



# **FAIRVIEW PARK CITY COUNCIL MEETING NOTICE**

**Please be advised of the following meetings of the Fairview Park City Council, which will take place on the 3<sup>rd</sup> Floor of Fairview Park City Hall, 20777 Lorain Road.**

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<b>MON. Aug 8</b>	<b>Special Council Meeting</b>	<b>7:00 p.m.</b>
<b><u>TUES.</u> Sept 6</b>	<b>Council Regular Meeting</b>	<b>7:00 p.m.</b>
<b>MON. Sept 12</b>	<b>Council Committee Meeting</b>	<b>7:00 p.m.</b>

**COUNCIL MEETINGS ARE HELD IN COUNCIL CHAMBERS  
COMMITTEE MEETINGS ARE HELD IN THE CAUCUS ROOM  
(BOTH ROOMS ARE LOCATED ON 3rd FLOOR, CITY HALL)**



# CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

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**SPECIAL COUNCIL MEETING**  
**MONDAY, AUGUST 8, 2016**  
**7:00 p.m. - Council Chambers**

Meeting Called to Order | Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Written Communications, Petitions and Claims (must be related to the subject or subjects to be considered)

Legislation for First Reading

COUNCILMAN MINEK

Ord. 16-\_\_ | Authorizing Bid and Contract for Masonry and Roof Repairs at City Hall

COUNCILWOMAN CLEARY

Res 16-\_\_ | Awarding Active, Interim and Inactive Deposits for 2017

Res.16-\_\_ | Certifying Tax Rates to County Fiscal Officer

Audience Input on Legislation Up For Passage

Legislation on for Passage Without Three Readings

COUNCILMAN HINKEL

Res. 16-\_\_ | Moratorium on Medical Marijuana Dispensaries

COUNCILWOMAN CLEARY

Ord. 16-\_\_ | Authorizing Participation in Cooperative Purchase Programs

Adjournment

*\*\*\*Pursuant to Fairview Park Charter Article 4, Section 7(b) and Council Rule 5, no other subject or subjects will be considered.*

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

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



CITY OF FAIRVIEW PARK  
ORDINANCE NO. 16-  
REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE &  
DEVELOPMENT  
SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL FOR MASONRY AND ROOF REPAIRS AT CITY HALL AND DECLARING AN EMERGENCY

WHEREAS, an analysis has been conducted by Construction Resources Incorporated for the City to examine the cause of water leaking into the rear vestibule at City Hall; and,

WHEREAS, such analysis was completed and recommended the extent of masonry and roof repairs required to stop the water leaking; and,

WHEREAS, Construction Resources Incorporated has also prepared the specifications to complete the necessary masonry and roof repairs; and,

WHEREAS, the City of Fairview Park must advertise for bids and enter into an agreement to perform the necessary masonry and roof repair work at City Hall above the rear vestibule and surrounding walls and parapets.

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

SECTION 1. That the Director of Public Service and Development be, and is hereby authorized to advertise for and accept bids for the masonry and roof repair work at City Hall above the rear vestibule and surrounding walls and parapets.

SECTION 2. That the Mayor is hereby authorized to enter into a contract with the lowest responsive and responsible bidder as determined by the Board of Control for the masonry and roof repair work at City Hall above the rear vestibule and surrounding walls and parapets.

SECTION 3. That the funds for said project shall be taken from the Municipal Lands and Buildings Fund (7750) and shall not exceed Sixty-Five Thousand Dollars (\$65,000.00).

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 immediate preservation of the public peace, health, safety and welfare; and for the further reason that the repairs should be completed as soon as weather permits, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it take effect and be in force from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

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

A RESOLUTION AWARDING ACTIVE, INTERIM AND INACTIVE DEPOSITS  
AND DECLARING AN EMERGENCY

WHEREAS, the Finance Department is responsible for all active, interim and inactive funds in the Treasury of the City of Fairview Park at any time during the period beginning January 1, 2017, and of necessity must make deposits of said funds with eligible banking institutions.

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

SECTION 1. That for the period of January 1, 2017 to December 31, 2017 inclusive, the interim deposits of the City of Fairview Park, Ohio, shall be awarded to the eligible institution or institutions which offers to pay the highest permissible rate of interest and further that the Director of Finance of the City of Fairview Park is authorized at any time during that period of designation to request new bids for interim deposits from eligible institutions upon a determination by resolution that the proposals for interim deposits in force no longer reflect prevailing interest rates. The Director of Finance is authorized to request a new Resolution of Council whenever the Director considers that the term of the bids for interim deposits no longer reflects the prevailing interest rates.

