resolution Honoring Firefighter Larry Molls

Disposition of Minutes:

Regular Meeting of Council Monday, April 4, 2016

Regular Meeting of Council Monday, April 18, 2016

Committee Reports

Finance – Councilwoman Cleary, Chair

~ LEGISLATIVE AGENDA ~

Legislation for First Reading

COUNCILWOMAN CLEARY

Ord. 16-__ | Authorizing Incentive Grant for Hospice of the Western Reserve

Ord. 16-__ | Advanced Energy District Declaring Determination to Proceed

Ord. 16-__ | Advanced Energy District Levying Special Assessments

Res. 16-__ | Advanced Energy District Approving Petition

Res. 16-__ | Advanced Energy District Approving Necessity

Audience Input on Legislation Up For Passage

Legislation on for Third Reading and Final Passage

COUNCILWOMAN CLEARY

Ord. 16-11 | Solid Waste Fee Special Assessment for Tax Years 2016 and 2017

Ord. 16-12 | Authorizing Contract with Brewer Garrett for Building Automation System Controller

Legislation for Passage without Three Readings

COUNCILMAN MCDONOUGH

Res. 16-__ | Sexual Assault Awareness Month Resolution

Agenda continued on back →

Legislation for Passage without Three Readings

COUNCILMAN MINEK

Res. 16-__ | Citizens of the Year Nancy and Dick Cause

Reports and Communications from Mayor, Directors and Other City Officials

Public Session

Miscellaneous Business and Reports from Council

Adjournment

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To download tonight's agenda and legislation being considered, scan the code below:



UPCOMING MEETINGS OF COUNCIL:

MON. May 9	Council Committee Meeting	7:00 p.m.	Council Caucus Room
MON. May 16	Council Regular Meeting	7:00 p.m.	Council Chambers
MON. May 23	Council Committee Meeting	7:00 p.m.	Council Caucus Room
MON. June 6	Council Regular Meeting	7:00 p.m.	Council Chambers
MON. June 13	Council Committee Meeting	7:00 p.m.	Council Caucus Room
MON. June 20	Council Regular Meeting	7:00 p.m.	Council Chambers
MON. June 27	Council Committee Meeting	7:00 p.m.	Council Caucus Room

CITY OF FAIRVIEW PARK
RESOLUTION NO: 16-
REQUESTED BY: COUNCIL PRESIDENT KILBANE
SPONSORED BY: COUNCIL AS A WHOLE

A RESOLUTION COMMENDING

Larry Molls

**FOR THIRTY-TWO YEARS OF SERVICE AND DEDICATION TO
THE CITY OF FAIRVIEW PARK**

WHEREAS, Larry Molls began his career as a Firefighter/Paramedic with the Fairview Park Fire Department on May 7, 1983, and has now officially retired as of April 29, 2016 following 32 years of exemplary service; and

WHEREAS, after graduating from Valley High School in 1973, Larry attended Ohio State University on a four-year football scholarship. He earned a Bachelor of Science degree in Education in 1976; and

WHEREAS, Larry has been married to his wife Sandy for 28 years. They have two sons, Ben and Kevin; and

WHEREAS, in his retirement, Larry will now have ample time for his plans to travel with Sandy, learn to play a musical instrument and participate in his hobbies of bowling, attending concerts, wineries, Buckeye football games at Ohio State. He will also be free to get to those obligatory home repairs he has been putting off while ensuring the health, safety and comfort of this community.

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

SECTION 1: That this Council acknowledges with deep appreciation the thirty-two years of service and dedication that Larry Molls has brought to our Fire Department and City and we wish him much happiness and fulfillment in his retirement.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3: That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 05.02.16
APPROVED: 05.02.16

1st reading: 05.02.16
2nd reading: Suspended
3rd reading: Suspended

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrook, Clerk of Council

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, APRIL 4, 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. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary

10 Administration – Mayor E. Patton, Finance Director G. Cingle, Law Director W. McGinty

11 ABSENT: Engineer M. Mackay
12

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

14 Moved and Seconded

15 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carries, Councilman Hinkel is excused.

16 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary
17

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

20 Moved and seconded.

21 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carries.

22 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary
23

24 **COMMITTEE REPORTS**

25 COUNCILWOMAN CLEARY said, The Finance Committee met on Monday April 4th, 2016.
26 Development Administrator, Matt Hrubey was in attendance along with Mayor Patton to discuss the
27 following: **Ordinance 16-09**, accepts a Cuyahoga County Municipal Grant in the amount of \$136,400.00
28 to rehab and replace unsafe and deteriorating sidewalks and curb ramps located in the targeted
29 improvement area. The ordinance authorizes the Mayor to advertise for bids and enter into a contract
30 with the lowest responsive and responsible bidder, as determined by the Board of Control. The total
31 amount of the contract is not to exceed \$150,000.00, which includes the engineering services which are
32 not an eligible grant expense. A motion to place on 2nd reading and subsequent 3rd carried 6-0.

33 **Ordinance 16-10**, authorizes the Mayor to enter into a contract with Bramhall Engineering & Surveying
34 Company for the construction, administration and inspection services for the Safe Routes to School
35 Infrastructure Improvement Project. The contract is not to exceed \$31,858.00 and will be paid out of the
36 Safe Routes to School Fund (275). Development Administrator Matt Hrubey sent a letter to council
37 requesting emergency passage in order to expedite the awarding of contracts and enable the city to
38 comply with the project schedule developed by the Ohio Department of Transportation. A motion to
39 place on 2nd reading and up for emergency passage carried 6-0. That concludes my report. Thank you
40

41 THE CHAIR entertained a motion to amend the agenda to place Ordinance 16-10 on passage under
42 second reading suspension of the rules.

43 Moved and Seconded.

44 THE CHAIR called for discussion. No Discussion.

45 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carries.

46 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary
47

48 **LEGISLATION FOR FIRST READING**

49 COUNCILWOMAN CLEARY placed two ordinances up for first reading and introduction.

50 ORDINANCE NO. 16-11

51 REQUESTED BY: MAYOR EILEEN ANN PATTON

52 SPONSORED BY: COUNCILWOMAN CLEARY
53 *AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR COLLECTION OF THE MONTHLY*
54 *CHARGE FOR COLLECTION OF SOLID WASTE IN THE CITY OF FAIRVIEW PARK, OHIO FOR*
55 *THE TAX YEARS 2016 AND 2017, AND DECLARING AN EMERGENCY*

