



# CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

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## REGULAR MEETING – MONDAY, MAY 16, 2016

6:30 p.m. Council Study Session - Council Caucus Room

*Immediately followed by:*

**Presentation by Water Conservation Service Project Group**

**Presentation by Fire Chief Tony Raffin**

7:00 p.m. Council Meeting – Council Chambers

Meeting Called to Order | Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Suspension of the Rules to Present a Resolution

Res. 16-\_\_ | Resolution Recognizing Matthew Hrubey

Disposition of Minutes:

Regular Meeting of Council Monday, May 2, 2016

Committee Reports

Environment, Public Works, Planning, Zoning and Development, Councilman Minek, Chair

Local Government and Community Service – Councilman Hinkel, Chair

Finance – Councilwoman Cleary, Chair

### *~ LEGISLATIVE AGENDA ~*

Legislation for First Reading

COUNCILMAN MINEK

Ord. 16-\_\_ | Amending Chapter 1129 to Permit Mixed Use in Office Building 3 Zoning District

Res. 16-\_\_ | Placing Amendment to Office Building 3 Zoning District on the Ballot

COUNCILMAN HINKEL

Res. 16-\_\_ | Appointing Volunteer Magistrate for Community Diversion Program

COUNCILWOMAN CLEARY

Ord. 16-\_\_ | Authorizing Purchase of Ford Explorer for Service Department

Ord. 16-\_\_ | Street Lighting Assessment for Tax Years 2016-2017

Res. 16-\_\_ | Alternative Tax Budget 2017

Res. 16-\_\_ | ODNr NatureWorks Grant Application

*Agenda continued on back →*

## Legislation for Second Reading

COUNCILWOMAN CLEARY

Ord. 16-13 | Authorizing Incentive Grant for Hospice of the Western Reserve

Ord. 16-14 | Advanced Energy District Declaring Determination to Proceed

Ord. 16-15 | Advanced Energy District Levying Special Assessments

Res. 16-04 | Advanced Energy District Approving Petition

Res. 16-05 | Advanced Energy District Approving Necessity

## Audience Input on Legislation Up For Passage

### Legislation on for Passage Without Three Readings

COUNCILMAN MCDONOUGH

Res. 16-\_\_ | Resolution Recognizing Attorney Mark A. Stanton

COUNCILWOMAN CLEARY

Res. 16-\_\_ | ODOT Winter 2016-2017 Contract for Road Salt

## Reports and Communications from Mayor, Directors and Other City Officials

## Public Session

## Miscellaneous Business and Reports from Council

## Adjournment

## **DO YOU HAVE A SMART DEVICE?**

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



## **UPCOMING MEETINGS OF COUNCIL:**

|              |                           |           |                     |
|--------------|---------------------------|-----------|---------------------|
| 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 |

# Water Conservation Project



# Background

- Crew from 1-1-2
- Reason for project
- Things we have done
- Future Plans



Please enjoy a student-made Google slide presentation about

# Rain Chains



# *Rain Chains*



*By Amanda Todd, Kirsten Van Zante, and Sam Lazarus*

# What is a rain chain?

---

They are linked chains that connect roof gutter rain overflow with the ground. Rain chains hold water and spill on top and drop on the chain all the way to the bottom.



# What is the history?

- Originated in Japan hundreds of years ago
- Used in temples and houses
- Used at 1998 Winter Olympics in Nagano, Japan
- Becoming popular in the United States



# How much does it cost?

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**You can buy a rain chain at a hardware store or Home Depot.**

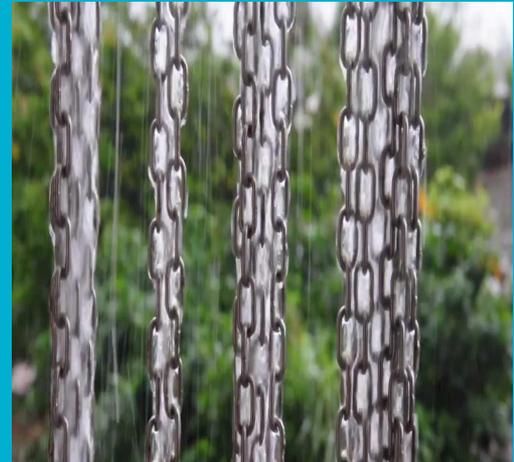
**Between \$30 and \$75 each.**



# How does it work?

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- Hooks into the gutter
- Water falls down the chain when it rains
- Water goes into the ground to water plants instead of into the storm sewers



# Parma Watershed Stewardship Center Questions



Please enjoy a student-made Google slide presentation about

# Rain Barrels



# Rain Barrels



by Haley, Sam Lorkovic,  
and Marcella



# The History of Rain Barrels

Rain barrels and cisterns were used to catch water to use during droughts for centuries.



Water Cistern  
at the Watershed Stewardship Center in  
Parma



Rain Barrel

# What is a rain barrel?

A rain barrel collects rainwater from your roof that would otherwise run off as drainage.



# How much does it cost?

Rain Barrels cost between \$50 and \$200. They can also be made by recycling a large food container. There are workshops through the Cleveland Metroparks for making your own Rain Barrel.

[Cleveland MetroParks Rain Barrel workshop](#)



# How does it work?

A barrel is attached to the downspout to collect rainwater. The collected rainwater is then used for:

- Watering flower gardens
- Decorative water fountains
- Watering indoor plants
- Washing your car

# How does it benefit the environment?

A rain barrel benefits the environment by reusing and recycling water that we can use for flowers, gardens, dog baths and anything you want. So let's use rain barrels and help our environment.



Field Trip to the Parma Watershed  
Stewardship Center



On a walk in our neighborhood, near FPMS

# How to make a Rain Barrel

Here is a cool video on how to make your own Rain Barrel.





Please enjoy a student-made Google slide presentation about

# Rain Gardens



# *Rain Gardens*

*By Evan, Sophia, Jacob*

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## What is the history of rain garden

The first rain garden was created in 1990 in the state of Maryland.



# What is it? Describe!!

- A garden of plants from the area.
- The plants are planted in a low area.
- It is made to hold and soak in rain water runoff that falls from roofs, driveways, patios or lawns.



## How much does a rain garden cost?

- It depends on how big the rain garden is.
- Plants are the most expensive thing.
- You can save money by having your friends help.

The Calculator on this website will give you an idea of how much it will cost



# How does it work?

1. It rains outside.
2. The water moves from a downspout, sidewalk, driveway, or a yard into the lowest part of the rain garden.
3. The water stays there and slowly soaks into the soil.
4. The plants grow and people can enjoy the beautiful garden.



## How does it benefit the environment?

- Attracts birds and butterflies
- Makes local water healthier
- Prevents erosion
- Conserves water
- Very beautiful
- Easy to take care of



# Questions on the Field Trip to the Parma Watershed Stewardship Center



Crew from 1-1-2 Reader's Theater performance of

# Water Wise





CITY OF FAIRVIEW PARK

CHIEF  
ANTHONY RAFFIN

DIVISION OF FIRE

20777 LORAIN ROAD • FAIRVIEW PARK, OHIO 44126  
(440) 356-4424 FAX (440) 356-4454



April 21, 2016

Gentlemen,

I wanted to take a minute to extend my most sincere gratitude to all of you for the care that you rendered to Mark Petro this past Saturday in the Cleveland Metroparks. This was truly an example of all pieces of Fairview Park's emergency services working collaboratively to accomplish a common goal. In this case the goal was to protect and save a life.

Through committed service provided by WestCom dispatch, the Fairview Park Police Department, and the Fairview Park Fire Department, I am proud to say that Mr. Petro is doing well and has been sent home from the hospital. This morning I attended a meeting at Fairview Hospital at which this specific case was discussed. Hospital staff are equally impressed with your collaborative effort and credit each of you for this man's survival.

As a Chief I couldn't be prouder of your individual responses that came together on that Saturday morning. All of you deserve proper recognition.

Jon Bandi- Fairview Park Police

Stan Bartkiewicz- Fairview Park Fire

Jamie Brown- WestCom Dispatch

Joe Dunham- Fairview Park Fire

Mike Fink- Fairview Park Fire

Heath Hartegan- Fairview Park Fire

Joe Lamping- Fairview Park Fire Joe

Dan Levy- Fairview Park Police

Rick Rutkowski- Fairview Park Fire

Thank you all for your service,

Anthony Raffin

Fire Chief, City of Fairview Park

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

***A RESOLUTION RECOGNIZING  
MATT HRUBEY  
FOR HIS SERVICE & COMMITMENT TO THE CITY***

*Whereas*, Matt Hrubey married Alicia in November 2013, moved into Fairview Park and immediately became active and established in his community; and

*Whereas*, Matt graduated from the University of Mount Union, received his Masters of Public Administration & City Management from Cleveland State University and became the Development Administrator for Fairview Park in September 2012; and

*Whereas*, in less than 4 years, Matt Hrubey secured \$1.5 million in grant funds for a variety of purposes that include infrastructure improvements to ensure the safe routes to school for students, Bain Park Cabin improvement and new playground equipment; and

*Whereas*, in his new position as Grants Coordinator for Cuyahoga County, Matt will work to secure grants for Cuyahoga County operations and aims to become a resource for all local governments operating in Cuyahoga County; and

*Whereas*, the City Fairview Park, its employees and, current as well as future residents, will experience and benefit from the grant funding secured by Matt Hrubey, the professional standard he set for the office and department and, for the countless friendships made which will result in Matt's continued involvement with the city.

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

***Section 1.*** That the members of City Council would like to recognize Matt Hrubey for his well-respected work and thank him for his steady commitment to making Fairview Park a Great Place to Grow.

***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:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

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

5 The regular meeting of Council was called to order by Council President Pro Tem Minek at 7:05 p.m.

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL:

9 PRESENT: Council –B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary

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 Wojnar and President Kilbane from the meeting.

14 Moved and Seconded

15 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carries, members are excused.

16 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary  
17

18 THE CHAIR called for a motion to suspend the rules to present a resolution.

19 Moved and Seconded.

20 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carries.

21 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary

22 THE CHAIR presented a resolution up for emergency passage.

23 RESOLUTION NO: 16-03

24 REQUESTED BY: COUNCIL PRESIDENT KILBANE

25 SPONSORED BY: COUNCIL AS A WHOLE

26 *A RESOLUTION COMMENDING LARRUY MOLLS FOR THIRTY-TWO YEARS OF SERVICE AND*  
27 *DEDICATION TO THE CITY OF FAIRVIEW PARK*

28 THE CHAIR called for any discussion. No Discussion.

29 THE CHAIR made a motion to suspend the Charter Provision and Rule 49 requiring that the legislation  
30 be read at three separate meetings and that it be placed before Council for emergency passage.

