



# CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

---

## REGULAR MEETING – MONDAY, JUNE 6, 2016

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

*Immediately followed by:*

**Swearing-In of Firefighter Joshua Myers**

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

Meeting Called to Order | Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Disposition of Minutes:

Regular Meeting of Council Monday, May 16, 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 Second Reading

COUNCILMAN MINEK

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

Res. 16-09 | Placing Amendment to Office Building 3 Zoning District on the Ballot

COUNCILMAN HINKEL

Res. 16-10 | Appointing Volunteer Magistrate for Community Diversion Program

COUNCILWOMAN CLEARY

Ord. 16-18 | Street Lighting Assessment for Tax Years 2016-2017

Res. 16-11 | Alternative Tax Budget 2017

Res. 16-12 | ODNR NatureWorks Grant Application

Audience Input on Legislation Up For Passage

Legislation on Third Reading and Final Passage

COUNCILMAN MINEK

Ord. 16-04 | Approving Thomas Lane Major Subdivision

*Agenda continued on back →*

**Legislation on Third Reading and Final Passage (continued)**

COUNCILWOMAN CLEARY

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

**Legislation on for Passage Without Three Readings**

COUNCILWOMAN CLEARY

Ord. 16-17 | Authorizing Purchase of Ford Explorer for Service Department

**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. June 13	Council Committee Meeting	7:00 p.m.	Council Caucus Room
MON. June 20	Public Hearing: Ord. 16-16 and Res. 16-09	6:30 p.m.	Council Chambers
MON. June 20	Special Committee Meeting	6:45 p.m.	Council Chambers
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

1  
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**  
3 **MONDAY, MAY 16, 2016**  
4

5 *Shawn Leininger was sworn-in as Director of Public Service and Economic Development prior to the*  
6 *start of the meeting.*  
7

8 The regular meeting of Council was called to order by Council President Kilbane at 7:26 p.m.

9 MOMENT OF SILENT PRAYER

10 PLEDGE OF ALLEGIANCE

11 ROLL CALL:

12 PRESENT: Council –B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary  
13 Administration – Mayor E. Patton, Service & Economic Development Director Leininger, Finance  
14 Director G. Cingle, Law Director W. McGinty, Engineer M. Mackay  
15

16 THE CHAIR called for a motion to suspend the Charter Provision and Rule 49 to present a resolution.

17 Moved and Seconded

18 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, rules are suspended.

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

20 THE CHAIR called for a motion to dispense of Council Rule 53 requiring referral to committee.

21 Moved and Seconded

22 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries.

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

24 RESOLUTION NO. 16-08

25 REQUESTED BY: COUNCIL PRESIDENT KILBANE

26 SPONSORED BY: COUNCIL AS A WHOLE

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

29 THE CHAIR asked that the resolution be read in pertinent part. Council concurred.

30 THE CLERK read the resolution.

31 THE CHAIR called for discussion prior to passage.

32 COUNCILWOMAN CLEARY thanked Matt Hrubey for his work done on behalf of the city and said  
33 that the efforts of his work will be seen and benefitted by residents for a long time. She wished him  
34 continued good luck and is happy that he will still be in the community of Fairview Park.

35 COUNCILMAN RUSSO said that it has been a pleasure to work with Matt and looks forward to  
36 continuing to working with him.

37 COUNCILMAN HINKEL said that he will most remember how Matt has plugged into the community  
38 and genuinely cared to get to know people and get to what motivated them. He said he dug into their  
39 visions, and helped to bring things to reality. He thanked him for everything that he did, and said he looks  
40 forward to seeing him in the future.

41 COUNCILMAN MINEK said he will miss working with Matt on the many committees they had in  
42 common. He said that he knows his work will be continued, but he is welcome back anytime.

43 COUNCILMAN MCDONOUGH stated that in Matt's first year he brought the City in monies that were  
44 eleven times the amount of his salary. To say that he will be missed is an understatement. He is happy  
45 that he is a constituent, and that he decided to make Fairview his home. He said on behalf of everyone  
46 around Grannis Park and residents of the city, he echoes the comments of all council members in saying  
47 that he has raised the bar quite high for his successor and wishes him success.

48 COUNCILMAN WOJNAR thanked Matt for all of his efforts over the last four years and said that he has  
49 done a marvelous job and wished him good luck. He said that people who have talent don't need luck,  
50 they create their own, so he's sure he will have a fine career at the County.

51 THE CHAIR thanked Matt for all his hard work and wished him the best at his new job with the County.

52 THE CHAIR called for any further discussion prior to passage. No Discussion.  
53 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 16-08 passes.  
54 THE CHAIR called for a motion to dispose of the minutes of the Regular Meeting of Council held on  
55 Monday, May 2, 2016.  
56 Moved and seconded.  
57 ROLL ON MOTION: Vote: YES-5, NO-0, ABSTAIN-2 | Motion passes.  
58 YES: B. McDonough, B. Minek, J. Hinkel, A. Russo, P. Cleary | ABSTAIN: P. Wojnar and M. Kilbane  
59 THE CHAIR asked Councilman Wojnar the reason for his abstention.  
60 COUNCILMAN WOJNAR said that he was not out of town.  
61 THE CHAIR announced that he abstained because he was out of town.