56 ACTION: Ordinance 16-11 was placed on first reading and referred to the Finance Committee.

57

58 ORDINANCE NO. 16-12

59 REQUESTED BY: MAYOR EILEEN ANN PATTON

60 SPONSORED BY: COUNCILWOMAN CLEARY

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

64 ACTION: Ordinance 16-12 was placed on first reading and referred to the Finance Committee.

65

66 **LEGISLATION FOR SECOND READING**

67 ORDINANCE NO. 16-09

68 REQUESTED BY: MAYOR EILEEN ANN PATTON

69 SPONSORED BY: COUNCILWOMAN CLEARY

70 CO-SPONSORED BY: COUNCILMAN MINEK

71 *AN ORDINANCE ACCEPTING A CUYAHOGA COUNTY MUNICIPAL GRANT, AUTHORIZING THE*
72 *CITY ADMINISTRATION TO ADVERTISE FOR BIDS, AUTHORIZING THE MAYOR TO ENTER INTO*
73 *A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED*
74 *BY THE BOARD OF CONTROL, AUTHORIZING AND DIRECTING THE CITY ENGINEER TO*
75 *PREPARE PLANS AND SPECIFICATIONS FOR THE REHABILITATION AND REPLACEMENT OF*
76 *CITY SIDEWALKS AND CURB RAMPS AND DECLARING AN EMERGENCY*

77 ACTION: Ordinance 16-09 was placed on second reading and returned to the Finance Committee.

78

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

80

81 **LEGISLATION ON FOR PASSAGE UNDER SECOND READING SUSPENSION OF RULES**

82 COUNCILWOMAN CLEARY placed Ordinance 16-10 up for emergency passage.

83 ORDINANCE NO. 16-10

84 REQUESTED BY: MAYOR EILEEN ANN PATTON

85 SPONSORED BY: COUNCILWOMAN CLEARY

86 CO-SPONSORED BY: COUNCILMAN MINEK

87 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BRAMHALL*
88 *ENGINEERING & SURVEYING COMPANY FOR CONSTRUCTION ADMINISTRATION AND*
89 *INSPECTION SERVICES FOR THE SAFE ROUTES TO SCHOOL INFRASTRUCTURE*
90 *IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY*

91 COUNCILWOMAN CLEARY made a motion to suspend the Charter Provision and Rule 49 requiring
92 that the legislation be read at three separate meetings and that it be placed before Council for emergency
93 passage.

94 Moved and Seconded.

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

96 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carries.

97 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary

98 THE CHAIR called for discussion prior to passage.

99 COUNCILMAN MINEK commended Matt Hrubey for his work on receiving the grant. Once the work is
100 completed, all avenues to our schools will be safer.

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

102 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Ordinance 16-10 passes.

103 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary

104

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

106 COUNCILWOMAN CLEARY placed Ordinance 16-07 up for third reading and final passage.

107 ORDINANCE NO. 16-07

108 REQUESTED BY: MAYOR EILEEN ANN PATTON

109 SPONSORED BY: COUNCILWOMAN CLEARY

110 CO-SPONSORED BY: COUNCILMAN MINEK

111 *AN ORDINANCE ACCEPTING A STOREFRONT RENOVATION GRANT AND AUTHORIZING THE*
112 *MAYOR TO ENTER INTO CONTRACTS AS DETERMINED BY THE BOARD OF CONTROL TO*
113 *PROVIDE FINANCIAL ASSISTANCE FOR STOREFRONT IMPROVEMENTS AND DECLARING AN*
114 *EMERGENCY*

115 THE CHAIR called for discussion prior to passage.

116 MAYOR PATTON acknowledged Matt Hrubey and Law Director McGinty for their work in getting the
117 grant and contracts together. She said the County has turned this program over to municipalities to run,
118 and hopes that it will be a showcase to demonstrate that municipalities are capable of handling the
119 Storefront programs.

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

121 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Ordinance 16-07 passes.

122 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary

123

124 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
125 **OFFICIALS**

126 MAYOR PATTON gave the following departmental updates:

127 Development: Woodfire Pizza has signed a lease for the former Prestos building. Common Thread will
128 be located in the former Family Dollar area in the West 220 Shopping strip. Damonte's Salon will be
129 located in the building west of Gift Hut. The Sewing Center has delivered plans for the front section of
130 the Dora's Bridal Building.

131 Fire: Firefighter Larry Molls will be retiring on April 26. The Fire Chief will be attending a meeting with
132 other Fire Chiefs and the FBI in preparation for the RNC Convention.

133 Grants: A grant has been submitted on behalf of the 5 Westshore Senior Centers, to create one local
134 website to help meet the needs of all seniors. A grant is also being worked on for the first phase of the
135 storm sewer project.

136 Service: The department continues to repair sewer digs, which can be seen around the city. Crews came
137 in on Saturday to salt the streets and bridges due to the snowfall. On Wednesday, C&K will begin
138 televising the West 229th St storm sewer. The Service Department has been thoroughly cleaning the storm
139 over the past weeks so that camera will have a good look into the condition of the sewers.

140 Senior Life: The Senior Center reports that \$4,000 was made during the Lenten Fish Frys. The proceeds
141 will remain in the Senior Center for needed programs for seniors. The Center will be having a Senior
142 Prom on May 11, and donations are being accepted.

143 Recreation: Over 50 attendees were at the Silver Sneakers lunch and learn hosted by the O'Neill Nursing
144 Home. The topic for the lunch was the dangers of steps and falls. Installation of the batting cage at
145 Bohlken Park will take place this week. There will be a new after-school program at the Gemini Center
146 beginning next week and has many activities planned. The program is free to members, and will operate
147 from 3:00-5:30 PM.

148 Police: Two officers will be part of the Crisis Intervention Team and will attend a weeklong program
149 hosted by the County. Six officers will be taking the Sergeant promotional test that will be given next
150 week.

151 The mayor reported that there will be a Board of Control Meeting on April 18 for the 2016 Street
152 program and awarding the contract for the Safe Routes to Schools infrastructure project. There will be a
153 Summerfest meeting on Wednesday, April 6, and everyone is invited to attend.

154
155 DIRECTOR CINGLE reported that the monthly reports for March will be available in the next few days.
156 If there are any questions, please let him know.

157
158 DIRECTOR MCGINTY said it has been a busy week in the Law Department. The property transfer for
159 East Coast Custard is complete. He said that Matt is keeping him busy with all of the things he is coming
160 up with.

161
162 ENGINEER MACKAY reported that the 2016 Street Repair bids will be opened on Wednesday, and a
163 recommendation will be made to the Board of Control after review. Fabrizi Paving and Trucking is
164 continuing to work on 2015 water line projects and their progress will be advised. The deadline for
165 completion is October 31, 2016. Plans for the 2016 water line are being finalized based on comments
166 recently received from the Cleveland Water Department, and bidding should be in the near future.

167
168 **PUBLIC SESSION**

169 MR. RAY HAMMERLE – 22326 Haber Drive – MR. HAMMERLE asked if the lack of salt used this
170 year meant money saved by the city.

171 MAYOR PATTON responded that it was money not spent.

172
173 CHUCK SOTU - 20867 Fairpark Drive – MR. SOTU said that he saw the recent news about the
174 robberies that had happened in the city and the apprehension of suspects. He asked about the Brewer
175 Garrett contract that was introduced and whether there would be an annual or maintenance charge with
176 the contract.