31 Moved and Seconded.

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

33 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carries.

34 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary

35 THE CHAIR made a motion that Council Rule 53, requiring reference to Committee be dispensed with  
36 and that the resolution be placed on final passage.

37 Moved and Seconded.

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

39 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carries.

40 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary

41 THE CHAIR asked that the resolution be read in pertinent part and was concurred on by Council.

42 THE CLERK ready the resolution.

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

44 ROLL ON PASSAGE: Vote: YES-5, NO-0 |Resolution 16-03 passes.

45 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary  
46

47 THE CHAIR called for a motion to dispose of the minutes of the Regular Meeting of Council held on  
48 Monday, April 4, 2016.

49 Moved and Seconded.

50 THE CHAIR called for any discussion. No Discussion.

51 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carries.

52 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary  
53 THE CHAIR called for a motion to dispose of the minutes of the Regular Meeting of Council held on  
54 Monday, April 18, 2016.  
55 Moved and Seconded.  
56 THE CHAIR called for any discussion. No Discussion.  
57 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carries.  
58 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary  
59

### 60 **COMMITTEE REPORTS**

61 COUNCILWOMAN CLEARY said, The Finance Committee met on Monday, April 25th. Mayor Eileen  
62 Patton, Law Director Billy McGinty, Finance Director Greg Cingle, Service Manager Kevin Bridegum  
63 and two representatives from Brewer Garrett, David Smith and Jason Zorc were in attendance to discuss  
64 the following: **Ordinance 16-11** levies a special assessment collection of \$120 per year for residential  
65 parcels the tax years of 2016 and 2017 for solid waste collection. The revenue from the assessment will  
66 be applied toward the cost of solid waste collection and disposal, with remained of the cost paid for out  
67 of the General Fund. A motion to place Ordinance 16-11 on 3rd reading carried 7-0. **Ordinance 16-12**  
68 authorizes the Mayor to enter into an agreement with Brewer Garrett for the purchase of a JEC 344 S  
69 Equipment Controller Building Automation System. The cost of the system is not to exceed \$32,250.00  
70 and will be paid from the Permanent Improvement Fund 260. The representative from Brewer Garrett  
71 reported that the current Honeywell system fails to function properly and that the new system will permit  
72 better cooling and heating set points within City Hall. Service Manage Kevin Bridegum provided a  
73 summary of the three recent quotes received for the project and offered rational for choosing Brewer  
74 Garrett. There was a discussion regarding the maintenance contract for this new equipment as the city is  
75 currently under a maintenance contract with Gardiner Trane that is not set to expire until 2019. Council  
76 members expressed concern regarding the frequent service calls and repairs that result in Gardiner Trane  
77 performing repairs outside of general maintenance on weekends at increased overtime rates. Service  
78 Manager Kevin Bridegum agreed to council's request to submit the service records and amount charged  
79 by Gardiner Trane for maintenance since November 2014. A motion to place Ordinance 16-12 on 3rd  
80 reading carried 7-0. That concludes my report. Thank you.

### 81 **LEGISLATION FOR FIRST READING**

82 COUNCILWOMAN CLEARY placed legislation up for first reading and introduction.  
83 ORDINANCE NO. 16-13  
84 REQUESTED BY: MAYOR EILEEN ANN PATTON  
85 SPONSORED BY: COUNCILWOMAN CLEARY & COUNCILMAN MCDONOUGH  
86 CO-SPONSORED BY: COUNCILMAN MINEK  
87 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ECONOMIC INCENTIVE*  
88 *GRANT AGREEMENT WITH THE HOSPICE OF THE WESTERN RESERVE, INC. AND DECLARING*  
89 *AN EMERGENCY.*  
90 ACTION: Ordinance 16-13 was placed on first reading and referred to the Finance Committee.  
91

92 ORDINANCE NO. 16-14  
93 REQUESTED BY: MAYOR EILEEN ANN PATTON  
94 SPONSORED BY: COUNCILWOMAN CLEARY  
95 *AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND*  
96 *IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF FAIRVIEW PARK,*  
97 *OHIO, IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT AND*  
98 *DECLARING AN EMERGENCY.*  
99 ACTION: Ordinance 16-14 was placed on first reading and referred to the Finance Committee.  
100

101  
102 ORDINANCE NO. 16-15

103 REQUESTED BY: MAYOR EILEEN ANN PATTON  
104 SPONSORED BY: COUNCILWOMAN CLEARY  
105 *AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING,*  
106 *CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF*  
107 *FAIRVIEW PARK, OHIO, IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY*  
108 *DISTRICT AND DECLARING AN EMERGENCY.*

109 ACTION: Ordinance 16-15 was placed on first reading and referred to the Finance Committee.

110

111 RESOLUTION NO. 16-04

112 REQUESTED BY: MAYOR EILEEN ANN PATTON

113 SPONSORED BY: COUNCILWOMAN CLEARY

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

116 ACTION: Resolution 16-04 was placed on first reading and referred to the Finance Committee.

117

118 RESOLUTION NO. 16-05

119 REQUESTED BY: MAYOR EILEEN ANN PATTON

120 SPONSORED BY: COUNCILWOMAN CLEARY

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

125 ACTION: Resolution 16-05 was placed on first reading and referred to the Finance Committee.

126

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

128

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

130 COUNCILWOMAN CLEARY placed Ordinance 16-11 up for third reading and final passage.

131 ORDINANCE NO. 16-11

132 REQUESTED BY: MAYOR EILEEN ANN PATTON

133 SPONSORED BY: COUNCILWOMAN CLEARY

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

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

138 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Ordinance 16-11 passes.

139 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary

140

141 COUNCILWOMAN CLEARY placed Ordinance 16-12 up for third reading and final passage.

142 ORDINANCE NO. 16-12

143 REQUESTED BY: MAYOR EILEEN ANN PATTON

144 SPONSORED BY: COUNCILWOMAN CLEARY

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

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

149 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Ordinance 16-12 passes.

150 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary

151

152 **LEGISLATION ON FOR PASSAGE WITHOUT THREE READINGS**

153 COUNCILMAN MCDONOUGH placed a resolution up for emergency passage.

154 RESOLUTION NO. 16-06  
155 REQUESTED BY: COUNCILMAN MCDONOUGH  
156 SPONSORED BY: COUNCILMAN MCDONOUGH  
157 CO-SPONSORED BY: COUNCILMEMBERS MINEK, WOJNAR, HINKEL, RUSSO, CLEARY AND  
158 COUNCIL PRESIDENT KILBANE  
159 *A RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS MONTH IN THE CITY*  
160 *OF FAIRVIEW PARK AND DECLARING AN EMERGENCY*  
161 COUNCILMAN MCDONOUGH made a motion to suspend the Charter Provision and Rule 49 requiring  
162 that the legislation be read at three separate meetings and that it be placed before Council for emergency  
163 passage.  
164 Moved and Seconded.  
165 THE CHAIR called for discussion on the motion. No Discussion.  
166 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carries.  
167 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary  
168 THE CHAIR called for any further discussion prior to passage.  
169 COUNCILMAN MCDONOUGH made a motion that Council Rule 53, requiring reference to Committee  
170 be dispensed with and that the resolution be placed on final passage.  
171 Moved and Seconded.  
172 THE CHAIR called for discussion on the motion. No Discussion.  
173 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carries.  
174 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary  
175 THE CHAIR called for any further discussion prior to passage. No Discussion.  
176 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Resolution 16-06 passes.  
177 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary  
178  
179 THE CHAIR placed a resolution up for emergency passage.  
180 RESOLUTION NO. 16-07  
181 REQUESTED BY: COUNCILMAN MINEK  
182 SPONSORED BY: CITY COUNCIL AS A WHOLE  
183 A RESOLUTION TO HONORING DICK AND NANCY CAUSE, 2016 FAIRVIEW PARK CITIZENS  
184 OF THE YEAR  
185 THE CHAIR made a motion to suspend the Charter Provision and Rule 49 requiring that the legislation  
186 be read at three separate meetings and that it be placed before Council for emergency passage.  
187 Moved and Seconded.  
188 THE CHAIR called for discussion on the motion. No Discussion.  
189 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carries.  
190 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary  
191 THE CHAIR called for any further discussion prior to passage.  
192 THE CHAIR made a motion that Council Rule 53, requiring reference to Committee be dispensed with  
193 and that the resolution be placed on final passage.  
194 Moved and Seconded.  
195 THE CHAIR called for discussion on the motion. No Discussion.  
196 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carries.  
197 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary  
198 THE CHAIR announced that the resolution will be presented at the Citizen of the Year dinner to be held  
199 on May 25, 2016.  
200 THE CHAIR called for any further discussion prior to passage. No Discussion.  
201 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Resolution 16-06 passes.  
202 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary  
203

204 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**  
205 **OFFICIALS**

206 MAYOR PATTON gave the following departmental updates:

207 FIRE: The Fire Department will begin annual inspection of hydrants on May 9, and will continue until all  
208 hydrants have been flushed. Residents are urged to check their water, and if rusty run until it clears.  
209 Cleveland Clinic hosted a firefighter/paramedic training session with the Fairview Park and Rocky River  
210 fire departments today.

211 BUILDING: Scott Hank, our new part-time housing inspector has begun working with the city. He will  
212 be going street by street with new inspections, and following up on ones from last year.

213 POLICE: There was a very busy weekend in the Police Department. The Operation Medicine Cabinet  
214 event went extremely well on Saturday. The Gilles Sweet Derby Dash was a huge success with over 600  
215 participants. On Thursday, our police officers will be giving a safety and security session to Fairview  
216 High School seniors, as many will be heading off to college. They will also be discussion how to not  
217 become a victim.

218 SERVICE: Matt Hrubey has announced that he will be leaving the city for a new position with Cuyahoga  
219 County in their Grant department. He will be leaving on May 13 and over the next week there will be a  
220 wrap up of all outstanding grants. He will be sorely missed and we are glad that the experience he has  
221 received at the city will serve him well in his new position. The County Public Works Department will be  
222 at city hall for an introductory meeting at 3p.m. in Council Chambers to share the programs they offer in  
223 the department.

224 SENIOR LIFE: The Senior Prom will be held on Wednesday, May 11 at 3 p.m.

225 RECREATION: The big wheel race will be held on Friday, May 13 at Fairview High School stadium.

226 EVENTS/ACTIVITIES:

227 There will be a Summerfest meeting on Thursday at 7 p.m. and all are invited to participate; On  
228 Wednesday, May 11 there will be a Westshore Council of Governments meeting in Rocky River at 9:30  
229 a.m; Saturday, May 14 is our annual shredding and recycling day from 9 a.m. until noon. Also on  
230 Saturday the Spring Fling will be held at the Fairview Shopping Center starting at 11 a.m.; Next Monday,  
231 May 9 there will be a Board of Zoning and Appeals meeting at 7 p.m.; Citizens of the Year dinner will be  
232 held on Wednesday, May 25.