62

### 63 COMMITTEE REPORTS

64 COUNCILMAN MINEK reported The Environment, Public Works, Planning, Zoning & Development  
65 Committee met on Monday, May 9, 2016 to discuss the following: **Safety Fence on Bridges** - Mrs.  
66 Biggins who presented a petition to the Administration and City Council to consider erecting a fence on  
67 the Lorain Road Bridge was invited to attend. The Administration has been communicating with Mr.  
68 Myron Pakush, District Deputy Director District 12 and Mr. Michael Herceg Bridge & Pavement  
69 Management Engineer District 12 of the Ohio Department of Transportation to research a pedestrian  
70 safety fence. Administration received information that a curved type chain link fence across the length of  
71 the bridge on both sides behind the existing steel railing could be installed for a cost of \$400,000.00.  
72 Cost to the city would be \$200,000.00 and ODOT paying the remainder. The Administration and City  
73 council agreed that the proposed fence would not be the best design for the entrance to our city. Mrs.  
74 Biggins asked several questions. Communication will be forwarded to District Deputy Director Pakush  
75 informing him of the facts related to the fence. Future meetings will be held with ODOT, our  
76 Administration, City Council, Mayor Jackson, City of Cleveland and Cleveland Councilman representing  
77 the area, Metro Parks System and other entities. Motion this issue remain in committee was approved 7-  
78 0. **Community Development.** Matt Hrubey, Development Administrator for our City presented an  
79 update: Storefront Renovation Program: The following businesses applied for and received the grant  
80 money. PJH Inc. (Peter Halick) 21545-21547 Lorain Rd., Custom Fit Kids 21405 Lorain Rd. and Eber  
81 Holdings, LLC 21531 Lorain Rd. Sidewalk Repair Grant, \$150,000.00 was received for sidewalk  
82 replacement in our ITA (Improvement Target Area) and LMI (Low to Moderate Income area). The  
83 sidewalks were checked by our Building Division staff and have exceeded the grant allowance. Our  
84 engineer will review the submitted locations and decide which will be repaired/replaced. Safe Routes to  
85 School grant: Work will begin next month. Grant for Grannis Park playground: Work will begin next  
86 month. Another grant for Bain Park Cabin was received and work will begin next month. At the present  
87 time approximately \$300,000.00 in requested grants is still pending. Matt was thanked for his excellent  
88 work in applying for and receiving the many grants. A side note, Matt was asked if he knew the amount  
89 of grant money he had applied for and received. His modest reply approximately 11 times more than his  
90 salary. Motion this issue of Community Development remain in committee was approved 7-0. **Sewers:**  
91 Waiting for any updates from Black & Veatch representatives. Mayor Patton arranged a presentation by  
92 Cuyahoga County Department of Public Works regarding their services on May 3, 2016 3pm in Council  
93 Chambers. Participating in the presentation were Mr. Marquard, Design and Construction Administrator,  
94 Mr. Blocksidge, Chief Section Engineer Sanitary, Mr. Chambers, Senior Business Services Manager and  
95 Mr. Hitch, Sewer Maintenance Superintendent, Mayor Patton, Service Department Foreman Mr.  
96 Bridegum, Kim Kerber, Civil Engineer, Mackay Engineering & Surveying Company and members of  
97 Council. A very informal presentation of the 24/7 services provided. At the present time the Department  
98 by contract serves 38 Cuyahoga Counties and also Lorain County. The Department provides full sewer  
99 service with payment options. The Department has four (4) main points: Aggressive Preventative  
100 Maintenance Program which meets NEORSRD guidelines for sewer maintenance. Utilization of Core  
101 Competencies, skilled engineers & support staff that specialize in sanitary engineering work. 2/7 Service  
102 coverage, increase of services provided for residents and Promoting Regionalism, regional approach to

103 rehabilitate aged sewers. A future meeting will be held to determine the possibility of contracting for  
104 their services. Motion the issue of sewers remain in committee was approved 7-0. This completes my  
105 report.

106

107 COUNCILMAN HINKEL reported that the Local Government and Community Services Committee met  
108 on May 9, 2016 to discuss all the issues in committee. There were ten issues including: **Division of**  
109 **Director of Public Service and Service Development into Separate Positions**, this issue was voted to  
110 remain in committee to review again in February of 2017. This issue was voted to remain in committee  
111 by a vote of 7-0. The issue of **Gemini Memberships** to non-residents was discussed and the charge,  
112 should it be allowed, will be researched by Finance Director Cingle. This issue was voted to remain in  
113 committee by a vote of 7-0. The issue of **Number of Dogs Permitted** in a household was removed by a  
114 7-0 vote. The issue of **Charter & Codified Ordinances Review** is an open issue that will be revisited in  
115 the Fall as council will consider which changes need to be discussed and possible revised or removed.  
116 This issue was voted to remain in committee by a vote of 7-0. The issue of **Bain Park Preservation** is  
117 pending an engineering assessment of bridges and the cabin. Councilwoman Cleary has taken the lead on  
118 this issue and it was voted to remain in committee by a 6-0 vote. The issue of **Dogs in City Parks** was  
119 discussed and continues to be researched for options and to see what other cities may be doing. This  
120 issue was voted to remain in committee by a vote of 7-0. The issue of **Speeding and Crosswalks** was  
121 discussed and Councilman McDonough will be requesting an update on the current speed tracking device  
122 in the city, and confirm which crosswalks are going to be repainted in the city. This issue was returned to  
123 committee on a 6-0 vote. The issue of **Archiving City Documents** was removed from committee after a  
124 short discussion by a 7-0 vote. Councilman Russo will be hosting a community meeting on May 26 for  
125 Nelson Russ Park and pending an update, the issue of **City Playgrounds** was voted to remain in  
126 committee on a 7-0 vote. The **Juvenile Diversion Program** was discussed and council agreed by a vote  
127 of 7-0 to move forward with introducing a resolution to appoint a volunteer magistrate for the program at  
128 the next council meeting.

129

130 COUNCILWOMAN CLEARY reported The Finance Committee met on Monday, May 9th. Mayor  
131 Eileen Patton, Finance Director Greg Cingle, Law Director Billy McGinty, Development Administrator  
132 Matt Hrubey and Kathy Gatto from the Hospice of the Western Reserve were present to discuss the  
133 following: **Ordinance 16-13**, authorizes the mayor to enter into an economic incentive grant agreement  
134 with the Hospice of the Western Reserve. The city will realize an additional \$77,000.00 in revenue after  
135 an amount equal to 30% of income tax paid, or approximately \$33,000.00 of non-tax revenue is rebated  
136 to the Hospice of Western Reserve. The City will offer the rebate to the Hospice of Western Reserve for  
137 10 years, providing that the annual payroll remains at or above \$5,500,000. Finance Director Cingle  
138 noted that the amount of revenue that will be realized by the city is extremely high for an office space  
139 totaling 6,600 sq. ft. City Council joins the city administration in our excitement at having the Hospice  
140 of Western Reserve in Fairview Park. A motion to place on 2nd read, subsequent 3rd carried 7-0.  
141 **Ordinance 16-14**, determining to proceed with the acquisition, construction, and improvement of certain  
142 public improvements in the City of Fairview Park, Ohio, in cooperation with the Northeast Ohio  
143 Advanced Energy District. Development Director Matt Hrubey was in attendance to report that  
144 Ordinance 16-14 and the accompanying legislation, Ordinance 16-15, Resolution 16-04 and Resolution  
145 16-05 all pertain to adding the property located at 21531 Lorain to the Northeast Ohio Advanced Energy  
146 District for a Special Energy Improvement Project. A motion to place on 2nd and return to committee  
147 carried 7-0. **Ordinance 16-15**, levies special assessments for the purpose of acquiring, constructing, and  
148 improving certain public improvements in the City of Fairview Park, Ohio, in cooperation with the  
149 Northeast Ohio Advanced Energy District. This accompanying legislation allows the property owner to  
150 finance energy efficient improvements made to the property totaling \$400,000.00 and, permits a special  
151 assessment to be put on the tax duplicate. A motion to place on 2nd and return to committee carried 7-0.  
152 **Resolution 16-04**, approves the petition for special energy improvement projects under Ohio Revised  
153 Code Chapter 1710. This resolution authorizes the property owners to include their property within