177 MAYOR PATTON invited Mr. SotU to come to the committee meeting on Monday, April 11 where it
178 will be discussed. She said Service Supervisor, Kevin Bridegum has been doing due diligence on this and
179 it will be discussed thoroughly in the committee meeting.

180 MR. SOTU asked if East Coast Custard will be open in two months.

181 MAYOR PATTON said that weather permitting, that is their plan and timeframe.

182
183 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**

184 COUNCILMAN MCDONOUGH recognized Recreation Director Steve Owens for a wonderful Easter
185 Egg Hunt at the Gemini Center, which had activities both inside and out of the facility. The event was
186 filled to capacity, and he was amazed at how they had so many people and how smoothly events were
187 running. COUNCILMAN MCDONOUGH said that the egg hunt was orchestrated perfectly, and no child
188 left empty-handed.

189
190 COUNCILMAN MINEK congratulated the Police Department on their recent arrests.

191
192 THE CHAIR announced that he was contacted by the Junior Class President at Fairview High School,
193 who asked that that he share information on a “Fill the Truck” fundraiser will be held with the help of
194 Easter Seals on Friday, April 15 from 3-5 p.m. and Saturday, April 15 from 9 a.m. until 1 p.m. They will
195 be collecting items such as used clothes, blankets, toys, kitchenware, etc. Easter Seals will be
196 reimbursing the Class of 2017 twenty cents per pound of items collected. This event will be advertise don
197 the city’s marquee as well.

198
199 THE CHAIR made a motion to adjourn to executive session to consider the appointment of a public
200 employee.

201 Moved and Seconded.

202 THE CHAIR asked for any discussion. No discussion.

203 ROLL ON MOTION: Vote: YES-6, NO-0 | Council went into executive session.

204 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary

205
206 THE CHAIR made a motion to return to from executive session to the regular meeting.
207 Moved and Seconded.
208 THE CHAIR asked for any discussion. No discussion.
209 ROLL ON MOTION: Vote: YES-6, NO-0 | Council return to the regular meeting.
210 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary
211
212 THE CHAIR made a motion to adjourn the regular meeting.
213 Moved and Seconded.
214 THE CHAIR asked for any discussion. No discussion.
215 ROLL ON MOTION: Vote: YES-6, NO-0 | Meeting adjourned at 8:43 p.m.
216 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary
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221 _____
Michael P. Kilbane, President of Council

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221 _____
Liz L. Westbrooks, Clerk of Council

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225 _____
226 Eileen Ann Patton, Mayor

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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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239 _____
Michael P. Kilbane, President of Council

Liz L. Westbrooks, Clerk of Council

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Eileen Ann Patton, Mayor

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CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY & COUNCILMAN MCDONOUGH
CO-SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ECONOMIC INCENTIVE GRANT AGREEMENT WITH THE HOSPICE OF THE WESTERN RESERVE, INC. AND DECLARING AN EMERGENCY.

WHEREAS, the retention and creation of jobs and employment opportunities is integral to the continued economic health of the City of Fairview Park and its citizens; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution gives Municipalities the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws; and

WHEREAS, Article II of the Fairview Park Charter provides the City of Fairview Park with all the powers, general or special, governmental or proprietary, express or implied, which may now or hereafter lawfully be possessed or assumed by municipalities of the class of this municipality under the Constitution and laws of the State of Ohio. No enumeration of specific powers in this Charter shall be held to be exclusive.

WHEREAS, certain economic and business conditions have necessitated that HOSPICE OF THE WESTERN RESERVE, INC. consider facility accommodations within and outside the City; and

WHEREAS, the building that HOSPICE OF THE WESTERN RESERVE, INC. presently leases is closing; and

WHEREAS, HOSPICE OF THE WESTERN RESERVE, INC. would like to locate within the City of Fairview Park; and

WHEREAS, the City has negotiated an agreement with HOSPICE OF THE WESTERN RESERVE, INC. to provide an economic incentive to assist HOSPICE OF THE WESTERN RESERVE, INC. to relocate, providing significant economic advantages to Fairview Park and significantly increasing income tax revenue.

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 Incentive Grant Agreement with HOSPICE OF THE WESTERN RESERVE, INC., the draft 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 accommodate the seasonal constraints of outdoor construction, and provided it receives an 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

INCENTIVE GRANT AGREEMENT

This AGREEMENT, made and entered into this ____ day of _____, 2016 by and between the City of Fairview Park, Ohio, a municipal corporation organized and existing pursuant to the Ohio Constitution and the Ohio Revised Code (hereinafter referred to as “City” of Fairview Park) 20777 Lorain Road, Fairview Park, Ohio 44126, and the Hospice of the Western Reserve, 17876 St. Clair Ave., Cleveland, Ohio 44110.

Whereas, certain economic and business conditions have necessitated that the Hospice of the Western Reserve, Inc. consider other facility accommodations within and outside the City;

Whereas, the Hospice of the Western Reserve, Inc. would like to locate an office in the City of Fairview Park; and

Whereas, the Hospice of the Western Reserve, Inc. has entered into a ten (10) year Lease Agreement for the property located at 22730 Fairview Center Drive, Fairview Park, Ohio 44126; and

Whereas, the Hospice of the Western Reserve, Inc. is qualified by financial responsibility and business experience to create and preserve employment opportunities and to maintain and improve the economic climate of the City of Fairview Park; and

Whereas, it is necessary for the City to provide the Hospice of the Western Reserve with a financial incentive to move into the City; and

Whereas, the Council of the City of Fairview Park has authorized the Mayor to enter into this agreement with Hospice of the Western Reserve, Inc. via Ordinance No. 16-__, passed on the

___ day of _____, 2016, and approved by the Mayor on the ___ day of _____, 2016.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the City and the Hospice of the Western Reserve, Inc. agree as follows:

1. The AGREEMENT shall commence with the effective date of the lease and shall continue for ten (10) years.
2. Hospice of the Western Reserve, Inc. shall pay, as is required by law, income tax, presently in the amount of two percent (2%) of actual total payroll.
3. The City shall provide an incentive rebate to the Hospice of the Western Reserve, Inc. in an amount in the form of non-tax revenue equal to thirty percent (30%) of income tax paid by the Hospice of the Western Reserve, Inc. for a period of ten (10) years. The City's obligation to pay this rebate will be adjusted for any increase or decrease in the annual payroll or proportionate partial year equivalent thereof decreases below \$5,500,000 per annum.
4. Hospice of the Western Reserve, Inc. agrees to provide to the City by the previous December 31 of each applicable tax year documentation concerning the number of employees, the yearly gross payroll and the yearly gross payroll withholding tax. This may be satisfied by providing the Finance Director with a copy of the payroll reconciliation filed with the Regional Income Tax Agency (RITA).
5. The City shall pay the rebate referred to in Paragraph 4 above annually on or before March 15th of the year following.

6. If Hospice of the Western Reserve, Inc. fails to comply with the terms of this AGREEMENT, the City will not be required to pay the rebate to the Hospice of the Western Reserve, Inc.