233  
234 DIRECTOR CINGLE reported that he is finishing up work for the 2017 tax budget and have ready for  
235 the council agenda for May 16.

236  
237 DIRECTOR MCGINTY thanked the Clerk for her help with the legislation for this week. He advised  
238 there may be some alterations to the documents in committee.

239  
240 ENGINEER MACKAY reported that the 2015 water line projects are being worked on by Fabrizi. There  
241 have been some issues with the temporary water lines that are necessary for the installation of the new  
242 water main. The project manager is working with Fabrizi, the contractor and the residents to address  
243 those issues. The pre-construction meeting for the 2016 street paving program has been set for May 9 and  
244 he will have a detailed schedule of their work following that meeting. The 2016 water line projects have  
245 been approved by the Cleveland Water Department and bidding dates will be available in the near future.

246  
247 **PUBLIC SESSION**

248  
249 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**

250 COUNCILMAN MCDONOUGH thanked council for passing Resolution 16-06, Sexual Awareness  
251 month resolution. He said that the reality is that 1 out of 6 boys and 1 out of 4 girls will experience  
252 sexual assault before the age of 18 is important to understand and know. In our community educating  
253 others about sexual violence prevention, providing support for survivors and speaking out against  
254 harmful attitudes and actions is important. For those getting ready to go to college, the recent statistics

255 say that 1 out of 5 women and 1 out of 16 men will suffer assault during their time at college. He said  
256 that the more information and education we have for all those efforts are appreciated. COUNCILMAN  
257 MCDONOUGH thanked Recreation Director Steve Owens for participating in the neighborhood park  
258 meeting on Grannis Park on Wednesday, April 27. There were about 20 people in attendance who  
259 provided input, concerns and long-term development. Two contractors presented some ideas and Matt  
260 Hrubey was spoke about the future playground equipment at the park. COUNCILMAN MCDONOUGH  
261 reported that he attended a Fairview Park school district community meeting regarding a proposed levy  
262 and bond issue and monies the district would like to spend on renovations and improvements. There was  
263 a lot of information provided by the Superintendent Wagner.

264  
265 COUNCILMAN HINKEL thanked Mayor Patton for helping to assist to the local eagle scouts on a  
266 community service project at the Recreation Center. He also mentioned that took part of the Derby Dash  
267 over the weekend and how it was a great community event.

268  
269 COUNCILMAN RUSSO reported that he attended the fundraiser at Gunselman's for the high school  
270 weight room and was a nice event. He said there is always a lot of nice things happening in the city.

271  
272 THE CHAIR assigned the issue of city parking tickets to the Finance committee.

273  
274 THE CHAIR announced that council held an executive session on April 25, 2016 for the reasons of  
275 discussing matters required to be kept confidential by Federal law or rules or state statutes and to  
276 consider the employment and compensation of public employees.

277  
278 THE CHAIR asked Engineer Mackay what is going on at W. 214<sup>th</sup> St between Lorain and Westwood.  
279 ENGINEER MACKAY said that is the water line replacement project. They are installing temporary  
280 water lines so that they can dig up and replace the existing water line. Service has to continue during the  
281 process, which is causing the issues.

282  
283 THE CHAIR asked Mayor Patton if there is a replacement for Matt Hrubey.

284 MAYOR PATTON responded no.

285  
286 THE CHAIR made a motion to adjourn the regular meeting.

287 Moved and Seconded.

288 THE CHAIR asked for any discussion. No discussion.

289 ROLL ON MOTION: Vote: YES-5, NO-0 | Meeting adjourned at 7:38 p.m.

290 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary

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Michael P. Kilbane, President of Council

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Liz L. Westbrooks, Clerk of Council

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Eileen Ann Patton, Mayor

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

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 1129 OF THE OFFICE BUILDING DISTRICTS TO PERMIT MIXED USE DEVELOPMENTS, WITH THE REGULATIONS RELATING THERETO, IN THE OFFICE BUILDING “3” ZONING DISTRICT.

WHEREAS, the City zoning regulations concerning OFFICE BUILDING “3” Zoning District (hereafter referred to as OFFICE “3”) are not presently constituted to allow a mixed use component that would enhance the property use to the benefit of the residents;

WHEREAS, residents and developers have made inquiry as to the ability of the City to create a framework that would provide a developer with the option of planning a project that mixes office, retail and multi-family residential living in a single zoning district;

WHEREAS, the City’s master plan, the City Council and the Mayor support the vision of Mixed Use Developments in the OFFICE “3” District;

WHEREAS, the redevelopment of focus areas identified by the master plan task force as key areas for potential changes in land use, could provide the city with a significant boost in income and property tax revenue as well as providing important retail office and housing opportunities in the years to come;

WHEREAS, after consulting with zoning experts from CT Consultants, it has been determined to focus on creating a zoning district that will enhance the quality of the residents’ living, encourage further economic development and provide additional income and property taxes to the City and schools;

WHEREAS, the attached Exhibit “A” includes the proposed amendments to Office “3.” *(Note: The attached foundation and Outline would be replaced with the final text of the proposed amendments upon review and recommendation by the Planning and Design Commission.)*

WHEREAS, Article IV, Section 16(b) of the City Charter states: (b) An ordinance, resolution, or other action, whether legislative or administrative in nature, effecting change in the uses permitted in any zoning use classification or district of the City of Fairview Park, Ohio, shall not become effective after the passage thereof, until Council submits such ordinance, resolution or other action to the electorate at a regularly scheduled election in November or a primary election in May occurring more than sixty (60) days after the passage of the ordinance, resolution or other action and such ordinance, resolution or other action is approved by a majority of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to property in the ward.

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

SECTION 1. That the amendments to the OFFICE “3” are found to be consistent with the principles of the mission, charter and ordinances of the City;

SECTION 2: That Chapter 1129 relating to OFFICE “3” be amended, by incorporating the Mixed Use Development Regulations provided in Exhibit “A”, attached hereto and incorporated herein as if fully rewritten, subject to the amendments being approved by the voters pursuant to Section 16(b) of the City Charter.

SECTION 3: It is found in determined that all formal actions of this Council concerning 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: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

**EXHIBIT A**

**\*\*\*\*\*DRAFT\*\*\*\*\***

**Proposed Zoning Text Amendments to Permit Mixed-Use Developments, with  
Related Development Standards and Criteria, in the Office Building “3”  
Zoning District**

**May 11, 2016**

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\*\*\*\*\*

**CHAPTER 1129  
Office Building Districts**

- |                           |   |                       |   |
|---------------------------|---|-----------------------|---|
| <b>1129.01</b>            | <b>Use regulations.</b>   | <b>1129.14</b>        | <b>Accessory parking facilities required/</b>                   |
| <b>1129.02</b>            | <b>Schedule of permitted buildings and uses.</b>                    | <b>1129.15</b>        | <b>Measurement standards.</b>                                   |
| <del><b>1129.03</b></del> | <del><b>Construction of residential buildings prohibited.</b></del> | <b>1129.16</b>        | <b>Schedule</b>   |
| <del><b>1129.04</b></del> | <del><b>Office buildings in General Business Districts.</b></del>   | <b>1129.17</b>        | <b>Access ways to parking areas.</b>                            |
| <b>1129.05</b>            | <b>Schedule of area requirements.</b>                               | <b>1129.18</b>        | <b>Surface improvement of parking areas.</b>                    |
| <b>1129.06</b>            | <b>Yard regulations.</b>  | <b>1129.19</b>        | <b>Approval of parking facilities.</b>                          |
| <b>1129.07</b>            | <b>Projections into yards.</b>                                      | <b>1129.20</b>        | <b>Illumination of parking facilities.</b>                      |
| <b>1129.08</b>            | <b>Height regulations.</b>  | <b>1129.21</b>        | <b>Application and design of parking areas.</b>                 |
| <b>1129.09</b>            | <b>Sign purpose, type and number.</b>                               | <b>1129.22</b>        | <b>Required trash cans.</b>                                     |
| <b>1129.10</b>            | <b>Sign area.</b>   | <b>1129.23</b>        | <b>Approval of City Engineer required.</b>                      |
| <b>1129.11</b>            | <b>Sign location.</b>   |                       |   |
| <b>1129.12</b>            | <b>Sign illumination.</b>   |                       |   |
| <b>1129.13</b>            | <b>Signs; miscellaneous. (Repealed)</b>                             | <b><u>1129.25</u></b> | <b><u>Standards and Criteria for Mixed-Use Developments</u></b> |

**1129.01 USE REGULATIONS.**

Buildings and land shall be used, and buildings shall be erected, altered, moved or maintained only for the uses set forth in the schedules and regulations of this chapter.

- (a) Main buildings and uses listed in Section [1129.02](#) shall be permitted as the principal buildings, use or activity of a lot zoned for office buildings.
- (b) Accessory buildings and uses listed in Section [1129.02](#) shall be permitted as a subordinate building or use which is clearly incident to, and located on, the same zoning lot as the main building or use.  
(Ord. 69-39. Passed 6-2-69.)

**1129.02 SCHEDULE OF PERMITTED BUILDINGS AND USES.**

- (a) Main Uses permitted in the Office Building “1,” “2” and “3” Districts shall be permitted as listed in Schedule 1129.02:.
  - ~~(1) Office buildings for business and professional use, including administrative, scientific, research and development, training, statistical, financial and similar purposes in connection with such uses.~~
  - ~~(2) Research and development laboratories.~~

**1129.02 Schedule of Permitted Buildings and Uses**

| <u>Permitted Uses</u>                                     | <u>Office Building “1”<br/>(OB-1)</u> | <u>Office Building “2”<br/>(OB-2)</u> | <u>Office Building “3”<br/>(OB-3)</u> |
|---|---------------------------------------|---------------------------------------|---------------------------------------|
| <u>Office Buildings for business and professional use</u> | <u>X</u>                              | <u>X</u>                              | <u>X</u>                              |
| <u>Research and Development Laboratories</u>              | <u>X</u>                              | <u>X</u>                              | <u>X</u>                              |
| <u>Mixed-Use Developments pursuant to Section 1129.25</u> |                                       |                                       | <u>X</u>                              |

Any other office or laboratory use determined to be similar by the Planning and Design Commission is also permitted.