154 energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township.  
155 ESIDs are voluntary organizations of property owners who undertake special energy improvement  
156 projects for their properties and finance such special energy improvement projects by way of voluntary  
157 special assessments. A motion to place on 2nd and return to committee carried 7-0. **Resolution 16-05**,  
158 approves the necessity of acquiring, constructing, and improving certain public improvements in the City  
159 of Fairview Park, Ohio, in cooperation with the Northeast Ohio Advanced Energy District. This is the  
160 final piece of accompanying legislation that enables the property owner to add the property located at  
161 21531 Lorain to the Northeast Ohio Advanced Energy District in order to finance the costs of a special  
162 energy improvement project to be constructed on the property, which special energy improvement project  
163 including, without limitation, a new HVAC, new insulated roof system, new LED lighting, new hot water  
164 heater, new windows and doors, insulation of exterior walls, and related improvements. A motion to  
165 place on 2nd and return to committee carried 7-0. **The issue of fines for parking violations** was  
166 discussed as well. Police Chief Upperman had sent written communication to council to notify council  
167 that the department would soon be ordering new parking tickets and wanted to know if council wanted to  
168 adjust the fines that were last set 23 years ago. If fees were to be adjusted, the Chief recommended the  
169 following changes for consideration if paid within 24 hours, 24-48 hours and after 48 hours: regular  
170 parking violations - from \$10, \$20 & \$40 to \$15, \$25, & \$50; handicap parking violation - \$40, \$60, \$80  
171 to \$50, \$75,& \$100; parking in fire lane, within 10ft from driveway and including snow ban parking-  
172 \$20, \$40, and \$60 to \$25, \$50, & \$75. Snow ban violation is not currently listed on the parking in fire  
173 lane code but could add snow ban violation to the category on the ticket. There were approximately  
174 between 30-50 tickets written for snow bands this year. The most frequently written parking violation is  
175 for parking on city streets between 2am-6am. According to Chief Upperman, the reason most cities ban  
176 overnight parking as it serves as a deterrent to crime as criminals are unable to park in the street while  
177 committing a crime. The Finance Chair also spoke with Chief Upperman who offered to attend the  
178 committee meeting if desired. After discussion of the issue, council voted 7-0 to ask Law Director  
179 McGinty to draw up legislation authorizing the increased parking violations as recommended by Chief  
180 Upperman and agreed upon by all members of council. That concludes my report.

181

182 **LEGISLATION FOR FIRST READING**

183 COUNCILMAN MINEK placed the following legislation up for first reading and introduction:

184 ORDINANCE NO. 16-16

185 REQUESTED BY: MAYOR EILEEN ANN PATTON

186 SPONSORED BY: COUNCILMAN MINEK

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

190 ACTION: Ordinance 16-16 was placed on 1<sup>st</sup> reading and referred to the Environment, Public Works,  
191 Planning, Zoning and Development Committee.

192

193 RESOLUTION NO. 16-09

194 REQUESTED BY: MAYOR EILEEN ANN PATTON

195 SPONSORED BY: COUNCILMAN MINEK

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

202 ACTION: Resolution 16-09 was placed on 1<sup>st</sup> reading and referred to the Environment, Public Works,  
203 Planning, Zoning and Development Committee.

204

205 COUNCILMAN HINKEL placed the following legislation up for first reading and introduction.  
206 RESOLUTION NO. 16-10  
207 REQUESTED AND SPONSORED BY: COUNCIL AS A WHOLE  
208 *A RESOLUTION TO EXPRESS THE NEED AND DESIRE OF THE CITY OF FAIRVIEW PARK, OHIO*  
209 *FOR THE APPOINTMENT OF A VOLUNTEER MAGISTRATE TO PRESIDE AT COMMUNITY*  
210 *DIVERSION PROGRAM HEARINGS*  
211 ACTION: Resolution 16-10 was placed on 1<sup>st</sup> reading and referred to the Local Government and  
212 Community Services Committee.

213  
214 COUNCILWOMAN CLEARY placed the following legislation up for first reading and introduction:  
215 ORDINANCE NO. 16-17  
216 REQUESTED BY: MAYOR EILEEN ANN PATTON  
217 SPONSORED BY: COUNCILWOMAN CLEARY  
218 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LEBANON*  
219 *FORD FOR THE PURCHASE OF ONE (1) 2016 FORD EXPLORER 4WD, 4-DOOR AUTOMOBILE*  
220 *AND DECLARING AN EMERGENCY*  
221 ACTION: Ordinance 16-17 was placed on 1<sup>st</sup> reading and referred to the Finance Committee.

222  
223 ORDINANCE NO. 16-18  
224 ORIGINATED BY: THE FINANCE DEPARTMENT  
225 REQUESTED BY: MAYOR EILEEN ANN PATTON  
226 SPONSORED BY: COUNCILWOMAN CLEARY  
227 *AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF ALL OF THE*  
228 *STREETS OF FAIRVIEW PARK, OHIO PROVIDING AND SUPPLYING SAID STREETS WITH*  
229 *ELECTRIC STREET LIGHTING FOR THE TAX YEARS 2016 AND 2017, AND DECLARING AN*  
230 *EMERGENCY*  
231 ACTION: Ordinance 16-18 was placed on 1<sup>st</sup> reading and referred to the Finance Committee.