7. This AGREEMENT is binding upon and the Hospice of the Western Reserve, Inc. its successors or assignees.

8. This AGREEMENT is non-transferable or assignable without the express legislative approval of the City.

9. This AGREEMENT may be executed in one or more counter parts, each of which shall be deemed an original but all of which together constitute one and the same instrument.

IN WITNESS WHEREOF, the parties caused this instrument to be executed in several counterparts on this ___ day of _____, 2016.

The City of Fairview Park

Hospice of the Western Reserve, Inc.

BY: _____

BY: _____

This Document Approved as to Form:

William T. McGinty, Director of Law

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

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF FAIRVIEW PARK, OHIO, IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the City Council (“Council”) of the City of Fairview Park, Ohio (“City”), duly adopted Resolution No. _____ on _____, (the “Resolution of Necessity”), (i) declaring the necessity of acquiring, constructing, improving, and installing energy efficiency improvements (the “Project”, as fully described in the Project Petition referenced in this Ordinance) located on real property owned by Mrs. Bernadette A. Kim (the “Owner”) at 21531 Lorain Road within the City (the “Property”, as fully described in Exhibit A to the Project Petition); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owner’s *Petition to Add Territory to Northeast Ohio Advanced Energy District and for Special Energy Improvement Project*, including by levying and collecting special assessments to be assessed upon the Property in an amount sufficient to pay the costs of the Project and other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Northeast Ohio Advanced Energy District (“AED”) administrative fees and expenses; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the AED; and

WHEREAS, the claims for damages alleged to result from and objections to the Project have been waived by one hundred percent (100%) of the affected property owners.

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

SECTION 1. Definitions. That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Project Petition.

SECTION 2. Determination to Proceed. That this Council declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Project Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of costs previously approved.

SECTION 3. Special Assessments. That the Special Assessments to pay the costs of the Project, and other related financing costs incurred in the connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Authorized Improvements in anticipation of the receipt of

the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and AED administrative fees and expenses, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Project Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and the scheduled amounts payable as the AED administrative fee and the trustee fee. The Special Assessments shall be assessed against the Property commencing in the tax year ___ for collection in ____ and shall continue through tax year ____ for collection in _____. In addition to the Special Assessments, the Fiscal Officer of Cuyahoga County, Ohio, may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the Fiscal Officer of Cuyahoga County, Ohio.

SECTION 4. Amount of Assessments. That the estimated Special Assessments for costs of the Project prepared and filed in the office of the Clerk of the Council and in the office of the Finance Director, in accordance with the Resolution of Necessity, are adopted.

SECTION 5. Certification to County Fiscal Officer. That in compliance with Ohio Revised Code Section 319.61, the Clerk of the Council is directed to deliver a certified copy of this Ordinance to the Fiscal Officer of Cuyahoga County, Ohio, within fifteen (15) days after the date of its passage.

SECTION 6. Contracts. That all contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code, the Project Petition and the costs of the Project shall be financed as provided in the Resolution of Necessity.

SECTION 7. Compliance with Public Meetings Requirements. 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 8. Effective Date. 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 accommodate the seasonal constraints of outdoor construction, 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. 16-
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF FAIRVIEW PARK, OHIO, IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Fairview Park, Ohio (the “City”), duly adopted Resolution No. ____ on ____, (the “Resolution of Necessity”) and declared the necessity of acquiring, constructing, improving, and installing energy efficiency improvements (the “Project”, as described in the Resolution of Necessity and as set forth in the Project Petition requesting those improvements) on real property owned by Mrs. Bernadette A. Kim (the “Owner”) at 21531 Lorain Road within the City (the “Property”); and

WHEREAS, this Council duly passed Ordinance No. ____ on ____, and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Clerk of the Council and the Finance Director pursuant to the Resolution of Necessity; and

WHEREAS, it is necessary for the immediate preservation of public peace, property, health and safety, that this Ordinance take effect at the earliest possible date in order to allow for work to begin on the special energy improvement project on the Property, and for the Northeast Ohio Advanced Energy District (the “AED”) to take advantage of the financing available to it for a limited time.

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

SECTION 1. Definitions. That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION 2. Special Assessments. That the list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is \$126,075.00, and other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to Eber Holdings LLC or otherwise to pay costs of the Authorized Improvements in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and AED administrative fees and expenses, which costs were set forth in the Project Petition and previously reported to this Council and are now on file in the offices of the Clerk of the Council and the Director of the Department of Finance, is adopted and confirmed, and that the Special Assessments are levied and assessed on

the Property. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate of rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City.

The Special Assessments are assessed against the Property commencing in tax year [____] for collection in [____] and shall continue through tax year [____] for collection in [____]. The annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Ordinance.

All Special Assessments shall be certified by the Director of the Department of Finance to the Fiscal Officer of Cuyahoga County, Ohio, pursuant to the Project Petition and Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Project Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Project Petition and the List of Special Assessments attached to and incorporated into this Ordinance as Exhibit A.

SECTION 3. Amount of Special Assessments. That this Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Project Petition and are not in excess of any applicable statutory limitation.

SECTION 4. Waiver of Cash Settlement. That the Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Director of the Department of Finance to the Fiscal Officer of Cuyahoga County, Ohio, as provided by the Project Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Project Petition.

SECTION 5. Appropriation of Special Assessments. That the Special Assessments will be used by the City to provide the Authorized Improvements in cooperation with the AED in any manner, including assigning the Special Assessments actually received by the City to the AED or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 6. Special Assessments File. That the Director of the Department of Finance shall keep the Special Assessments on file in the Office of the Director of the Department of Finance.

SECTION 7. Certification to County Fiscal Officer. That in compliance with Ohio Revised Code Section 319.61, the Clerk of the Council is directed to deliver a certified copy of this Ordinance to the Fiscal Officer of Cuyahoga County, Ohio, within twenty (20) days after its passage.

SECTION 8. Compliance with Public Meetings Requirements. 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 9. Effective Date. 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 accommodate the seasonal constraints of outdoor construction, 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 ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

A RESOLUTION APPROVING THE PETITION FOR SPECIAL ENERGY IMPROVEMENT PROJECTS UNDER OHIO REVISED CODE CHAPTER 1710 AND DECLARING AN EMERGENCY.