- (b) Accessory Uses.
  - (1) Buildings and uses immediately and exclusively accessory to the main uses permitted on the site.
    - A. Accessory off-street parking facilities.
    - B. Direct broadcast satellite receiving stations, and other telecommunications structures as set forth in Section [1129.08](#)(a).
    - C. Signs
  - (2) Uses within the main building or buildings.
    - A. Central air conditioning and power plants.
    - B. Incidental storage of documents or other property.
    - C. Training facilities for employees.

- D. Living quarters for a custodian or caretaker of the office building or buildings.
- E. Clinics, cafeterias, lunch rooms, banks, post offices, recreation and meeting rooms, retail trade and service uses where necessary for the comfort, convenience and use of the tenants, employees and business visitors in the building or buildings.

**~~1129.03 CONSTRUCTION OF RESIDENTIAL BUILDINGS PROHIBITED.~~**

~~Nothing in this chapter shall be construed to permit erection of residential dwellings within an Office Building District. Such dwellings are specifically prohibited.~~

**~~1129.04 OFFICE BUILDINGS IN GENERAL BUSINESS DISTRICTS.~~**

~~Nothing in this chapter shall preclude construction and/or use of office buildings located in a General Business District. Such buildings and/or uses are, or may be, located in the district and shall be subject to the regulations established therefor in Chapter 1137. *(Note: This Section is not needed since this is a repeat of the "permission" explicitly stated in Chapter 1137.)*~~

*(Note: Sections 1129.03 and 1129.04 will be "noted as deleted" in the final version of these amendments so that the remaining Sections of this Chapter do not need to be renumbered which would, most likely, affect references throughout the Code.)*

**1129.05 SCHEDULE OF AREA REQUIREMENTS.**

|  |                      |
|--|----------------------|
| Maximum area covered by main buildings   | Thirty percent (30%) |
| Maximum area covered by all buildings and all accessory buildings and structures on or above grade | Forty percent (40%)  |

\*The minimum outdoor livable area, which is equal to gross land area minus ground area of buildings, driveways and parking areas, including such areas which are enclosed on or above grade parking garage areas and/or structures, shall not be less than twenty-five percent (25%) of the gross land area. Outdoor livable area is land area planted with grass, ground cover, landscape material, trees, natural vegetation or land area for recreation uses, structures and facilities.

**1129.06 YARD REGULATIONS.**

(a) For every main or accessory building or use, the following yards shall be provided:

|   | <b>Front (Feet)</b> | <b>Side (Feet)</b> | <b>Rear (Feet)</b> |
|---|---------------------|--------------------|--------------------|
| (1) For every main or accessory building in Office Building "1", "2", and Office Building "3"   | 30                  | 10                 | 10                 |
| (2) For every main or accessory building In Office Building - "1" Office Building - "2", Office Building "3" adjacent to a Residential District as enumerated in Section <u>1109.01</u> | N/A                 | 40*                | 10                 |
| (3) <u>For every main or accessory building in an Office Building "3" adjacent to a public park or dedicated open space</u>   | <u>NA</u>           | <u>10</u>          | <u>10</u>          |
| (4) Accessory open off-street parking   | 20                  | 10                 | 10                 |

|      |   |     |     |     |
|------|---|-----|-----|-----|
| (45) | Accessory open off-street parking adjacent to a Residential District as enumerated in Section <a href="#">1109.01</a> | N/A | 15* | 15* |
|------|---|-----|-----|-----|

\*Landscape buffering and/or landscape screening shall be provided as required by subsection (c) hereof.

The specific setback requirement as set forth herein as is specifically applicable to a specific wall of a main or accessory building shall be increased one foot for each one foot the highest point of the roof of such wall of the building exceeds twelve feet in height above grade.

- (b) A curb or other barrier shall be erected on the line marking required yards pertaining to off-street parking. The remaining yard shall be landscaped and attractively maintained.
- (c) The Planning and Design Commission may require landscape buffering or landscape screening in accordance with Section [1149.05](#) along a side or rear lot line provided that any wall or any fencing whether incorporated as part of a landscaped buffer or whether used as a landscape screen along the side lot of the front yard of an adjacent Residential District or any other zoning district with an existing residence thereon shall not be constructed, erected or installed closer than twenty feet from the right-of-way line. Except as otherwise specifically permitted or as specifically required by the provisions of this chapter, trees and shrubs, yard structures and other landscape features shall not be constructed, erected or installed closer than twenty feet from the right-of-way line.
- (d) Direct broadcast satellite receiving stations shall be located only in rear yards subject to the provisions and requirements of Section [1117.17](#) or on the roof of a main or accessory building subject to the provisions and requirements of Section [1129.08](#).

**1129.07 PROJECTIONS INTO YARDS.**

No portion of a building, such as fire escapes or balconies, may project into a required front yard except signs as permitted in Section [1129.11](#).

**1129.08 HEIGHT REGULATIONS.**

- (a) The height of any main or accessory building in Office Building Districts "1" shall not exceed twenty-five feet. The height of any main or accessory building in Office Building District - "2" shall not exceed fifty feet. The height of any main or accessory building in Office Building District - "3" shall not exceed seventy-five feet.

In any Office Building District stacks, water tanks, elevator penthouses, bulkheads, skylights, ventilators, air conditioning and temperature control equipment, other mechanical appurtenances relating to the operation of the main or accessory building itself and penthouse enclosures for mechanical appurtenances erected upon or constituted as an integral part of the main or accessory building itself and not used for human occupancy may be erected to a height not to exceed fifteen feet above the finished roof line of the building.

Wireless, broadcasting, receiving and transmitting towers, radio and television antennae (except as provided in subsection (b) hereof), chimneys, flag poles and other like structures may be erected above the applicable height limit specified in subsection (a) hereof, subject to the following constraints:

- (1) The height from the base of such structure, or the uppermost point at which such structure is attached to the main or accessory building, to the top of such structure shall not be greater than the horizontal distance from the base of such structure to the nearest adjoining property line.
- (2) A variance approved by the Board of Zoning and Building Appeals shall be required for any such structure over thirty-five feet in height if detached from or

not attached to the main building, or over fifteen feet in height above the uppermost point of attachment to the main building.

No wireless, broadcasting, receiving and transmitting tower and no radio or television antennae shall be erected in a front yard. Any wireless, broadcasting, receiving and transmitting tower and any radio or television antennae may be erected only in a side yard or in a rear yard in accordance with the provisions of this section.

Wireless, broadcasting, receiving and transmitting towers, radio and television antennae, chimneys, flag poles and other like structures shall be designed and constructed to withstand wind loads in accordance with ANSI (American National Standards Institute) A 58.1 Structural calculations and details for the installation shall be furnished to the Division of Building.

(b) A direct broadcast satellite receiving station may be placed on the roof of a main or accessory building provided all of the following conditions are satisfied:

- (1) The receiving station is not linked or otherwise connected to receivers which are not located within the same premises as the antenna;
- (2) The highest point of the satellite receiving dish shall not exceed three feet greater than the dimension of the dish above the plane upon which it is mounted which shall include the height of any base upon which the dish is mounted;
- (3) The satellite receiving dish shall not exceed nine feet in dimension;
- (4) The satellite receiving dish shall be constructed and anchored in such a manner as to withstand wind loads in accordance with ANSI (American National Standards Institute) A 58.1. Structural calculations, including calculations certifying to the capability of the roof to support the dish and the base, and details for the installation shall be furnished to the Division of Building;
- (5) The satellite receiving dish shall be affixed in a permanent fashion such that it would only be removable for repair or replacement;
- (6) The dish shall not be placed closer than twenty feet from any roof edge;
- (7) Only one such station shall be permitted at any one time on the same building;
- (8) No lettering, numerals, symbols, pictorial signs or designs exceeding one-half inch in any dimension shall be permitted on any surface.

#### **1129.09 SIGN PURPOSE, TYPE AND NUMBER.**

The signs permitted in Office Building Districts as to purpose, type and number shall be as regulated in Chapter [1145](#).

#### **1129.10 SIGN AREA.**

The area of signs shall be as regulated in Chapter [1145](#).

#### **1129.11 SIGN LOCATION.**

The location of signs shall be as regulated in Chapter [1145](#).

#### **1129.12 SIGN ILLUMINATION.**

Signs in Office Building Districts may be illuminated subject to the regulations of Chapter [1145](#).

#### **1129.13 SIGNS; MISCELLANEOUS.**

(EDITOR'S NOTE: This section was repealed by Ordinance 80-117, passed June 1, 1981. See Chapter [1145](#) for relevant provisions.)

#### **1129.14 ACCESSORY PARKING FACILITIES REQUIRED.**

Accessory off-street parking facilities, including access driveways, shall be determined in conformance with the standards set forth in this chapter.

- (a) Such facilities shall be provided on the same lot or on an adjoining lot under the same ownership whenever:
  - (1) A building is constructed;
  - (2) An existing building is altered, resulting in an increase in measurement capacity.
- (b) Required off-street parking facilities, including access driveways, accessory to an existing use, and those required as accessory to a use created or a building constructed or altered hereafter, shall be continued and maintained in operation and shall not be reduced below the requirements during the period that the main use is maintained. Failure by the owner or owners to supply such off-street parking shall cause the Building Commissioner to revoke the occupancy of a sufficient number of the units in order to bring the facility into conformity with parking requirements. Accessory off-street parking facilities shall not be used for the rebuilding, overhauling or dismantling of any vehicle as defined in Section [301.51](#) or for the storage of motor or body parts or for minor repair services on any vehicle.
- (c) Required parking spaces may be either enclosed, underground or open.

#### **1129.15 MEASUREMENT STANDARDS.**

- (a) "Accessory parking space" means an open or enclosed area (garage) directly accessible from a public street for parking of motor vehicles of owners, occupants, employees, customers or tenants of the main building or use. Each space shall be directly accessible from a drive or aisle, and shall have a minimum rectangular dimension of not less than nine feet in width and eighteen feet in length for ninety degree parking; nine feet in width and twenty-two feet in length for parallel parking; ten feet in width and eighteen feet in length for sixty degree parking and twelve feet in width and eighteen feet in length for forty-five degree parking, exclusive of all drives, aisles, ramps and other circulation areas, and determined from an accurate plan of the area.
- (b) "Floor area" means the total area of all the floors of the building measured from the exterior faces of the building. Basement areas or other floors or parts thereof designed, arranged or used exclusively for storage or similar uses may be excluded from the floor area if the areas or floors or parts thereof are not open to the public.  
Such areas as stairs, hallways, restrooms, equipment or furnace rooms, elevator shafts, etc. shall be excluded.
- (c) When the computation results in a fractional unit, one additional space shall be provided.