232  
233 RESOLUTION NO. 16-11  
234 ORIGINATED BY: THE FINANCE DEPARTMENT  
235 REQUESTED BY: MAYOR EILEEN ANN PATTON  
236 SPONSORED BY: COUNCILWOMAN CLEARY  
237 *A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE CITY OF FAIRVIEW PARK,*  
238 *STATE OF OHIO, FOR FISCAL YEAR BEGINNING JANUARY 1, 2017, AND SUBMITTING THE*  
239 *SAME TO THE CUYAHOGA COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY*  
240 ACTION: Resolution 16-11 was placed on 1<sup>st</sup> reading and referred to the Finance Committee.

241  
242 RESOLUTION NO. 16-12  
243 REQUESTED BY: MAYOR EILEEN ANN PATTON  
244 SPONSORED BY: COUNCILWOMAN CLEARY  
245 A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FINANCIAL  
246 ASSISTANCE UNDER THE STATE OF OHIO, DEPARTMENT OF NATURAL RESOURCES  
247 NATUREWORKS GRANT PROGRAM, AND DECLARING AN EMERGENCY.  
248 ACTION: Resolution 16-12 was placed on 1<sup>st</sup> reading and referred to the Finance Committee.

249  
250 **LEGISLATION FOR SECOND READING**  
251 COUNCILWOMAN CLEARY placed the following legislation up for second reading.  
252 ORDINANCE NO. 16-13  
253 REQUESTED BY: MAYOR EILEEN ANN PATTON  
254 SPONSORED BY: COUNCILWOMAN CLEARY & COUNCILMAN MCDONOUGH  
255 CO-SPONSORED BY: COUNCILMAN MINEK

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

259 ACTION: Ordinance 16-13 was placed on second reading and subsequent third reading.

260

261 ORDINANCE NO. 16-14

262 REQUESTED BY: MAYOR EILEEN ANN PATTON

263 SPONSORED BY: COUNCILWOMAN CLEARY

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

268 ACTION: Ordinance 16-14 was placed on second reading and returned to the Finance Committee.

269

270 ORDINANCE NO. 16-15

271 REQUESTED BY: MAYOR EILEEN ANN PATTON

272 SPONSORED BY: COUNCILWOMAN CLEARY

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

277 ACTION: Ordinance 16-15 was placed on second reading and returned to the Finance Committee.

278

279 RESOLUTION NO. 16-04

280 REQUESTED BY: MAYOR EILEEN ANN PATTON

281 SPONSORED BY: COUNCILWOMAN CLEARY

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

284 ACTION: Ordinance 16-04 was placed on second reading and returned to the Finance Committee.

285

286 RESOLUTION NO. 16-05

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

291 ACTION: Ordinance 16-05 was placed on second reading and returned to the Finance Committee.

292

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

294

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

296 COUNCILMAN MCDONOUGH placed a resolution up for emergency passage.

297 RESOLUTION NO. 16-13

298 REQUESTED BY: COUNCILMAN MCDONOUGH

299 SPONSORED BY: COUNCIL AS A WHOLE

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

301 Moved and Seconded.

302 COUNCILMAN MCDONOUGH made a motion to suspend the Charter Provision and Rule 49 requiring  
303 three readings.

304 Moved and Seconded.

305 THE CHAIR called for any discussion. No Discussion.

306 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, rules are suspended.

307 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary  
308 THE CHAIR called for a motion to dispense of Council Rule 53 requiring referral to committee.  
309 Moved and Seconded.  
310 THE CHAIR called for any discussion. No Discussion.  
311 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, rules are suspended.  
312 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary  
313 THE CHAIR called for any discussion prior to passage. No Discussion.  
314 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 16-13 passes.  
315 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary  
316  
317 COUNCILWOMAN CLEARY placed a resolution up for emergency passage.  
318 RESOLUTION NO. 16-14  
319 REQUESTED BY: MAYOR EILEEN ANN PATTON  
320 SPONSORED BY: COUNCILWOMAN CLEARY  
321 *A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT (018-17) FOR*  
322 *ROAD SALT AND DECLARING AN EMERGENCY*  
323 Moved and Seconded.  
324 COUNCILWOMAN CLEARY made a motion to suspend the Charter Provision and Rule 49 requiring  
325 three readings.  
326 Moved and Seconded.  
327 THE CHAIR called for any discussion. No Discussion.  
328 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, rules are suspended.  
329 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary  
330 THE CHAIR called for a motion to dispense of Council Rule 53 requiring referral to committee.  
331 Moved and Seconded.  
332 THE CHAIR called for any discussion. No Discussion.  
333 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, rules are suspended.  
334 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary  
335 THE CHAIR called for any discussion prior to passage. No Discussion.  
336 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 16-14 passes.  
337 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary  
338

339 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**  
340 **OFFICIALS**

341 MAYOR PATTON thanked Bridget Hinkel for her volunteerism with events in the city and also thanked  
342 the Young Marines for their help with the Shredding event. The shredding event will be in September.  
343 Mayor Patton gave the following report and departmental updates: A Center Ridge Road Planning Study  
344 Meeting will be held May 17 at Goldwood School in Rocky River. There will be two presentations at  
345 5:30 p.m. and 6:30 p.m. and all are welcome. The Gilles Sweet third graders will be visiting city hall on  
346 Wednesday at 9 a.m. The Planning Commission will meet on Wednesday at 7:00 p.m. with two items on  
347 the agenda. The Recreation Department's big wheel races have been rescheduled due to weather, and will  
348 take place on May 20. The Citizen of the Year dinner will be held on Wednesday, May 25 and tickets are  
349 available at city hall. The summer park detail starts on May 27 and a rugby game between Saint Edwards  
350 and Saint Ignatius will be hosted at the Fairview Park Football stadium that same day. The Morton Park  
351 splash park will open on May 28. The annual Memorial Day service and parade will be held on Monday,  
352 May 30 beginning at 8 a.m. at city hall. On June 11, the Fairview Park Auxiliary Police Association will  
353 host a benefit and reverse raffle. Tickets are \$25 and more information can be found at fpapa.org. The  
354 Westgate shopping center has announced its 51<sup>st</sup> occupancy, which is a walk-in urgent care that will open  
355 shortly.  
356

357 DIRECTOR LEININGER announced that it was his first day and thanked everyone for the opportunity to  
358 be here and for the welcome home. He thanked Mayor Patton for keeping him in the loop as he prepared  
359 and moved from South Carolina. He said that his phone and email are set up and that his door is always  
360 open to share any questions, concerns and ideas and anything that pertains to Fairview Park.