WHEREAS, As set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and,

WHEREAS, Pursuant to Resolution 10-18, passed October 4, 2010, Fairview Park City Council approved the *Petition to Create the City of Cleveland-First-Suburbs Development Council Advanced Energy Special Improvement District*, including *Articles of Incorporation* and an initial plan entitled *City of Cleveland-First Suburbs Development Council Advanced Energy Special Improvement District Commercial-Industrial Program Project Plan and Commercial-Industrial Services Plan*; and,

WHEREAS, Following such approval, the Northeast Ohio Advanced Energy District (the “AED”), an energy special improvement district under the laws of the State of Ohio, and its Board of Directors (the “Board”) were formed in accordance with Ohio Revised Code Chapters 1702 and 1710; and,

WHEREAS, Bernadette A. Kim (the “Owner”), as the owner of certain real property located within the City of Fairview Park, Ohio (the “City”), has identified certain real property owned by the Owner located at 21531 Lorain Road (the “Project Site”), as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and,

WHEREAS, The Owner has submitted to the AED, and the Board, as the governing body of the AED in accordance with Ohio Revised Code Chapter 1710, has approved a *Petition to Add Territory to Northeast Ohio Advanced Energy District and for Special Energy Improvement Project* (the “Project Petition”), which Project requests that the Project Site be added to the AED and that the City levy special assessments on the Project Site to pay the costs of a special energy improvement project to be provided on the Project Site, all as described more particularly in the Project Petition (the “Project”); and,

WHEREAS, On [_____], pursuant to Ohio Revised Code Chapter 1710, the Owner submitted the Project Petition to the City, and said Project Petition is on file with the Clerk of the Council; and,

WHEREAS, Said Project Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2o of Article VIII of the Ohio Constitution, including, without limitation, the Project, and further, the Project Petition identifies the amount and length of the special assessments to be imposed with respect to the Project; and,

WHEREAS, This Council, as mandated by Ohio Revised Code Section 1710.06, must approve or disapprove the Project Petition within 60 days of the submission of the Project Petition; and,

WHEREAS, This Council has determined to approve the Project Petition; and,

WHEREAS, This Council, pursuant to Ohio Revised Code Section 1710.02(G)(4), has determined that the energy special improvement project to be constructed and implemented on the Project Site is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City as those that will promote the welfare of the people of the City; to improve the quality of life and the general and economic well-being of the people of City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources.

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

SECTION 1. Approval of Project Petition. That this Council approves the Project Petition in substantially the form now on file with the Clerk of the Council.

SECTION 2. Transfer of Energy Special Improvement Project. That pursuant to Ohio Revised Code Section 1710.02(G)(4), this Council determines that the Project is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City, as those that will promote the welfare of the people of such participating political subdivision; to improve the quality of life and the general and economic well-being of the people of the City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources. This Council accordingly authorizes the Board to act as its agent to sell, transfer, lease, or convey the Project. The consideration the Board must obtain from any sale, transfer, lease, or conveyance of the special energy improvement project on the Project Site is any consideration greater than or equal to One Dollar and Zero Cents (\$1.00).

SECTION 3. Compliance with Public Meetings Requirements. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. Effective Date. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and to accommodate the seasonal constraints of outdoor construction, 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 ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

A RESOLUTION APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF FAIRVIEW PARK, OHIO IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY SPECIAL IMPROVEMENT DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 1710.06(C) provides that a political subdivision which has approved a petition for special assessments for public improvements in an energy special improvement district and a plan pursuant to Ohio Revised Code Sections 1710.02(F) and 1710.06 shall levy the requested special assessments pursuant to Ohio Revised Code Chapter 727; and,

WHEREAS, Bernadette A. Kim (the “Owner”) petitioned to add property owned by it to the Northeast Ohio Advanced Energy District (the “AED”) pursuant to Ohio Revised Code Chapter 1710 in order to finance the costs of a special energy improvement project to be constructed on the property, which special energy improvement project consists of acquiring, constructing, equipping, improving, and installing energy efficiency improvements on its real property, including, without limitation, a new HVAC, new insulated roof system, new LED lighting, new hot water heater, new windows and doors, insulation of exterior walls, and related improvements (the “Project”), as fully described in the Project Petition; and,

WHEREAS, The Council (“Council”) of the City of Fairview Park, Ohio (the “City”) has, by Resolution No. _____, adopted on _____, approved the *Petition to Add Territory to Northeast Ohio Advanced Energy District and for Special Energy Improvement Project* (the “Project Petition”) in accordance with Ohio Revised Code Section 1710.02; and,

WHEREAS, The Project Petition, which is on file with the Clerk of the Council, has been signed by the Owner, as the owner of one hundred percent (100%) of the real property that is located at 21531 Lorain Road in the City and affected by the Project Petition (the “Property”), and proposes the necessity of acquiring, constructing, and improving the Project and financing the Project through the cooperation of the AED; and,

WHEREAS, In the Project Petition, the Owner requests that the Project be paid for by special assessments assessed upon the Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Project (which is estimated to be \$126,075.00), and other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and AED administrative fees and expenses, and requests that the Project be undertaken cooperatively by the City, the AED, and such other parties as the City may deem necessary or appropriate.

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

SECTION 1. Definitions. That each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Project Petition.

SECTION 2. Public Necessity of Special Assessments. That this Council declares necessary, and a vital and essential public purpose of the City, to improve the Property, which is located at 21531 Lorain Road in the City, by providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Project Petition, and providing for the payment of the costs of the project, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Authorized Improvements in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and AED administrative fees and expenses; together with all other necessary expenditures, all as more fully described in the Project Petition and profiles, specifications, and estimates of cost of the Project, all of which are on file with the Director of the Department of Finance and open to the inspection of all persons interested.

SECTION 3. One Project. That this Council determines that the Project's elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Project's elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner; and that the Project's elements shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09, and the Project's elements shall be treated as a joint improvement to be undertaken cooperatively by the City and the AED pursuant to Ohio Revised Code Section 9.482 and Ohio Revised Code Chapter 1710.

SECTION 4. Approval of Plans. That the Plans and Specifications and total cost of the Project now on file in the office of the Clerk of the Council are approved, subject to changes as permitted by Ohio Revised Code Chapter 727. The Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Project.

SECTION 5. Public Necessity of Project. That this Council has previously determined and by this Resolution ratifies and declares that the Project is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project, as defined in Ohio Revised Code Section 1710.01(I); and that in order to fulfill that essential and vital public purpose of the City, it is necessary and proper to provide, in cooperation with the AED, for the acquisition, construction, and improvement of the Project in the manner contemplated by the Project Petition.

This Council determines and declares that the Project is conducive to the public peace, health, safety and welfare of the City and the inhabitants of the City.

SECTION 6. Allocation of Costs of Project. That pursuant to and subject to the provisions of a valid Petition signed by the owners of one hundred percent (100%) of the Property, the entire cost of the Project shall be paid by the Special Assessments levied against the Property, which is the benefited property. The provisions of the Project Petition are ratified, adopted, approved and incorporated into this Resolution as if set forth in full in this Resolution. The portion of the costs of the Project allocable to the City will be zero percent (0%). The City does not intend to issue securities in anticipation of the levy of the Special Assessments.

SECTION 7. Assessment Method. That the method of levying the Special Assessments shall be in proportion to the benefits received, allocated among the parcels constituting the Property as set forth in the Project Petition.

SECTION 8. Property. That the lots or parcels of land to be assessed for the Project shall be the Property, described in Exhibit A to the Project Petition, all of which lots and lands are determined to be specially benefited by the Project.

SECTION 9. Assessment Schedule. That the Special Assessments shall be levied and paid in _____ semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Project Petition, and the Owner has waived its option to pay the Special Assessment in cash within thirty (30) days after the first publication of the notice of the assessing Resolution.