#### **1129.16 SCHEDULE.**

For other than medical and dental offices and clinics, one off-street parking space per each 150 square feet of floor area of 6,000 square feet or less; forty off-street parking spaces plus one space per each 200 square feet of floor area over 6,000 square feet. For medical and dental offices and clinics, one off-street parking space shall be provided per each 100 square feet of floor area to 10,000 square feet and one space per each 200 square feet of floor area over 10,000 square feet.

#### **1129.17 ACCESSWAYS TO PARKING AREAS.**

The location and width of entrance and exit driveways to parking facilities shall be planned so as to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the adjacent streets.

- (a) Whenever possible, the center line of the access driveways on the frontage streets shall be at least forty feet from the right-of-way line of the nearest intersecting street and be spaced at not less than 120-foot intervals, measured from the center line of the driveways.
- (b) Parking areas shall be designed so that vehicles can be driven forward into the street. Those of fifteen spaces or less shall have at least one single-lane or one two-lane driveway; those of sixteen spaces or more shall have at least two single-lane, or one two-lane driveway. Each entrance to, or exit from, a parking area of sixteen spaces or more shall be limited to two lanes.
- (c) The widths of driveways, measured at the setback line, shall conform to the following schedule. At no point where adjoining a public sidewalk shall the maximum widths be exceeded.

| Lanes | Minimum feet | Maximum feet |
|-------|--------------|--------------|
| One   | 10           | 12           |
| Two   | 18           | 24           |

- (d) The angle of intersection between the driveway and the street shall be between sixty degrees and ninety degrees. The radius at the edge from the apron shall be at least twelve feet, twenty feet recommended, so that a motor vehicle entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or in the curb lane of the street.

**1129.18 SURFACE IMPROVEMENTS OF PARKING AREAS.**

- (a) Proposed and existing parking areas and access driveways shall be improved with asphalt concrete or Portland cement concrete or other impervious surface and shall be so graded and drained into proper inlets so that all water is drained within the lot on which the parking area or driveway is located in such manner that water shall not drain across other public or private property.
- (b) Parking areas shall be so arranged and marked as to provide for orderly and safe parking and storage of vehicles in accordance with the design standards in this chapter, and shall be improved, except at entrances and exits with guardrails, curbs or other devices to define parking spaces or limits of paved areas, so as to prevent encroachment of vehicles into adjacent areas or public ways, yards or setbacks required by the Zoning Code, and so as to regulate the flow of traffic within the lot.
- (c) The Planning and Design Commission may require landscape buffering or landscape screening to be provided on the parking area property to insulate the parking areas and driveways from a side or rear lot line of other property in Residential Districts or any other Zoning District with an existing residence thereon. Landscape buffering may include, but shall not be limited to, evergreen trees and bushes, compact hedges, shrubs, earth berms or a combination thereof. Landscape screening shall include plant material or other nonliving durable material, including, but not limited to, walls, berms or substantially solid decorative wood fencing. Where trees and shrubs are used to provide a landscape buffer, such shall provide a year-round state of being substantially impervious to rays of light. It shall be acceptable to incorporate fencing as part of the landscape buffer where noise and lights create a need that such landscape buffer include fencing. Fencing may also be used to provide landscape screening. Whenever used, fences shall be of a decorative style and type. Walls and berms shall be used only in the most unusual cases.  
 The desired buffering or screening effect shall be achieved not later than twelve months after the initial installation. The Planning and Design Commission may extend this twelve month period of time when a hardship would be created because of expected growth or material shortages, but such extension shall not be for more than two years from the time the initial installation was to have been or has been installed. All buffering and screening

requirements imposed under the provisions of this subsection shall be installed and constructed before a certificate of occupancy is issued for a new building or structure. No existing building, structure or vehicular use area adjoining a Residential District or any other zoning district with an existing residence thereon shall be expanded, altered or modified until the plans are submitted by the opener or developer to the Planning and Design Commission for its determination as to whether the change adversely affects any properties in a Residential District or any other zoning district with an existing residence thereon. The Commission, after its review, shall require, where necessary, the establishment of a landscape buffering area or the installation of landscape screening, or a revision of a previously established buffered area or screening. The width and height of the landscape buffer or landscape screening shall be determined by the Planning and Design Commission provided, however, that the maximum height of fencing, whether incorporated as part of the landscape buffer or whether used as a landscape screen, which may be permitted shall be seven feet above finished grade. The owner, tenant and developer shall be responsible for the maintenance and replacement, if necessary, of the landscape buffer or landscape screening.

Owners or developers of off-street parking areas shall be required to include a plan for buffering or screening the parking areas and driveways, including a detailed description and sketch of the landscape buffer or landscape screening which visually and verbally outlines the nature and the effect of the proposed landscape buffer or landscape screening. A certificate of occupancy shall not be granted until the buffering or screening requirements have been completed. If completion, in the case of living materials, is delayed because of the growing season, a temporary permit to occupy may be granted by the Building Commissioner. Such delay shall not extend beyond the next growing season following the date upon which the certificate of occupancy is requested.

(Ord. 95-69. Passed 10-16-95.)

- (d) In order to carry out the objectives of this Zoning Code and to preserve the use and enjoyment of adjoining property not less than five percent (5%) of an off-street parking area of a lot with twenty or more off-street accessory parking spaces shall have landscaping islands to break up the expanse of pavement. Each landscaping island shall not be less in size than the required area of one off-street parking space, shall be interspersed throughout the entire off-street parking area and shall have trees and such other landscaping as may be required by the Planning and Design Commission. Areas of landscaping surrounded by at least three sides by accessory off-street parking areas or accessories to parking areas may be considered a landscaped island.

#### **1129.19 APPROVAL OF PARKING FACILITIES.**

Detailed drawings of off-street parking facilities shall be submitted to the Planning and Design Commission for review and approval in accordance with all the provisions of this chapter before a building permit or certificate of occupancy may be issued. Such drawings shall show the number of spaces and locations, dimensions and descriptions of all features as set forth in this chapter.

#### **1129.20 ILLUMINATION OF PARKING FACILITIES.**

Areas used to provide required off-street parking, and accessways thereto shall be illuminated whenever deemed necessary by the Planning and Design Commission to protect the public safety. The illumination of parking areas in office building districts shall be reduced in intensity after the close of business of the main use or uses. Lighting fixtures shall be so designed and located so as not to reflect direct rays of light upon adjoining residential properties and streets or cause a glare hazardous to pedestrians or drivers of motor vehicles on adjacent public streets, and shall be subject to the approval of the Commission.

**1129.21 APPLICATION AND DESIGN OF PARKING AREAS.**

- (a) Application for Providing Facilities. An application for a building permit pertaining to constructing a building or parking facility or for a certificate of occupancy for a change in use of land or a building shall include a site plan drawn to scale and fully dimensioned, showing the proposed design of the parking area to be provided in accordance with the space requirement schedules that are a part of this Zoning Code.
- (b) Determination of Required Parking Facilities. The minimum number of spaces required for accessory off-street parking shall be determined by applying the measurement standards in Section [1129.15](#), the standards for designing parking areas in subsection (c) hereof, the schedule of accessory parking requirements for the various uses in Section [1129.16](#) and any other applicable provisions of this Zoning Code.  
The Planning and Design Commission may modify the parking requirements of Section [1129.16](#) under such terms and conditions as it determines will protect the public interest where it finds based upon the factual evidence presented that due to the nature of the particular use such requirements will not be adequate to provide sufficient parking or where the strict application of the requirements will result in an excessive amount of parking related to the particular use.
- (c) Design Standards. The plan of the parking spaces of a parking area included with an application to construct a building or parking area, or change in use, shall be designed, dimensioned and the number of spaces determined in accordance with the standards for designing parking areas as may be adopted by the Commission and which is part of this Zoning Code. Design standards for enclosed parking areas and garages, shall be in accordance with other provisions of this Zoning Code.
- (d) Handicapped parking spaces shall be provided in accordance with the provisions of the Ohio Basic Building Code.

**1129.22 REQUIRED TRASH AREAS.**

All office building uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Planning and Design Commission shall be required.

**1129.23 APPROVAL OF CITY ENGINEER REQUIRED.**

The City Engineer shall make a survey of the public sanitary and storm sewers to be affected by the proposed building or use set forth in the application for a building permit and shall forward his approval to the Building Commissioner prior to the issuance of a building permit.

**1129.25 DEVELOPMENT STANDARDS AND CRITERIA FOR MIXED-USE DEVELOPMENTS**

- (a) Purposes: The purposes of Mixed-Use Development are to:
  - (1) Encourage skillful planning by allowing flexibility in the type and placement of buildings while promoting coordinated architectural design within a unified development area.

- (2) Encourage a mixture of complementary land uses that includes housing, retail, offices and commercial recreation to create economic vitality all in the same location.
- (3) Provide flexibility in the siting and design of the development and subsequent redevelopment to anticipate changes in the marketplace.
- (4) Utilize design criteria for the new developments that are aesthetically pleasing and foster pedestrian movement among the facilities in the development and to and from the adjacent areas.

**(b) Use Parameters:**

- (1) In a **Mixed-Use Development** the following uses are permitted in addition to the permitted Office Uses (Schedule 1129.02):

**A. Retail Uses** in completely enclosed buildings, including but not limited to... *(To be completed)*. Permitted retail does not include automotive services such as, but not limited to... *(To be completed)*.

**\*B. Hotels/lodging**

**C. Restaurants**

**D. Residential including: Multiple Family development, Senior Housing, Assisted Living, and Nursing Care.**

**E. Indoor Commercial Recreation including Places of Assembly.**

- (2) Retail and commercial recreation, combined, shall not comprise more than ( %) percent of the total floor area – including both existing and new floor area. *(To be determined.)*

- (3) Residential shall not comprise more than ( %) of the total floor area. The size of dwelling units shall comply with the requirements of Section 1121.21. *(These current requirements are: 1-bedroom 700 sq. ft.; 2-bedroom 850 sq. ft.; and 3-bedroom 1,000 sq. ft.)*

- (c) **The Project Size** shall be a minimum of eight (8) acres to be eligible for a Mixed-Use Development.

- (d) **Setbacks, Coverage, Height, etc.** shall comply with Sections 1129.05 through 1129.08.

- (e) **Off-Street Parking** shall be developed in compliance with Sections 1129.14 through 1129.21 except as modified herein:

- (1) The number of parking spaces required in a Mixed-Use Development shall be as a minimum:

A. Offices – 1 space per 300 square feet of floor area (Note: The current standard 1/150 sq. ft. for small buildings and varies as the building gets larger).

B. Retail – 1 space per 250 square feet of floor area (Note: current standard is 1/150 sq. ft. or 1/200 sq. ft. with some variations).