361  
362 DIRECTOR CINGLE reported that the 2015 audit continues and the auditors were on site last week and  
363 will also be here next week and he will continue to keep everyone updated on outcomes. He wished  
364 Shawn good luck and welcomed him to Fairview Park.

365  
366 DIRECTOR MCGINTY thanked the Clerk Westbrook for her help with legislation for tonight's meeting  
367 last week. He thanked Bridget for helping to get the kinks out of his Word Program and said he is still  
368 working on email. He is happy that Shawn is here. Director McGinty said that there are issues being  
369 pursued with council for the November ballot that are very exciting and he looks forward to discussing  
370 them with council. The agreement with the Hospice of the Western Reserve is being finalized, and he  
371 hopes to have that to council by Friday, May 20. The legislation for parking violation changes is being  
372 prepared, and also for legislation to move forward with the roofing project. He asked that Ordinance 16-  
373 16 and Resolution 16-09 be referred to the Planning and Design Committee this evening for review and  
374 recommendation.

375  
376 ENGINEER MACKAY reported that the 2015 water line contractor is currently working on West 229th  
377 St and West 214th St. The last street to be done will be West 213th Street, which will be started soon. All  
378 work is expected to be completed by Labor Day. A pre-construction meeting was held for the 2016  
379 paving project was held on May 9 with Crossroads Asphalt. The work is planned to start next week and  
380 expected to be completed within 60 days. The 2016 water line projects have all been approved and bid  
381 dates of May 20 and May 27 have been advertised, and bids will be opened on June 3, 2016.

382  
383 **PUBLIC SESSION**

384 MS. DEB HAMMERLE – 22326 Haber Drive – MS. HAMMERLE asked what is happening with the  
385 Advanced Energy District.

386 DIRECTOR MCGINTY said that we are waiting for the County to refer to the city a petition to move  
387 forward.

388 MS. HAMMERLE asked if this was for alternative energy.

389 DIRECTOR MCGINTY responded yes, that it is a lending program in order to help people purchase  
390 energy efficient equipment and products when doing refurbishment projects.

391 MS. HAMMERLE asked if the special assessments were paid over time in lieu of paying up front.

392 DIRECTOR MCGINTY said that the individual owner will have their property assessed so that the  
393 materials are paid as an assessment over time, rather than a loan.

394 MS. HAMMERLE asked Mr. Leininger if he had any good recipes. She asked council if they would  
395 consider a one month recess, and that is was nice to see a full complement of councilmembers.

396  
397 MR. CHUCK SOTU - 20867 Fairpark Drive – MR. SOTU asked if the money available for the  
398 Advanced Energy District was available for the whole city or just certain parts.

399 DIRECTOR MCGINTY explained that there is an application that goes to the county to determine if they  
400 are eligible for funds. This is a pilot program, and the first one in the County.

401 MR. SOTU asked if resurfacing was going to be done on Mastick Road.

402 MAYOR PATTON said that she brought Shawn up to speed on this today. County to make sure it is kept  
403 on their schedule and they will be taking names of cities toward the end of the year for next year's  
404 projects. They are also suggesting a 50/50 contribution, which was discussed today.

405  
406 MR. RAY HAMMERLE – 22326 Haber Drive – MR. HAMMERLE said that he is happy to be in  
407 Fairview Park. He wished everyone a happy holiday.

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

409 COUNCILMAN MCDONOUGH thanked council for passing the resolution recognizing the service and  
410 achievements of Mark A. Stanton, who is a constituent in Ward 1. He was recently a recipient of the  
411 Saint Ignatius 38<sup>th</sup> annual Bellarmine Award luncheon for his excellence in the legal field as well as  
412 being an alumnus of Saint Ignatius High School. He has done a wonderful job and is a longtime Fairview  
413 resident along with his wife, Julie. COUNCILMAN MCDONOUGH said that tonight's meeting was  
414 wonderful; from the Police and Fire who are saving lives, to the welcome addition of Shawn Leinger,  
415 exciting legislation, Finance Director Cingle for keeping us in the black for all these things and Matt  
416 Hrubey for all that he has done. He said he would be happy to have this type of meeting all the time. The  
417 presentation by Lewis Mayer Middle School on the rain chains and rain gardens by Kristin, Amanda,  
418 Sophia, Anthony and all of the presenters was terrific, and it's nice to have school board member Joe  
419 Shucofsky here as well. COUNCILMAN MCDONOUGH reported on a mock city council meeting that  
420 he had with 2<sup>nd</sup> graders at Saint Angela Merici School where they were separated into wards, debated the  
421 issue of dogs in city parks and also conducted committee meeting discussions.

422

423 COUNCILMAN MINEK made a motion to refer Ordinance 16-16 and Resolution 16-09 to the Planning  
424 and Design Commission for report and recommendation.

425 Moved and Seconded.

426 THE CHAIR asked for any discussion. No Discussion.

427 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries.

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

429 COUNCILMAN MINEK seconded Councilman McDonough's previous remarks.

430

431 COUNCILMAN WOJNAR welcomed Shawn to the city and said he believes he will be a great addition  
432 to the city's team. He called the city's safety forces a unique group of heroes, and said that he is proud  
433 that the community is secure with such great fire and police departments and congratulated them for their  
434 great work.

435

436 COUNCILMAN HINKEL acknowledged the group of students who presented tonight, and said that it  
437 takes great courage for them to come in and speak at a council meeting. He acknowledged Bridget Hinkel  
438 for all that she does.

439 COUNCILMAN HINKEL made a motion to remove the issues of Number of Dogs permitted and the  
440 Archiving City Documents from the Local Government and Community Services Committee.