The aggregate amount of Special Assessments estimated to be necessary to pay the costs of the Project is \$126,075.00. Each semi-annual Special Assessment payment represents payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and of administrative expenses. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City. In addition to the Special Assessments, the Fiscal Officer of Cuyahoga County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount will be added to the Special Assessments by the Fiscal Officer of Cuyahoga County, Ohio.

SECTION 10. Director of the Department of Finance to File Estimate of Special Assessments. That the Director of the Department of Finance or the Director of the Department of Finance's designee is authorized and directed to prepare and file in the office of the Clerk of the Council the estimated Special Assessments for the cost of the Project in accordance with the method of assessment set forth in the Project Petition and this Resolution, showing the amount of the assessment against each lot or parcel of land to be assessed.

SECTION 11. Notice to Property Owner. That upon the filing of the estimated Special Assessments with the Clerk of the Council, notice of the adoption of this Resolution and the filing of the estimated Special Assessments shall be served upon the Owner of the Assessed

Property, as provided in Ohio Revised Code Section 727.13. The appropriate officials of the City shall also comply with the applicable procedural requirements of Ohio Revised Code Chapter 727.

SECTION 12. Collection of Special Assessments. That the Director of the Department of Finance or the Director of the Department of Finance's designee is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

SECTION 13. Appropriation of Special Assessments. That the Special Assessments will be used by the City to provide the Authorized Improvements in cooperation with the AED in any manner, including assigning the Special Assessments actually received by the City to the AED or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 14. Acceptance of Waiver of Process. That this Council accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727, Ohio Revised Code Chapter 1710, and the Charter of the City of Fairview Park, Ohio, and consents to the immediate imposition of the Special Assessments upon the Property. This waiver encompasses, but is not limited to, waivers by the Owner of the following rights:

- i. The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- ii. The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06;
- iii. The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- iv. The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- v. The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- vi. The right to notice that bids or quotations for the Project may exceed estimates by 15%;
- vii. The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251;
- viii. The right to notice of the passage of the assessing Resolution under Ohio Revised Code Section 727.26; and
- ix. Any and all procedural defects, errors, or omissions in the Special Assessment process.

SECTION 15. Agreements. That the City is authorized to enter into agreements by and among the City, the AED, and such other parties as the City may deem necessary or appropriate in order

to provide the Authorized Improvements, and that the Mayor is authorized to execute, on the City's behalf, such agreements.

SECTION 16. Compliance with Public Meetings Requirements. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 17. Effective Date. That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to accommodate the seasonal constraints of outdoor construction, 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

RECEIPT OF COUNTY FISCAL OFFICER FOR LEGISLATION APPROVING THE
NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC
IMPROVEMENTS IN THE CITY OF FAIRVIEW PARK, OHIO IN COOPERATION WITH
THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT

I, _____, the duly selected, qualified, and acting Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of Resolution No. _____ duly adopted by the City Council of the City of Fairview Park, Ohio on _____, approving the necessity of acquiring, constructing, and improving certain public improvements in the City of Fairview Park, Ohio in cooperation with the Northeast Ohio Advanced Energy District, was filed in this office on _____.

WITNESS my hand and official seal at Cleveland, Ohio on _____.

[SEAL]

Fiscal Officer

Cuyahoga County, Ohio

CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-11
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

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

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 assessment of the cost and expense of solid waste collection for the tax years 2016 and 2017, in the amount of \$120 per year per residential parcel for each tax year, as reported to the Finance Director and now on file in the office of the Finance Director; be and the same is hereby adopted and confirmed, and that for the tax years 2016 and 2017, there be and are hereby levied and assessed upon each residential parcel that is subject to collection of solid waste by the City's vendor, the amount reported as aforesaid, which are not in excess of any statutory limitation; and said properties are hereby determined to be specially benefited by said improvement.

SECTION 2. That the remainder of the entire cost of said improvement shall be paid out of the General Fund of the City of Fairview Park, Ohio.

SECTION 3. That this Council hereby finds and determines that the assessments now on file in the office of said Director are in the same proportion to the estimated assessments as originally filed as the actual cost of the above described improvement is to the estimated cost of the improvement as originally filed.

SECTION 4. That the assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after the passage of this Ordinance, or at the option of the owner, in two (2) annual installments. All cash payments shall be made to the Director of Finance of the City. All assessments remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of Council to the County Fiscal Officer as provided by law, to be placed on the tax duplicate and collected as other taxed are collected.

SECTION 5. That the Clerk of this Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City, and to continue on file in this office said assessments.

SECTION 6. That the Clerk of this Council is hereby directed to immediately deliver a certified copy of this Ordinance to the County Fiscal Officer to meet the 2016 deadline.

SECTION 7. 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 8. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare; and for the further reason that it is necessary to provide funds for solid waste collection to protect the health, convenience, and welfare of the inhabitants of the City of Fairview Park and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 04.04.16
2nd reading: 04.18.16
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-12
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY

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

WHEREAS, the existing Honeywell system at City Hall does not function properly to control the heating and cooling set points for the system and regain control of the building; and

WHEREAS, JEC 344 S Equipment Controller building automation system will allow for better control of the heating and cooling set points in City Hall; and

WHEREAS, the City obtained three (3) quotes for a new heating and cooling system for City Hall; and

WHEREAS, Brewer Garrett can provide the JEC 344 S building automation system at a cost not to exceed Thirty-Two Thousand Two-Hundred Fifty Dollars (\$32,250.00) (See Attached Exhibit "A").

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 Brewer Garrett for the purchase of a Controller System in an amount not to exceed Thirty-Two Thousand Two-Hundred Fifty Dollars (\$32,250.00) to replace the existing Honeywell System at City Hall.

SECTION 2. That the cost of the system will be paid from the Permanent Improvement Fund (260).

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to accommodate the seasonal constraints of outdoor construction, and provided it receives an 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: 04.04.16
2nd reading: 04.18.16
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council



6800 EASTLAND ROAD
MIDDLEBURG HEIGHTS, OH 44130
440-243-3535

Mr. Kevin Bridegum
Service Department - Foreman
City of Fairview Park
20777 Lorain Rd.
Fairview Park, Ohio 44126-2018

March 4, 2016

RE: City Hall Controls Upgrade

Dear Mr. Bridegum,

Per your request, the Brewer-Garrett Company has evaluated the existing controls servicing The City Hall and has determined that they are far beyond their useful life.

The Brewer-Garrett Company recommends replacing the Honeywell DDC controllers with non-proprietary, open protocol, web-based controllers. These controllers will utilize Tridium which runs on the Niagara Platform.

- Replace the six (6) Honeywell Controllers with new JEC-334s (cutsheet attached).
- Replace all existing temperature sensors with new. Existing wiring will be re-used
- The currently stand-alone boilers will be integrated into the new system.
- Provide a graphical interface to all connected systems and points.
- Provide scheduling and trending capability.
- Provide 8 hours of training. 4 hours will be provided at the completion of the job and 4 hours will be provided after 3 months of operation to address all questions that have surfaced.
- The system will be fully commissioned to identify any non-functional mechanical components. A detailed report quantifying these issues will be generated to assist the city in planning for future expenditures.