C. Residential – Attached Single Family Homes – 2 enclosed spaces per dwelling unit; Apartments - one and one-half (1.5) spaces per dwelling unit; Senior Apartments – one and one-quarter (1.25) spaces per dwelling unit

(2) The minimum width of a parking space shall be nine (9) feet for angled parking and eight (8) feet for parallel parking when permitted on a designated public or private street or driveway.

(3) Shared Parking: Notwithstanding the requirements set forth in this Section, in a Mixed-Use Development, the Planning and Design Commission may approve a lesser amount of parking than the total spaces required taking into consideration: the hours of operation of uses; the overlap in parking demand by different adjacent uses; and the operating characteristics of the specific uses proposed.

(4) For any off-street parking located on adjacent land in the City of Cleveland and which is needed to satisfy the parking requirements of Fairview Park, the applicant shall provide the City of Fairview Park, with the development plan application, sufficient binding documentation and legal instruments, acceptable to the Law Director, that the parking is sufficiently secured to meet the parking requirements for the proposed mixed-use development.

(f) **Signs:** Signs in a Mixed-Use Development shall comply with the requirements of Chapter 1145 except as modified herein... (Note: To be completed).

(g) **Review Procedures for Mixed-Use Developments:** Development plan review is required for a Mixed-Use Development in accordance with the procedures in Section 1149.05. When reviewing the development plan the P&DC shall consider, in addition to the criteria in Sections 1149.05 and 1149.10, and the specific intent of a Mixed-Use Development as set forth in Sub-section 1129.25 (a), above.

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 16-  
REQUESTED BY: MAYOR EILEEN ANN PATTON  
SPONSORED BY: COUNCILMAN MINEK

A RESOLUTION DECLARING THE NECESSITY OF SUBMITTING TO THE ELECTORATE OF THE CITY OF FAIRVIEW PARK AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE AMENDING PORTIONS OF CHAPTER 1129 OF THE CODIFIED ORDINANCES OF THE CITY AS IT RELATES TO PERMITTING MIXED USE DEVELOPMENTS IN THE OFFICE BUILDING “3” ZONING DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, the amendments to OFFICE BUILDING “3” and the regulations thereto create a framework and would provide a developer with the option of office, retail and multi-family residential living the single zoning sector;

WHEREAS, the City’s master plan, the Council’s and Mayor’s vision all project a reality to this goal with an amendment to the OFFICE BUILDING “3” BUSINESS DISTRICT zoning regulations.

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

SECTION 1. This counsel hereby authorizes and directs the submission to the electors of the city of Fairview Park, Ohio election to be held at the usual place of voting in the city on Tuesday, November 8, 2016 between the hours of 6:30 AM and 7:30 PM of that day on the question of approving the passage of an ordinance to amend portions of Chapter 1129 of the codified ordinances of the city of Fairview Park.

SECTION 2. It is the desire of this Council that the ballots presented to the electorate of the City of Fairview Park should be essentially in the following terms:

“Shall the Ordinance providing for the amendments to Chapter 1129 of the Codified Ordinances of the City of Fairview Park be amended to permit mixed use developments in OFFICE BUILDING “3” be adopted?”

YES \_\_\_\_\_

NO \_\_\_\_\_

A majority vote of electors voting in the municipality and also a majority vote of electors of Ward 5 are necessary for adoption.

SECTION 3. That the Clerk of Council is directed to certify a copy of this resolution to the board of elections of Cuyahoga County. The Clerk is further directed to take all other required by law relative to the submission of the ordinance of the voters on November 8, 2016.

SECTION 4. It is found and determined that all formal actions of this count concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and any committees that resulted formal action or in meetings open the in compliance with all legal requirements.

SECTION 5. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare; and for the further reason that it must meet an election filing deadline, and provided it receives the affirmative vote of a majority plus one of the members of Council, it shall take effect and be enforced immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

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

A RESOLUTION TO EXPRESS THE NEED AND DESIRE OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE APPOINTMENT OF A VOLUNTEER MAGISTRATE TO PRESIDE AT COMMUNITY DIVERSION PROGRAM HEARINGS

WHEREAS, the City of Fairview Park, Ohio is within the jurisdiction of the Cuyahoga County Court of Common Pleas: Juvenile Division (Court), which pursuant to ORC. 2151.23(A)(1) has exclusive original jurisdiction concerning any child who charged in a complaint to be a delinquent or unruly child; and

WHEREAS, the City of Fairview Park filed 44 delinquency and unruly complaints with the Court in 2014, and 40 complaints filed in 2013; and

WHEREAS, many of the diverted complaints were not satisfactorily resolved and involve Fairview Park City youths who were charged with committing first time misdemeanor and status offenses for which diversion may be appropriate; and

WHEREAS, the Community Diversion Program (CDP) is a program sponsored by the Court in cooperation with the City of Fairview Park featuring Volunteer Magistrates selected by the City of Fairview Park and trained by the Court;

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

SECTION 1. That the City of Fairview Park, Ohio has a need for and desire for participation in the Community Diversion Program (CDP) sponsored by the Cuyahoga Comity Juvenile Court.

SECTION 2. That the City of Fairview Park, Ohio has a need for and desire for a Volunteer Juvenile Court Magistrate to be appointed by the Cuyahoga County Juvenile Court.

SECTION 3. That this Volunteer Magistrate shall hear and pronounce disposition on all complaints involving minor first time delinquency and unruly offenses committed by minor Fairview Park City youth which are referred by the Fairview Park City Police Department.

SECTION 4. That the City of Fairview Park, Ohio requests that attorney \_\_\_\_\_ whose resume is hereto attached, to be appointed by the Cuyahoga County Juvenile Court to serve as a Volunteer Magistrate for the City of Fairview Park.

SECTION 5: 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 6: That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

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

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LEBANON FORD FOR THE PURCHASE OF ONE (1) 2016 FORD EXPLORER 4WD, 4-DOOR AUTOMOBILE AND DECLARING AN EMERGENCY

WHEREAS, the Service Department is in need of one (1) new 2016 FORD EXPLORER 4WD, 4-DOOR AUTOMOBILE in order to safely and properly maintain services to the City.

WHEREAS, the automobile can be purchased from Lebanon Ford authorized vendor who offers such vehicles at a price determined by the General Services Administration for the State of Ohio.

**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 here authorized to enter into a contract with Lebanon Ford, an authorized vendor who offers such vehicles to the City at a price determined by the General Services Administration for the State of Ohio, for the purchase of one (1) new 2016 FORD EXPLORER 4WD, 4-DOOR AUTOMOBILE.

SECTION 2. That the cost of the purchase of the automobile is as follows: five (5) payments of \$6,781.50 payable annually in lump sum payments, to be paid from the Water Reimbursement Fund (500-7750). At the end of the term, the City will pay Lebanon Ford \$1.00 as full and final payment for the automobile.

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 so that the order for the vehicle may be placed as soon as possible to provide for timely delivery, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council



Municipal Finance Department  
1 American Road, MD 7500  
Dearborn, Michigan 48126

May 10, 2016

Frank Beaver X113  
Lebanon Ford  
frankbeaver@roadrunner.com

RE: Fairview Park, OH, Quote #85177

Ford Credit Municipal Finance is pleased to present the following financing options for your review and consideration.

| Option | Quantity               | Description        |                   |       |                | Price          |
|--------|------------------------|--------------------|-------------------|-------|----------------|----------------|
| A      | 1                      | 2016 Ford Explorer |                   |       |                | \$29,495.00    |
|        | Total Amount Financed* | Number of Payments | Payment Timing    | APR   | Payment Factor | Payment Amount |
|        | \$30,040.00            | 4                  | Annual in Advance | 6.45% | 0.273904       | \$8,228.08     |

| Option | Quantity               | Description        |                   |       |                | Price          |
|--------|------------------------|--------------------|-------------------|-------|----------------|----------------|
| B      | 1                      | 2016 Ford Explorer |                   |       |                | \$29,495.00    |
|        | Total Amount Financed* | Number of Payments | Payment Timing    | APR   | Payment Factor | Payment Amount |
|        | \$30,040.00            | 5                  | Annual in Advance | 6.45% | 0.225749       | \$6,781.50     |

\*\$545.00 underwriting fee included

**EXPIRATION DATE:** 08/31/2016

This quotation, until credit approved, is not a commitment by Ford Credit Municipal Finance. It has been prepared assuming that the lease qualifies for Federal Income Tax Exempt Status for Ford Credit Company LLC under Section 103 of the IRS Code. Financing is subject to credit review and approval of acceptable documentation by Ford Credit Municipal Finance.

**Ford Credit Municipal Finance Program**

- There is no security deposit, no prepayment penalty, and no mileage penalty.
- At inception, the new equipment title/registration indicates the municipality as Registered Owner, with Ford Motor Credit Company LLC as first lien holder.
- At term end, the municipality buys the equipment for \$1.

Thank you for allowing Ford Credit Municipal Finance the opportunity to provide this quotation. If you have any questions regarding the option presented, need additional options, or would like to proceed with the approval process, please contact me at (800) 241-4199, option 1.

Sincerely,

*Mark Samhat*

Mark Samhat  
Marketing Coordinator  
msamhat2@ford.com

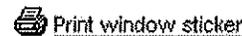


Ford Motor Credit Company ("FMCC") is providing the information contained in this document for discussion purposes only in connection with a proposed arm's length commercial leasing transaction between you and FMCC. FMCC is acting for its own interest and has financial and other interests that differ from yours. FMCC is not acting as a municipal advisor or financial advisor to you, and has no fiduciary duty to you. The information provided in this document is not intended to be and should not be construed as "advice" within the meaning of Section 15B of the Securities Exchange Act of 1934 and the municipal advisor rules of the SEC. FMCC is not recommending that you take an action and you should discuss any actions with your own advisors as you deem appropriate.

We look forward to assisting you as we have other customers.

*"I purchase Fords through Ford Credit as an easy alternative to conventional financing. Good product, good rate, easy process, great support staff." J.J. Randall – Frankfort Park District, IL 02/15/2016*

Ford Motor Credit Company ("FMCC") is providing the information contained in this document for discussion purposes only in connection with a proposed arm's length commercial leasing transaction between you and FMCC. FMCC is acting for its own interest and has financial and other interests that differ from yours. FMCC is not acting as a municipal advisor or financial advisor to you, and has no fiduciary duty to you. The information provided in this document is not intended to be and should not be construed as "advice" within the meaning of Section 15B of the Securities Exchange Act of 1934 and the municipal advisor rules of the SEC. FMCC is not recommending that you take an action and you should discuss any actions with your own advisors as you deem appropriate.



Disclaimer: This window sticker is only representative of the information contained on an actual window sticker, and may or may not match the actual window sticker on the vehicle itself. Please see your retailer for further information.