441 Moved and Seconded.

442 THE CHAIR asked for any discussion. No Discussion.

443 ROLL ON MOTION: Vote: YES-7, NO-0 | Issues are removed from committee.

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

445

446 COUNCILMAN RUSSO thanked everyone that came out for the meeting. He said that everyone from  
447 Fire to Police to citizens, everyone helps each other out in the city. He said he attended a scholarship  
448 awards ceremony at the high school and able to see how many people and organizations are donating and  
449 some of the amazing things that students are doing. He said that he is always impressed with the  
450 collaborative effort of everyone.

451

452 COUNCILWOMAN CLEARY congratulated and acknowledged the tremendous effort of the city's  
453 safety forces and everyone involved in saving Mr. Petros' life. She welcomed Director Leinger and said  
454 that she is thrilled that he is here. COUNCILWOMAN CLEARY thanked the Law Director for his quick  
455 turnaround on the legislation for tonight and Council Clerk Westbrook for her work with council and the  
456 Administration. The city team is good and she is happy to see a full house here at tonight's meeting.

457

458 THE CHAIR thanked the Police and Fire Departments for their tremendous service in saving Mr. Petros  
459 and also for their collaborative effort and tact in saving the gentleman on the Lorain Road Bridge. The  
460 training of these forces really shined through. PRESIDENT KILBANE said that he enjoyed being a guest  
461 reader at Gilles-Sweet this week, and it was a real pleasure to interact with the students.

462  
463 THE CHAIR made a motion to adjourn the regular meeting.

464 Moved and Seconded.

465 THE CHAIR asked for any discussion. No discussion.

466 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 8:28 p.m.

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

468

469

470

471

472 \_\_\_\_\_  
Michael P. Kilbane, President of Council

472 \_\_\_\_\_  
Liz L. Westbrooks, Clerk of Council

473

474

475

476

477 \_\_\_\_\_  
Eileen Ann Patton, Mayor

478

479

480

481

482

483

484

485

486

487

488

489

490

491

492

493

494

495

496

497

498

499

500

501

502

503

504

505

506

507

508

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 16-16  
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: 05.16.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

---

Michael P. Kilbane, President of Council

---

Eileen Ann Patton, Mayor

---

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 (Revised 5-23-16)**

**Revisions since May 11, 2016 are highlighted**

\*\*\*\*\*  
\*\*\*\*\*

**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” (OB-1)</u>	<u>Office Building “2” (OB-2)</u>	<u>Office Building “3” (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	N/A	15*	15*

to a Residential District as enumerated in  
Section [1109.01](#)

\*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** when in completely enclosed buildings and shall include the retail sales of goods and personal services such as beauty and barber shop, banks and savings and loan, travel agency. Permitted retail does not include automotive services such as, but not limited to, new and used car dealerships, repair services, auto or truck wash.

\*B. **Hotels/lodging**

C. **Restaurants**

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

E. **Indoor Commercial Recreation** including **Theaters and other Places of Assembly.**

- (2) Retail (Subsection A, above) and commercial recreation (Subsection E, above), combined, shall not comprise more than thirty (30 %) percent of the total floor area – including both existing and new floor area.

- (3) Residential shall not comprise more than seventy (70%) of the total floor area – including both existing and new floor area. The minimum size of the dwelling units shall be: 1-bedroom 550 sq. ft.; 2-bedroom 750 sq. ft.; and 3-bedroom 900 sq. ft.).

- (4) The retail residential percentage limitations do not include ancillary or accessory uses such as dining areas and fitness centers provided primarily for the residents and guests at the hotel.

- (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 (non-medical) – 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. Medical offices, dental offices and clinics – 1 space per 150 square feet of floor area.
    - C. Hotels/lodging - .85 spaces per room.
    - D. 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.*)
    - E. 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; Assisted Living – one-half (.5) of a parking space per bed and Nursing Care
  - (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. 16-09  
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: 05.16.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

---

Michael P. Kilbane, President of Council

---

Eileen Ann Patton, Mayor

---

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 16-10  
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: 05.16.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

---

Michael P. Kilbane, President of Council

---

Eileen Ann Patton, Mayor

---

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 16-18  
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: 05.16.16

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

---

Michael P. Kilbane, President of Council

---

Eileen Ann Patton, Mayor

---

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 16-11  
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: 05.16.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

---

Michael P. Kilbane, President of Council

---

Eileen Ann Patton, Mayor

---

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

Fund BY Type	II		III		IV		V		VI		VII
	Beginning Estimated Unencumbered Fund Balance	Property Taxes and Local Government Revenue	Other Sources Receipts	Total Resources Available for Expenditures	Total Estimated Expenditures & Encumbrances	Ending Estimated Unencumbered 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	\$940,000.00	\$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. 16-12  
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: 05.16.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

---

Michael P. Kilbane, President of Council

---

Eileen Ann Patton, Mayor

---

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 16-04  
REQUESTED BY: MAYOR EILEEN ANN PATTON  
SPONSORED BY: COUNCILMEN MCDONOUGH AND MINEK

AN ORDINANCE ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF THE THOMAS LANE MAJOR SUBDIVISION PROPOSED BY GARLAND NEW HOMES, INC. AS APPROVED BY THE BOARD OF ZONING APPEALS AT ITS MEETING OF JULY 13, 2015 AND DECLARING AN EMERGENCY

WHEREAS, an application for approval for a major subdivision, Thomas Lane, was filed by Garland New Homes, Inc. ("Garland"), pursuant to Fairview Park Codified Ordinance, Chapter 1191, Section 1191.01 and 1191.02, and submitted to the Fairview Park Planning and Design Commission ("P & D"), pursuant to Section 1191.03; and

WHEREAS, the P & D, at its meeting of May 20, 2015, reviewed the application of Garland, Docket 05-15-1OP, and voted 3-4 denying approval of the application; and

WHEREAS, Garland appealed the decision of the P & D to the Board of Zoning and Building Appeals ("BZA") on June 3, 2015, and the BZA held a hearing on July 13, 2015, to hear the appeal of Garland of the denial of its application for the Thomas Lane Subdivision, located at 19020 Coffinberry Boulevard; and

WHEREAS, the Board of Zoning Appeals of the City of Fairview Park, at its meeting of July 13, 2015, overturned the decision of the P & D, and accepted and approved the preliminary subdivision proposal of Garland as submitted pursuant to Chapter 1191; and

WHEREAS, the Council of the City of Fairview Park has reviewed the Thomas Lane major subdivision and has determined that such is in compliance with and subject to the requirements of Section 1191.05 of the Zoning Code; and

WHEREAS, the Council of the City of Fairview Park desires to approve the major subdivision of Garland Homes known as Thomas Lane.