SECTION 2. That following is the list of eligible institutions deemed suitable for business with the City of Fairview Park:

1. Star Ohio
2. Key Bank, N.A./McDonald Investments
3. Charter One
4. Fifth Third Bank
5. Huntington Bank

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

SECTION 4. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and so that the deposits can be made beginning January 1, 2017, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

**CITY OF FAIRVIEW PARK  
RESOLUTION NO. 16-\_\_\_\_  
REQUESTED BY: GREG CINGLE, INTERIM FINANCE DIRECTOR  
SPONSORED BY: COUNCILWOMAN CLEARY**

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(CITY COUNCIL)  
Revised Code, Secs. 5705.34-5705.35

The Council of the City of \_\_\_\_\_ Fairview Park \_\_\_\_\_, \_\_\_\_\_ Cuyahoga  
County, Ohio, met in \_\_\_\_\_ session on the \_\_\_\_\_ day of \_\_\_\_\_  
(Regular Or Special)  
2016, at the office of **City Council Chambers** with the following members

- present:
- \_\_\_\_\_ Brian McDonough, Ward 1
  - \_\_\_\_\_ William Minek, Ward 2
  - \_\_\_\_\_ Paul Wojnar, Ward 3
  - \_\_\_\_\_ John Hinkel, Ward 4
  - \_\_\_\_\_ Angelo Russo, Ward 5
  - \_\_\_\_\_ Peggy Cleary, Council at Large
  - \_\_\_\_\_ Michael Kilbane, Council President

Mr./Mrs./Ms. \_\_\_\_\_ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously  
adopted a Tax Budget for the next succeeding fiscal year commencing January 1st,  
2017; and

WHEREAS, The Budget Commission of \_\_\_\_\_ Cuyahoga \_\_\_\_\_ County, Ohio, has  
certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate  
of each tax necessary to be levied by this Council, and what part thereof is without, and what part  
within the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of \_\_\_\_\_ Fairview Park \_\_\_\_\_,  
\_\_\_\_\_ Cuyahoga \_\_\_\_\_ County, Ohio, that the amounts and rates, as determined  
by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate  
of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A**  
**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET**  
**COMMISSION AND COUNTY FISCAL OFFICER'S ESTIMATED TAX RATES**

FUND	Amount to Be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Commission Inside 10 M. Limitation	County Fiscal Officer's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund			3.33	5.00
General Bond Retirement Fund				0.00
Police Pension			0.30	
Park Fund				0.00
Recreation Fund				1.00
Fire Pension Fund			0.30	
Permanent Improv. Fund				0.87
Fire Fund				1.00
<b>TOTAL</b>	\$0	\$0	3.93	7.87

**SCHEDULE B**

**LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
<b>GENERAL FUND:</b>		
Current Expense Levy authorized by voters on _____,20 for not to exceed _____ years.		
Current Expense Levy authorized by voters on _____,20 for not to exceed _____ years.		
<b>Total General Fund outside 10m. Limitation.</b>		
Park Fund: Levy authorized by voters on _____,20 for not to exceed _____ years.		
Recreation Fund: Levy authorized by voters on _____,20 for not to exceed _____ years.		
Fund: Levy authorized by voters on _____ for not to exceed _____ years.		
Fund: Levy authorized by voters on _____,20 for not to exceed _____ years.		
Fund: Levy authorized by voters on _____,20 for not to exceed _____ years.		
Fund: Levy authorized by voters on _____,20 for not to exceed _____ years.		

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this

Resolution to the Fiscal Officer of said County.

Mr./Mrs./Ms. \_\_\_\_\_ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

Mr./Mrs./Ms. _____ Brian McDonough, Ward 1	___ YES ___ NO
Mr./Mrs./Ms. _____ William Minek, Ward 2	___ YES ___ NO
Mr./Mrs./Ms. _____ Paul Wojnar, Ward 3	___ YES ___ NO
Mr./Mrs./Ms. _____ John Hinkel, Ward 4	___ YES ___ NO
Mr./Mrs./Ms. _____ Angelo Russo, Ward 5	___ YES ___ NO
Mr./Mrs./Ms. _____ Peggy Cleary, Council at Large	___ YES ___ NO
Mr./Mrs./Ms. _____ Michael Kilbane, Council President	___ YES ___ NO
Mr./Mrs./Ms. _____	
Mr./Mrs./Ms. _____	

Adopted the \_\_\_ day of \_\_\_\_\_, 20\_\_.