Vehicle Description

**EXPLORER 4-DOOR** 2016 4DR 4WD BASE  
3.5L V6 TIVCT ENGINE  
6-SPEED AUTO TRANSMISSION

VIN 1FM5K8B8XGG D11787

**Exterior**  
OXFORD WHITE  
**Interior**  
MEDIUM LIGHT CAMEL  
INTERIORCLOTH BUCKET

**Standard Equipment INCLUDED AT NO EXTRA CHARGE**

**EXTERIOR**

- . DOOR HANDLES - BLACK
- . EXHAUST TIPS - CHROME
- . LED TAILLAMPS
- . MINI SPARE TIRE/WHEEL
- . REAR SPOILER, BODY COLOR

**INTERIOR**

- . 2ND ROW 60/40 FOLD FLAT
- . 4.2" LCD CTR STACK SCREEN
- . CARPETED FLOOR MATS
- . CLOTH SEATING SURFACES
- . DUAL ILLUM VANITY MIRRORS
- . OVERHEAD CONSOLE
- . STR WHEEL W/SPEED & AUDIO

**FUNCTIONAL**

- AUXILIARY REAR CONTROLS
- . BRAKES, 4-WHEEL DISC/ABS
- . HILL START ASSIST
- . MYKEY
- . POWER STEERING W/EPAS
- . REAR INT WIPER/WASH/DEFRST
- . SYNC

**SAFETY/SECURITY**

- . AIRBAGS - DUAL STAGE FRONT MOUNTED SIDE IMPACT
- . FRONT PASS. KNEE AIRBAG
- . LATCH CHILD SAFETY SYSTEM
- . SOS POST CRASH ALERT SYS

**WARRANTY**

- . 5YR/60,000 POWERTRAIN

- . AUTO HEADLAMPS
- . EASY FUEL CAPLESS FILLER
- . INTEGRATED BLIND SPOT MIRR
- . MANUAL FOLD POWER MIRRORS
- . PRIVACY GLASS 2ND/3RD ROW
- . ROOF RACK SIDE RAILS
- . 1TOUCH UP/DOWN DR/PASS WIN
- . 3RD ROW - 50/50 FOLD FLAT
- . CARGO HOOKS
- . CENTER CONSOLE W/ARMREST
- . CRUISE CONTROL
- . LEATHER SHIFT KNOB
- . POWER DRIV SEAT - 8-WAY
- . TILT/TELESCOPE STR COLUMN
- . AIR CONDITIONING WITH
- . AM/FM SINGLE CD/MP3, 6SPKR
- . CURVE CONTROL
- . INTERMITTENT SPEED WIPERS
- . POWER LOCKS AND WINDOWS
- . POWERPOINTS (4)
- . REAR VIEW CAMERA
- . TRAILER SWAY CONTROL
- . ADVANCETRAC WITH RSC
- . AIRBAGS - FRONT SEAT
- . AIRBAGS - SAFETY CANOPY
- . INDIV TIRE PRESS MONIT SYS
- . SECURILOCK PASS ANTI THEFT
- . 3YR/36,000 BUMPER / BUMPER
- . 5YR/60,000 ROADSIDE ASSIST

**Price Information**  
**STANDARD VEHICLE**  
**PRICE**

**MSRP**  
**\$33,050**

**Included on this Vehicle**  
EQUIPMENT GROUP 100A

**Optional Equipment**

- 2016 MODEL YEAR
- OXFORD WHITE
- MEDIUM LIGHT CAMEL CLOTH
- .18" PAINTED ALUMINUM WHEELS
- .3.5L V6 TIVCT ENGINE
- .6-SPEED AUTO TRANSMISSION
- .P245/60R18 A/S BSW TIRES
- SELECT SHIFT TRANSMISSION
- FLEXIBLE FUEL
- FRONT LICENSE PLATE BRACKET

TOTAL VEHICLE & OPTIONS 33,050  
DESTINATION & DELIVERY 945

**TOTAL MSRP \$33,995**

Disclaimer: Option pricing will be blank for any item that is priced as 0 or "No Charge".

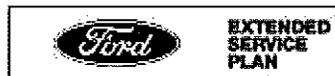
**Vehicle Engine Information**

Actual mileage will vary with options, driving conditions, driving habits and vehicle's condition. Results reported to EPA indicate that the majority of vehicles with these estimates will achieve between \_ and \_ mpg in the city and between \_ and \_ mpg on the highway. For Comparison Shopping all vehicles classified as \_ have been issued mileage ratings from \_ to \_ mpg city and \_ to \_ mpg highway.



**CITY MPG**  
**16**  
**HIGHWAY**  
**MPG**  
**23**

Estimated Annual Fuel Cost: \$



Ford Extended Service Plan is the ONLY service contract backed by Ford and honored by the Ford and Lincoln dealers. Ask your dealer for prices and additional details or see our website at [www.Ford-ESP.com](http://www.Ford-ESP.com).

**YOUR BID PRICE IS \$29,495.00**  
**INCLUDES 45 DAY, AND DELIVERY**

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

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF ALL OF THE STREETS OF FAIRVIEW PARK, OHIO PROVIDING AND SUPPLYING SAID STREETS WITH ELECTRIC STREET LIGHTING 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 improving all of the streets in the City of Fairview Park, Ohio, by providing and supplying said streets with electric lighting for the tax years of 2016 and 2017, in the approximate aggregate amount of \$300,000 for each said 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 the lots, lands and property bounding and abutting on said streets, or parts thereof, and served by said street lighting, the several amounts reported as aforesaid, which assessments are in proportion to the tax value thereof, and are not in excess of any statutory limitation; and said lots, lands and property 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 Street Lighting 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 by him 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 deliver a certified copy of this Ordinance to the County Fiscal Officer within twenty (20) days after its passage.

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 street lighting installation and maintenance lighting of the aforesaid streets 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:

1<sup>st</sup> reading:

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 16-  
ORIGINATED BY: THE FINANCE DEPARTMENT  
REQUESTED BY: MAYOR EILEEN ANN PATTON  
SPONSORED BY: COUNCILWOMAN CLEARY

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE CITY OF FAIRVIEW PARK, STATE OF OHIO, FOR FISCAL YEAR BEGINNING JANUARY 1, 2017, AND SUBMITTING THE SAME TO THE CUYAHOGA COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY

WHEREAS, the Mayor has heretofore prepared a tentative budget for the City of Fairview Park, State of Ohio, for the fiscal year beginning January 1, 2017 showing estimates of all balances that will be available at the beginning of the year 2017 for the purpose of such year, and all revenues to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites and all other types of classes of revenue; also estimates of all expenditures of changes in or for the purpose of such fiscal year to be paid or met from said revenues or balances; and otherwise conforming with the requirements of law; and

WHEREAS, said budget has been made conveniently available to public inspection for at least ten (10) days by having at least two (2) copies thereof on file in the Office of the Director of Finance.

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

SECTION 1. That the budget of the City of Fairview Park, Ohio, for the fiscal year beginning January 1, 2017, heretofore prepared by the Mayor, and submitted to this Council, copies of which have been and are on file in the office of the Director of Finance be and it is hereby adopted as the official budget of the City of Fairview Park, Ohio for the fiscal year beginning January 1, 2017.

SECTION 2. That the Clerk be, and is hereby authorized and directed to certify a copy of said budget, and a copy of this resolution, and to submit the same to the Cuyahoga County Fiscal Officer.

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 Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that it may be certified to the Cuyahoga County Fiscal Officer by date prescribed by law; 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 from immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

# ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit FAIRVIEW PARK CITY

For the Fiscal Year Commencing JANUARY 1, 2017

Fiscal Officer Signature \_\_\_\_\_ Date \_\_\_\_\_

## COUNTY OF CUYAHOGA

### Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

### Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

### County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

### County Budget Commission Action

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

### Alternative Tax Budget Information Filing Deadline

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.



STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

| I<br>Fund<br>BY<br>Type         | II   |  | III                       |   | IV   |  | V |  | VI |  | VII |
|---------------------------------|--|--|---------------------------|---|--|--|---|--|----|--|-----|
|                                 | Beginning<br>Estimated<br>Unencumbered<br>Fund Balance | Property Taxes and<br>Local Government Revenue | Other Sources<br>Receipts | Total<br>Resources<br>Available for<br>Expenditures | Total<br>Estimated<br>Expenditures &<br>Encumbrances | Ending<br>Estimated<br>Unencumbered<br>Balance |   |  |    |  |     |
| 100 GENERAL                     | \$1,000,000.00   | \$3,939,092.00                                 | \$5,950,000.00            | \$10,889,092.00                                     | \$10,400,000.00                                      | \$489,092.00                                   |   |  |    |  |     |
| 101 Contingent Reserve          | \$0.00   | \$0.00   | \$0.00                    | \$0.00  | \$0.00   | \$0.00   |   |  |    |  |     |
| 210 S.C.M.&R.                   | \$40,000.00  | \$0.00   | \$700,000.00              | \$740,000.00  | \$690,000.00   | \$50,000.00                                    |   |  |    |  |     |
| 220 STATE HIGHWAY               | \$30,000.00  | \$0.00   | \$55,000.00               | \$85,000.00   | \$75,000.00  | \$10,000.00                                    |   |  |    |  |     |
| 230 RECREATION                  | \$1,100,000.00   | \$430,983.00                                   | \$3,470,000.00            | \$5,000,983.00                                      | \$4,050,000.00                                       | \$950,983.00                                   |   |  |    |  |     |
| 231 RECREATION CAPITAL          | \$723,817.45   | \$0.00   | \$0.00                    | \$723,817.45  | \$0.00   | \$723,817.45                                   |   |  |    |  |     |
| 232 RECREATION COMM. CENTER     | \$0.00   | \$0.00   | \$0.00                    | \$0.00  | \$0.00   | \$0.00   |   |  |    |  |     |
| 240 POLICE/FIRE PENSION         | \$20,000.00  | \$258,590.00                                   | \$750,000.00              | \$1,028,590.00                                      | \$1,010,000.00                                       | \$18,590.00                                    |   |  |    |  |     |
| 250 STREET LIGHTING             | \$12,000.00  | \$0.00   | \$231,000.00              | \$243,000.00  | \$243,000.00   | \$0.00   |   |  |    |  |     |
| 255 SOLID WASTE                 | \$17,230.00  | \$0.00   | \$723,935.00              | \$741,165.00  | \$741,165.00   | \$0.00   |   |  |    |  |     |
| 260 PERMANENT IMPROVEMENT       | \$2,100.00   | \$374,956.00                                   | \$0.00                    | \$377,056.00  | \$375,000.00   | \$2,056.00                                     |   |  |    |  |     |
| 270 FIRE OPERATING              | \$202,000.00   | \$347,258.00                                   | \$0.00                    | \$549,258.00  | \$300,000.00   | \$249,258.00                                   |   |  |    |  |     |
| 275 SAFE ROUTES TO SCHOOL       | \$0.00   | \$0.00   | \$0.00                    | \$0.00  | \$0.00   | \$0.00   |   |  |    |  |     |
| 280 FEDERAL GRANTS              | \$0.00   | \$0.00   | \$0.00                    | \$0.00  | \$0.00   | \$0.00   |   |  |    |  |     |
| 295 STATE GRANTS                | \$0.00   | \$0.00   | \$0.00                    | \$0.00  | \$0.00   | \$0.00   |   |  |    |  |     |
| 300 BOND RETIREMENT             | \$176.29   | \$0.00   | \$0.00                    | \$176.29  | \$0.00   | \$176.29                                       |   |  |    |  |     |
| 500 WATER REIMBURSEMENT         | \$10,000.00  | \$0.00   | \$25,000.00               | \$35,000.00   | \$30,000.00  | \$5,000.00                                     |   |  |    |  |     |
| 510 F.P. SANITARY SEWER         | \$2,200,000.00   | \$0.00   | \$2,125,000.00            | \$4,325,000.00                                      | \$2,500,000.00                                       | \$1,825,000.00                                 |   |  |    |  |     |
| 550 WATER LINE RECONDITIONING   | \$1,050,000.00   | \$0.00   | \$0.00                    | \$1,050,000.00                                      | \$1,050,000.00                                       | \$0.00   |   |  |    |  |     |
| 611 SPECIAL HOLDING ACCOUNT     | \$270,000.00   | \$0.00   | \$55,000.00               | \$325,000.00  | \$85,000.00  | \$260,000.00                                   |   |  |    |  |     |
| 708 REDEVELOPMENT FUND          | \$62,000.00  | \$0.00   | \$0.00                    | \$62,000.00   | \$0.00   | \$62,000.00                                    |   |  |    |  |     |
| 710 SENIOR CENTER CONSTRUCTION  | \$10,857.07  | \$0.00   | \$0.00                    | \$10,857.07   | \$0.00   | \$10,857.07                                    |   |  |    |  |     |
| 711 BAIN PARK RESTORATION       | \$21,000.00  | \$0.00   | \$17,000.00               | \$38,000.00   | \$20,000.00  | \$18,000.00                                    |   |  |    |  |     |
| 713 STATE BLDG 3% ASSESSMENT    | \$1,000.00   | \$0.00   | \$2,000.00                | \$3,000.00  | \$2,500.00   | \$500.00                                       |   |  |    |  |     |
| 714 LAW ENFORCEMENT TRUST       | \$2,500.00   | \$0.00   | \$800.00                  | \$3,300.00  | \$2,000.00   | \$1,300.00                                     |   |  |    |  |     |
| 715 D.U.I. EDUCATION            | \$9,500.00   | \$0.00   | \$4,000.00                | \$13,500.00   | \$7,000.00   | \$6,500.00                                     |   |  |    |  |     |
| 716 P.O.P.A.S.                  | \$70,000.00  | \$0.00   | \$90,000.00               | \$160,000.00  | \$90,000.00  | \$70,000.00                                    |   |  |    |  |     |
| 731 HEALTH INSURANCE            | \$192,740.00   | \$0.00   | \$1,450,000.00            | \$1,642,740.00                                      | \$1,484,500.00                                       | \$158,240.00                                   |   |  |    |  |     |
| 732 EMPLOYEE SECTION 125        | \$1,000.00   | \$0.00   | \$8,000.00                | \$9,000.00  | \$8,000.00   | \$1,000.00                                     |   |  |    |  |     |
| 741 CABLE FRANCHISE FEE         | \$744,906.00   | \$0.00   | \$340,000.00              | \$1,084,906.00                                      | \$0.00   | \$1,084,906.00                                 |   |  |    |  |     |
| 751 DARE                        | \$100.00   | \$0.00   | \$0.00                    | \$100.00  | \$0.00   | \$100.00                                       |   |  |    |  |     |
| 752-759 BLDG. DEPT. DEPOSITS    | \$3,000.00   | \$0.00   | \$10,000.00               | \$13,000.00   | \$11,000.00  | \$2,000.00                                     |   |  |    |  |     |
| 761 SENIOR LIFE DONATIONS       | \$30,000.00  | \$0.00   | \$10,000.00               | \$40,000.00   | \$20,000.00  | \$20,000.00                                    |   |  |    |  |     |
| 772 CEMETERY RESTORATION        | \$1,225.00   | \$0.00   | \$0.00                    | \$1,225.00  | \$0.00   | \$1,225.00                                     |   |  |    |  |     |
| 781 EMS COLLECTIONS             | \$85,000.00  | \$0.00   | \$375,000.00              | \$460,000.00  | \$400,000.00   | \$60,000.00                                    |   |  |    |  |     |
| 790 SURVEY SANITARY/STORM SEWER | \$4,898.91   | \$0.00   | \$0.00                    | \$4,898.91  | \$0.00   | \$4,898.91                                     |   |  |    |  |     |
| 811 CAPITAL PROJECTS            | \$150,000.00   | \$0.00   | \$1,070,000.00            | \$1,220,000.00                                      | \$1,150,000.00                                       | \$70,000.00                                    |   |  |    |  |     |
| Total                           | \$8,067,050.72   | \$5,350,879.00                                 | \$17,461,735.00           | \$30,879,664.72                                     | \$24,724,165.00                                      | \$6,155,499.72                                 |   |  |    |  |     |





**2017 BUDGET TRANSFERS**

| <u>FROM</u> | <u>TO</u>             | <u>AMOUNT</u> |
|-------------|-----------------------|---------------|
| GF          | POLICE & FIRE PENSION | \$750,000.00  |

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

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FINANCIAL ASSISTANCE UNDER THE STATE OF OHIO, DEPARTMENT OF NATURAL RESOURCES NATUREWORKS GRANT PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio, through the NatureWorks grant program, administered by the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes; and,

WHEREAS, the City of Fairview Park desires financial assistance under the NatureWorks grant program to make site improvements to Grannis Park; and

WHEREAS, the most competitive of NatureWorks grant applications include a local match by the applicant equal to or exceeding twenty-five percent (25%) of the total project cost.

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

SECTION 1. That the Council of the City of Fairview Park hereby approves the filing of an application for financial assistance under the NatureWorks grant program in order to make site improvements to Grannis Park.

SECTION 2. That the Mayor of the City of Fairview Park is authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

SECTION 3. That this Council does agree to obligate the funds, to be taken from the Recreation Fund (230), required to satisfactorily complete the proposed project, including as part of the application a local match equaling twenty-five percent (25%) of the project cost, and becoming eligible for reimbursement under the terms of the NatureWorks grant program.

SECTION 4. That the Clerk of Council is hereby authorized to attach a certified copy of this Resolution to the City of Fairview Park's NatureWorks grant application prior to its filing.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 6. That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare; and for the further reason that the application must be submitted by the June 1, 2016 deadline and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 16-13

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:

1<sup>st</sup> reading: 05.02.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

**CITY OF FAIRVIEW PARK**

**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 15<sup>th</sup> 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. 16-14  
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:

1<sup>st</sup> reading: 05.02.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 16-15  
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:

1<sup>st</sup> reading: 05.02.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 16-04  
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:

1<sup>st</sup> reading: 05.02.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 16-05  
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:

1<sup>st</sup> reading: 05.02.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

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  
RESOLUTION NO. 16-  
REQUESTED BY: COUNCILMAN MCDONOUGH  
SPONSORED BY: COUNCIL AS A WHOLE

**A RESOLUTION RECOGNIZING THE SERVICE AND  
ACHIEVEMENTS OF MARK A. STANTON**

**Whereas**, Mark A. Stanton and wife, Julie have been long-time residents of Fairview Park and, Mark is the proud father of Kendra (Mike), Taryn (John), Mike and grandfather of, Madigan and Tatum; and

**Whereas**, Mark, along with his grandfather, Edward Stanton (1906), father Robert (1933), and brothers Robert Jr. (1962) and Edward (1965), attended Saint Ignatius High School and graduated in 1969; and

**Whereas**, Mark attended Cleveland State University and John Marshall College of Law, began his legal career at the Ohio Attorney General in Columbus and, worked at the Cuyahoga County Prosecutor's Office before entering private practice in 1983; and

**Whereas**, Mark was recently honored at the 38th Annual Saint Ignatius Bellarmine Award Luncheon for his excellence in the legal field, promotion of fair and ethical principles in law, and exemplary service; and

**Whereas**, Mark's devotion to his family and Saint Ignatius has enabled him to commit himself relentlessly to find a glimmer of hope, or something salvageable in every case; and to never give up on a client, which has earned him the respect, admiration and friendship of countless Judges, Prosecutors and Defense Attorneys.

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

**Section 1.** That the members of City Council would like to recognize Mark A. Stanton, for his many accomplishments in the legal field, and thank him for his unwavering commitment to justice.

**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:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

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

A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT (018-17) FOR ROAD SALT AND DECLARING AN EMERGENCY

WHEREAS, Section 5513.01 (B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, materials, supplies or other articles.

WHEREAS, the City of Fairview Park hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-17) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

a. The City of Fairview Park hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

b. The City of Fairview Park hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the City of Fairview Park; and

c. The City of Fairview Park agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the City of Fairview Park's participation in the winter road salt contract; and

d. The City of Fairview Park hereby requests through this participation agreement a total of 1,800 tons of Sodium Chloride (Road Salt) of which the City of Fairview Park agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

e. The City of Fairview Park hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period of October 1, 2016 through March 31, 2017; and

f. The City of Fairview Park hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and

g. The City of Fairview Park acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Wednesday, June 1, 2016. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [contracts.purchasing@dot.ohio.gov](mailto:contracts.purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the City of Fairview Park's participation request. Furthermore, it is the sole responsibility of the City of Fairview Park to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a City of Fairview Park's participation agreement and/or a City of Fairview Park's request to rescind its participation agreement.

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

SECTION 1. That the Mayor hereby requests authority in the name of the City of Fairview Park to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01 (B), including, but not limited to the ODOT Winter (018-17) contracts.

SECTION 2. That the Mayor is hereby authorized to agree in the name of the City of Fairview Park to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Fairview Park participates, for items it receives pursuant to the contract.

SECTION 3. That this participation agreement for the ODOT winter road salt contract is hereby approved by this Council, funding has been authorized, and the City of Fairview Park agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to meet the deadlines for submission of May 27, 2016 as required by ODOT to participate in the program, and provided it receives the affirmative vote of a majority plus one of the members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council