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

SECTION 1. That in accordance with the provisions of Section 1191.05, the plat of Garland New Homes, Inc. major subdivision of property located at 19020 Coffinberry Boulevard, Thomas Lane, as approved by the Board of Zoning Appeals at its meeting of July 13, 2015, be, and the same hereby is, accepted and approved, all in accordance with, and subject to, the requirements of Section 1191.05 of the Codified Ordinances of the City of Fairview Park.

SECTION 2. That the Building Commissioner shall not issue any certificate of occupancy for the dwellings to be constructed until such time as the requirements of Fairview Park Ordinances Section 1191.05 and Section 1191.06 have been satisfied.

SECTION 3. That the Council shall accept by separate ordinance the public improvements to be installed by Garland Homes only after complete installation thereof and approval of same by the City Engineer and/or Building Commissioner.

SECTION 4. 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 5. 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 such approval should take effect at the earliest opportunity in order to permit construction of new single family homes in the City to commence, 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: 02.01.16  
2<sup>nd</sup> reading: 03.07.16  
3<sup>rd</sup> reading:

---

Michael P. Kilbane, President of Council

---

Eileen Ann Patton, Mayor

---

Liz L. Westbrooks, Clerk of Council

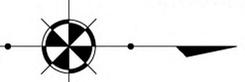
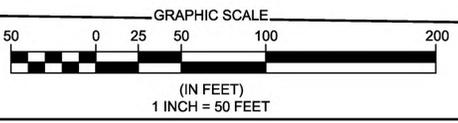
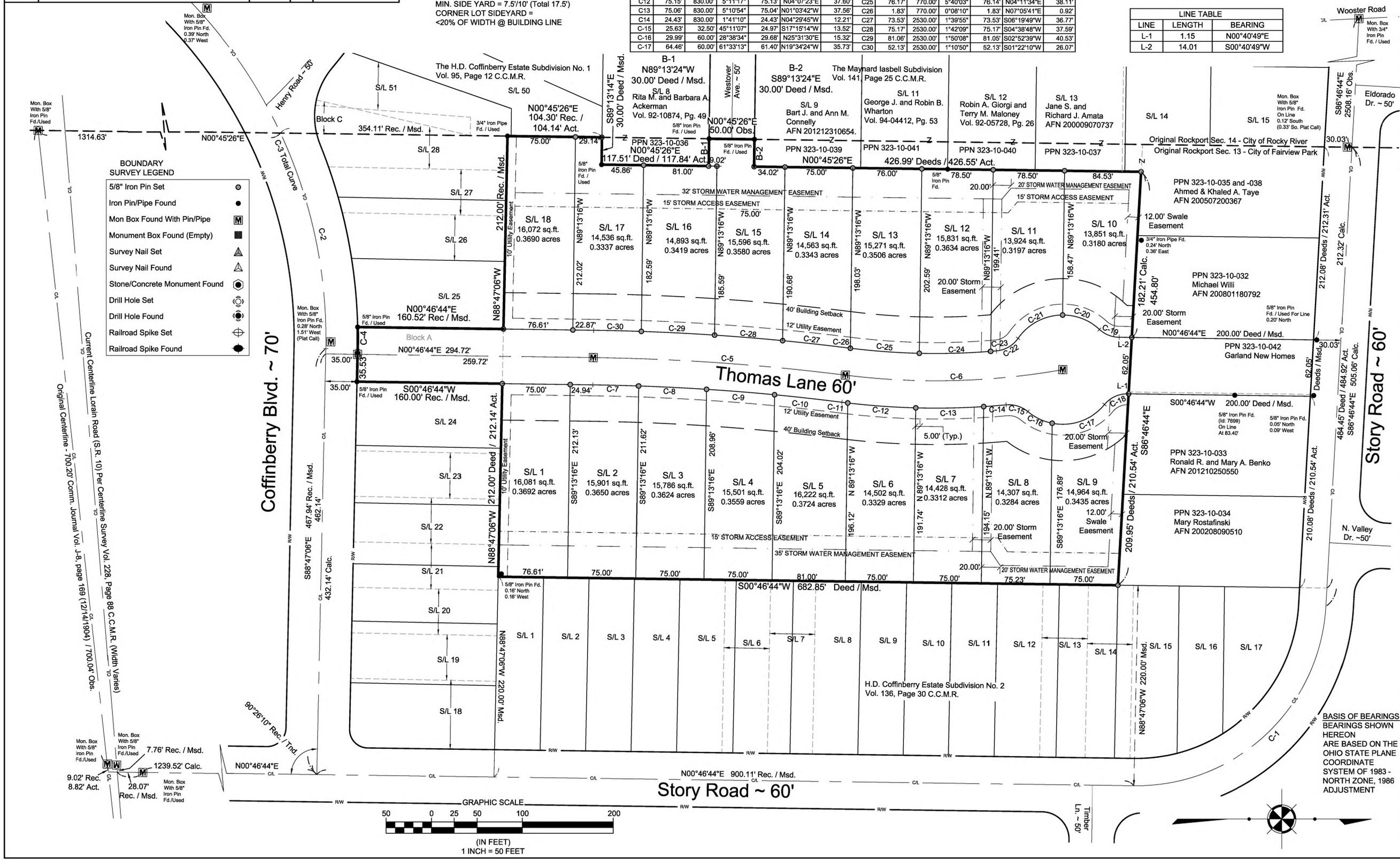
REV. No.	DATE	BY	DATE:
			1/18/16
			SCALE: HOR. 1"=50'
			VERT. 1"=100'
			FOLDER: DWG/Surveys/Plats
			FILENAME: Record Plat
			TAB: Page 02
			DRAWN: MPS