Please consider the following notations and clarifications as part of the above proposal:

- The city will be responsible for providing network drops to the 4 existing controller locations.
- All existing actuators, valves, dampers, and motors will remain.
- We exclude abatement of hazardous materials.
- We exclude sales tax.
- All labor is based upon normal working hours Monday through Friday, shift premium is not included.

The price for the above work is.....\$ 32,250.00

Thank you for considering The Brewer-Garrett Co. as part of your design team. If you have any questions or need additional information, please do not hesitate to contact this writer.

Very Truly Yours,
The Brewer-Garrett Company

Jason A. Zorc
Building Solutions Manager





The VYKON JACE Equipment Controller (JEC-334) is an embedded controller/server platform designed for monitoring and control applications. The JEC-334 can manage up to 150 points and is licensed for 5 remote devices on Lon, BACnet or Modbus.

JEC-334 - JACE Equipment Controller



Overview

The VYKON JEC-334 is part of the VYKON portfolio of Java-based controller/server products, software applications and tools, designed to integrate a variety of devices and protocols into unified, distributed systems. VYKON products are powered by the Niagara^{AX} Framework[®], the industry's leading software technology that integrates diverse systems and devices into a seamless system. The Niagara^{AX} Framework includes integrated management tools to support the design, configuration and maintenance of a unified, real-time controls network. The Input/Output module with low voltage power supply makes this package ideal for equipment control.

Applications

The JEC-334 is ideal for controlling and monitoring a building system including HVAC equipment, lighting, and meters. The Input/Output module provides 34 points for local control. The IO count can be expanded with up to 2 additional 16 point NDIO modules and four 16 point NRIO modules. In addition to local control, the JEC-334 is licensed for up to 5 remote devices that can come into the controller via Lon, BACnet, or Modbus. In total, the JEC-334 can control up to 150 points. The JEC-334 serves data and rich graphical displays to a standard web browser via an Ethernet LAN or remotely over the Internet. In larger facilities, multi-building applications and large-scale control system integrations, Niagara^{AX} Supervisor[™] software can be used to aggregate information (real-time data, history, alarms, etc.) from large numbers of JACEs into a single unified application.

Features

- 34 hardware control points (expandable with NDIO and NRIO modules).
- Pre-Licensed for five remote devices – either BACnet, Modbus, or Lon
- Web User interface serves rich presentations and live data to any browser
- Two Communications board sockets for optional communications card
- Built-in 24 volt AC/DC input power supply
- Din Rail mountable for quick installation
- Supports open protocols



Ordering Information

Part Number	Description
JEC-334	JACE®-3E with 34 point I/O module. Features include Niagara station and Web User Interface. Includes Niagara Network (Fox) Client / Server. Includes oBIX Client / Server, Modbus, BACnet, and Lon drivers limited to a total of 5 devices per controller or 150 total points. Requires 24 VAC or 24 VDC Power Source. Option cards required for communication to remote devices are not included. Battery not included. Requires AX 3.8.037 or later.
Optional Communication Cards	
NPB-LON	78 Kbps FTT 10 A Lon® adapter
NPB-232	Single Port RS 232 Option Card
NPB-2X-485	Dual Port RS-485 Option Card
NPB-GPRS-W	GPRS Modem option, bundled with Wyleless SIM card
Optional I/O Expansion Modules	
IO-16	Includes 8 Universal Inputs, 4 Form A Relay Outputs, and 4 0-10 VDC Analog Outputs. Mounts in-line with JEC-334 on DIN rail. JEC-334 supports up to 2 IO-16 modules.
IO-16-485	Includes 8 Universal Inputs, 4 Form A Relay Outputs, and 4 0-10 VDC Analog Outputs. May be mounted remotely. Communicates to JEC-334 via a dedicated RS-485 port. JEC-334 supports up to 4 IO-16-485 modules.
Optional Power Accessories	
NPB-BATT	Battery module. Provides up to 10 minutes of backup power.

Specifications

General

- J-300E and IO-34 Module with optimized license for equipment control
- Real-time clock – 2 week
- Niagara^{AX} 3.8.037 or later
- Oracle Hotspot Java Virtual Machine

IO-34 - 34 Point I/O Module

- 16 Universal Inputs (Type 3 (10k) Thermistors, 0-1000 ohm, 0-10 volts, 0-20 mA with external resistor)
- 10 relay outputs (Form A contacts, 24 VAC @.5 amp rated)
- 8 analog outputs (0-10 volt DC)

Communications

- 2 Ethernet Ports – 10/100 Mbps (RJ-45 Connectors)
- 1 RS 232 Port (RJ-45 connector)
- 1 RS 485 non isolated port (Screw Connector on base board)
- 2 card slots for optional communication cards

JACE and IO-34 Chassis

- Construction – Plastic, din rail or screw mount chassis, plastic cover
- Cooling – Internal air convection
- Dimensions (JACE) – 6.313" (16.04 cm) W x 4.820"(12.24 cm) H (including connectors) x 2.438" (6.19 cm) D
- Dimensions (IO-34) – 5.969" (15.16 cm) W x 4.820"(12.24 cm) H (including connectors) x 2.438" (6.19 cm) D
- Dimensions for both JACE and IO-34 including Mounting Ears 13.094" (33.26 cm) W x 4.820"(12.24 cm) H (including connectors) x 2.438" (6.19 cm) D

Power Input

- 24 Volt AC or DC input power supply
- Termination is via screw type terminal block

Environment

- Operating temperature range – 0° to 60°C (32°F to 140°F)
- Operating temperature range – 0° to 50°C (32°F to 122°F) with battery
- Storage temperature range – 0° to 60°C (32°F to 140°F)
- Relative humidity range – 5% to 95%, non-condensing