Attest:

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

\_\_\_\_\_  
Liz L. Westbrook, Clerk of Council

\_\_\_\_\_  
William F. Minek, Council President Pro Tem

\_\_\_\_\_  
Eileen A. Patton, Mayor

**CERTIFICATE OF COPY  
ORIGINAL ON FILE**

The State of Ohio Cuyahoga County, ss.

I, Liz L. Westbrooks, Clerk of the Council of the City

of Fairview Park within and for said County, and in whose custody the Files

and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original \_\_\_\_\_

**THIS IS THE ORIGINAL**

now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this \_\_\_\_\_ day of \_\_\_\_\_, 20

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

1<sup>st</sup> reading:

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

No. Resolution 16-

\_\_\_\_\_  
COUNCIL OF THE CITY OF

\_\_\_\_\_  
**FAIRVIEW PARK**

\_\_\_\_\_  
**CUYAHOGA** County, Ohio.

\_\_\_\_\_  
RESOLUTION  
ACCEPTING THE AMOUNTS AND RATES  
AS DETERMINED BY THE BUDGET  
COMMISSION AND AUTHORIZING THE  
NECESSARY TAX LEVIES AND CERTIFYING  
THEM TO THE COUNTY FISCAL OFFICER

**(CITY COUNCIL)**

\_\_\_\_\_  
Adopted

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Filed \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
County Fiscal Officer

By \_\_\_\_\_  
Deputy

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

A RESOLUTION TO IMPOSE A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND THE FAIRVIEW PARK PLANNING & DESIGN COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE FAIRVIEW PARK ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY.

WHEREAS, on June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law 131 Sub. H.B. 523, which becomes effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park.

WHEREAS, as such, the City's Administration, Council and the Planning & Design Commission require additional time to undertake a review of all applicable codes statewide and within the city in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades.

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

SECTION 1. Council hereby imposes a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this resolution, in order to allow the City Administration, Council and the Fairview Park Planning & Design Commission to review applicable Ohio statutes, criminal codes and the Fairview Park Zoning Code relative to such us.

SECTION 2. For the purpose of this resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

SECTION 3. No building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

SECTION 4. The moratorium shall be in effect for a period of six months from the effective date of this resolution or until changes are enacted to amend the Codified Ordinances of the City of Fairview Park to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all such deliberations of this Council and of 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. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of a majority plus one of the members elected to Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

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

AN ORDINANCE AUTHORIZING THE CITY DIRECTORS TO PARTICIPATE IN VARIOUS COOPERATIVE PURCHASING PROGRAMS, AND DECLARING AN EMERGENCY.

WHEREAS, the Home Rule powers of the Ohio Constitution grant power to the City of Fairview Park to participate in joint purchasing programs; and

WHEREAS, the Ohio Department of Administration (ODAS), Ohio Department of Transportation (ODOT), General Services Administration (GSA), U.S. Communities Government Purchasing Alliance, National Joint Powers Alliance (NJPA), National Institute of Government Purchases (NIGP), the National Purchasing Partners (NPP), and any other Governmental Cooperative Programs are non-profit instruments of the government that assists local and state agencies in reducing the costs of purchased goods through the purchasing power of public agencies nationwide through competitively solicited contracts; and

WHEREAS, Council desires to authorize the City Directors to participate in these programs for the purchase of goods on behalf of the City of Fairview Park for calendar year 2016 and 2017.

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

SECTION 1. That Council, pursuant to the Home Rule authority granted to it by the Ohio Constitution, hereby authorizes the Director of Purchasing to continue to participate in the Ohio Department of Administration (ODAS), Ohio Department of Transportation (ODOT), General Services Administration (GSA) U.S. Communities Government Purchasing Alliance, National Joint Powers Alliance (NJPA), National Institute of Government Purchases (NIGP), National Purchasing Partners (NPP) and any other Governmental Cooperative Purchasing Programs for the remainder of calendar year 2016 and all of 2017.

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 immediate preservation of the public peace, health, safety and welfare; and for the further reason that it is immediately necessary to continue the efficiency 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 take effect and be in force from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council