**R1F 75 ZONING YARD REQUIREMENTS:**  
 MIN. AREA = 11,250 S.F.  
 MIN. WIDTH = 75'  
 MIN. FRONT SETBACK = 40'  
 MIN. REAR YARD = 28'  
 MIN. SIDE YARD = 7.5'/10' (Total 17.5')  
 CORNER LOT SIDEYARD =  
 <20% OF WIDTH @ BUILDING LINE

CURVE TABLE										CURVE TABLE									
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING	TANGENT	CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING	TANGENT						
C-5	278.55'	2500.00'	6°23'02"	278.41'	S03°58'15"W	139.42'	C-18	28.95'	32.50'	51°01'49"	28.00'	S24°50'06"E	15.51'						
C-6	240.25'	800.00'	17°12'24"	239.35'	N01°26'25"W	121.04'	C-19	23.78'	32.50'	41°55'38"	23.26'	N21°38'38"E	12.45'						
C-7	50.06'	2470.00'	1°09'41"	50.06'	S01°21'35"W	25.03'	C-20	44.82'	60.00'	42°47'43"	43.78'	S21°12'35"W	23.51'						
C-8	75.05'	2470.00'	1°44'27"	75.05'	S02°48'39"W	37.53'	C-21	57.45'	60.00'	54°51'24"	55.28'	S27°36'59"E	31.14'						
C-9	75.17'	2470.00'	1°44'37"	75.16'	S04°33'11"W	37.59'	C-22	28.41'	32.50'	50°05'21"	27.52'	N30°00'00"W	15.19'						
C-10	74.93'	2470.00'	1°44'17"	74.93'	S06°17'38"W	37.47'	C-23	6.26'	770.00'	0°27'58"	6.26'	N04°43'21"W	3.13'						
C-11	8.46'	830.00'	0°28'45"	8.46'	N06°56'24"E	3.23'	C-24	78.60'	770.00'	5°50'55"	78.57'	N01°33'55"W	39.33'						
C-12	75.15'	830.00'	5°11'17"	75.13'	N04°07'23"E	37.60'	C-25	76.17'	770.00'	5°40'03"	76.14'	N04°11'34"E	38.11'						
C-13	75.06'	830.00'	5°10'54"	75.04'	N01°03'42"W	37.56'	C-26	1.83'	770.00'	0°08'10"	1.83'	N07°05'41"E	0.92'						
C-14	24.43'	830.00'	1°41'10"	24.43'	N04°29'45"W	12.21'	C-27	73.53'	2530.00'	1°39'55"	73.53'	S06°19'49"W	36.77'						
C-15	25.63'	32.50'	45°11'07"	24.97'	S17°15'14"W	13.52'	C-28	75.17'	2530.00'	1°42'09"	75.17'	S04°38'48"W	37.59'						
C-16	29.99'	60.00'	28°38'34"	29.68'	N25°31'30"E	15.32'	C-29	81.06'	2530.00'	1°50'08"	81.05'	S02°52'39"W	40.53'						
C-17	64.46'	60.00'	61°33'13"	61.40'	N19°34'24"W	35.73'	C-30	52.13'	2530.00'	1°10'50"	52.13'	S01°22'10"W	26.07'						

LINE TABLE		
LINE	LENGTH	BEARING
L-1	1.15	N00°40'49"E
L-2	14.01	S00°40'49"W

- BOUNDARY SURVEY LEGEND**
- 5/8" Iron Pin Set
  - Iron Pin/Pipe Found
  - Mon Box Found With Pin/Pipe
  - Monument Box Found (Empty)
  - Survey Nail Set
  - Survey Nail Found
  - Stone/Concrete Monument Found
  - Drill Hole Set
  - Drill Hole Found
  - Railroad Spike Set
  - Railroad Spike Found



**Record Plat**

---

**Thomas Lane Subdivision**  
 City of Fairview Park - Cuyahoga County - Ohio

---

**Polaris**  
 Engineering & Surveying

POLARIS ENGINEERING & SURVEYING, INC.  
 34600 CHARDON ROAD - SUITE D  
 WILLOUGHBY HILLS, OHIO 44094  
 (440) 944-4433 (440) 944-3722 (Fax)  
 www.polaris-es.com

---

CONTRACT No.  
**15063**

---

SHEET	OF
2	2

BASIS OF BEARINGS  
 BEARINGS SHOWN  
 HEREON  
 ARE BASED ON THE  
 OHIO STATE PLANE  
 COORDINATE  
 SYSTEM OF 1983 -  
 NORTH ZONE, 1986  
 ADJUSTMENT

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: 05.16.16  
3<sup>rd</sup> reading:

---

Michael P. Kilbane, President of Council

---

Eileen Ann Patton, Mayor

---

Liz L. Westbrooks, Clerk of Council

**CITY OF FAIRVIEW PARK**

**INCENTIVE GRANT AGREEMENT**

This AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between the City of Fairview Park, Ohio, a municipal corporation organized and existing pursuant to the Ohio Constitution and the Ohio Revised Code (hereinafter referred to as “City” of Fairview Park) 20777 Lorain Road, Fairview Park, Ohio 44126, and the Hospice of the Western Reserve, Inc., 17876 St. Clair Avenue 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, Inc. 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. each calendar year or proportion thereof, 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, if it decreases below \$5,500,000 per annum.

The following chart details the change in the rebate based upon the taxable income to the City:

<u>FP Taxable Income</u>	<u>Tax Rebate to Hospice of the Western Reserve</u>
≥ 5,500,000	.30
< 5,500,000	.25
< 5,000,000	.20
< 4,500,000	.15
< 4,000,000	.10
< 3,500,000	.05
< 3,000,000	Expires

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 3 above annually, on or before March 15<sup>th</sup> of the following year.

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 the Hospice of the Western Reserve, Inc. and 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. 16-17  
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: 05.16.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

---

Michael P. Kilbane, President of Council

---

Eileen Ann Patton, Mayor

---

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

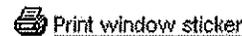


Ford Motor Credit Company ("FMCC") is providing the information contained in this document for discussion purposes only in connection with a proposed arm's length commercial leasing transaction between you and FMCC. FMCC is acting for its own interest and has financial and other interests that differ 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**