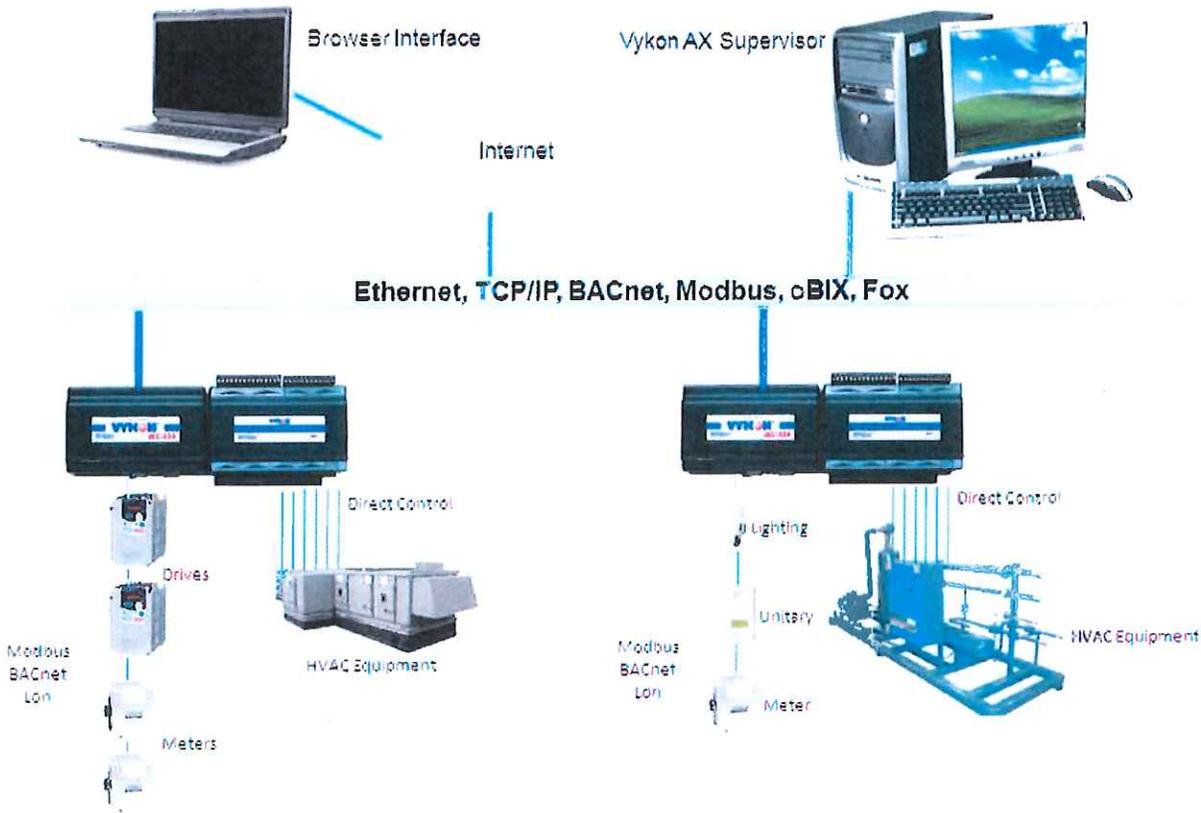
Agency Listings

- RoHS Compliant
- UL 916
- C-UL listed to Canadian Standards Association (CSA) C22.2 No. 205-M1983 "Signal Equipment"
- CE
- FCC part 15 Class B
- C-tick (Australia)

RoHS
Compliant



Architecture



www.vykon.com

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DS-V-JEC-334

CITY OF FAIRVIEW PARK

RESOLUTION NO. 16-

REQUESTED BY: COUNCILMAN MCDONOUGH

SPONSORED BY: COUNCILMAN MCDONOUGH

CO-SPONSORED BY: COUNCILMEMBERS MINEK, WOJNAR, HINKEL, RUSSO,
CLEARY AND COUNCIL PRESIDENT KILBANE

A RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS
MONTH IN THE CITY OF FAIRVIEW PARK AND DECLARING AN EMERGENCY

Whereas, Sexual Assault Awareness Month calls attention to the fact that sexual violence is widespread and impacts every person in this community; and

Whereas, rape, sexual assault, and sexual harassment harm our community, and statistics show one in five women and one in 71 men will be raped at some point in their lives (Black et al., 2011);and

Whereas, child sexual abuse prevention must be a priority to confront the reality that one in six boys and one in four girls will experience a sexual assault before age 18 (Dube, et al., 2005); and

Whereas, young people experience heightened rates of sexual violence, and youth ages 12-17 were 2.5 times as likely to be victims of rape or sexual assault (Snyder & Sickmund, 2006); and

Whereas, on campus, one in five women and one in 16 men are sexually assaulted during their time in college (Krebs, Lindquist, Warner, Fisher, & Martin, 2007); and

Whereas, we must work together to educate our community about sexual violence prevention, supporting survivors, and speaking out against harmful attitudes and actions; and

Whereas, prevention is possible when everyone gets involved. The first step is increasing education, awareness, and community involvement. It's time for all of us to take action to create a safer environment for all.

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

SECTION 1: That we, Fairview Park City Council, join along with advocates and communities across the country, and do hereby proclaim April as "Sexual Assault Awareness Month."

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3: That this Resolution shall take effect and be in force 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: COUNCILMAN MINEK
SPONSORED BY: CITY COUNCIL AS A WHOLE

A RESOLUTION TO HONORING DICK AND NANCY CAUSE, 2016 FAIRVIEW PARK CITIZENS OF THE YEAR.

WHEREAS, it is appropriate that this legislative body should honor those people who through their personal endeavors are credits to their respective communities; and

WHEREAS, Nancy and Dick have been married for 37 years and have lived in Fairview Park since 1983. They have three children – Jack, who lives in Fairview Park with his wife Angie and their 2 girls; Liz and her husband Brian Golla, who live in New Jersey with their daughter and son, and Ray, who is engaged to Tara Bobak and lives in Olmsted Falls; and

WHEREAS, Dick has been a CPA for a firm located in Independence for almost 39 years and currently serves on the Accounting Advisory Council for the College of Business Administration at Kent State University. He has put his CPA expertise to extraordinary good use while volunteering to Fairview Park. He is a long time Trustee and Treasurer of the Fairview Park Education Foundation, and also serves our future generations as a member and Treasurer for the Fairview Park Youth Association, and as Treasurer and President of the Football Boosters. He also audits the FP Junior Women's Club financial records; and

WHEREAS, Nancy began volunteering when her oldest child began nursery school and hasn't stopped since. She has actively supported the school systems in various capacities, including donating her time as room mother and as a Board Member of the Fairview Park Nursery School. She also served as the Corresponding Secretary and Bulletin co-chair for the Middle School/High School PTA and as Treasurer of the PTA Council; and

WHEREAS, Nancy has also extended a helping hand to our community organizations and events including a long tenure as a dedicated member of the Fairview Park Junior Women's Club, where over 22 years she has held every officer and committee chair position, including four terms as President. Nancy is now serving another term as Vice-President. For many years, she has helped coordinate and bake desserts for the Fairview Park Youth Association's Night at the Races. She has been involved in collecting donations for the charitable causes of We Do Care and the Fairview Park Hunger Center.

WHEREAS, Nancy and Dick are also engaged members of their church, Messiah Lutheran. Nancy can be found coordinating and serving food for funeral receptions. Dick has been the Financial Secretary for 30 years, where has also served as an usher. All of these volunteer activities keep them busy when not already occupied with the most treasured job of all - spoiling her grandchildren.

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

SECTION 1: That this Council recognizes that Dick and Nancy Cause have enriched the lives of many in the City of Fairview Park due to their tireless volunteer work given without pause, and are proud and honored to recognize them both as Fairview Park's Citizens of the Year for 2016.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3: That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 05.02.16
APPROVED: 05.02.16

1st reading: 05.02.16
2nd reading: Suspended
3rd reading: Suspended

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council