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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **TUESDAY, SEPTEMBER 6, 2016**
4

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

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL:

9 PRESENT: Council –B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel*, A. Russo, P. Cleary
10 Administration – Mayor E. Patton, Service & Economic Development Director Leininger, Law Director
11 W. McGinty, Engineer M. Mackay
12

13 THE CHAIR called for a motion to excuse Councilman J. Hinkel.

14 Moved and Seconded

15 THE CHAIR asked for any discussion. No discussion.

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

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

18 *Councilman Hinkel arrived at 7:15 p.m.
19

20 THE CHAIR made a motion to suspend the rules to present a resolution.

21 Moved and Seconded

22 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carries, rules are suspended.

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

24 COUNCILMAN MINEK placed the following legislation up for emergency passage:

25 RESOLUTION NO. 16-17

26 REQUESTED AND SPONSORED BY: CITY COUNCIL AS A WHOLE

27 *A RESOLUTION HONORING THOMAS ZINSMAYER FOR DEDICATED SERVICE TO THE CITY OF*
28 *FAIRVIEW PARK*

29 COUNCILMAN MINEK called for a motion to suspend the Charter Provision and Rule 49 requiring
30 three readings.

31 Moved and Seconded

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

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

34 THE CHAIR asked for any further discussion.

35 COUNCILMAN MINEK called for a motion to dispense of Council Rule 53 requiring referral to
36 committee.

37 Moved and Seconded.

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

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

40 COUNCILMAN MINEK asked that the resolution be read in pertinent part. Council concurred.

41 THE CLERK read the resolution.

42 THE CHAIR called for any further discussion prior to passage.

43 COUNCILMAN MINEK stated that he worked with Tom for a short time before he retired, but kept in
44 contact with him when he became a member of council. He wished Lt. Zinsmayer and his family the best
45 and told him to stay active.

46 COUNCILWOMAN CLEARY thanked Lt. Zinsmayer for his service and also thanked his family for
47 sharing their loved one with the City for so many years.

48 THE CHAIR thanked Lt. Zinsmayer for his hard work and service and told him to enjoy his retirement.

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

50 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Resolution 16-17 passes.

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

52 COUNCILMAN MINEK presented the resolution to Lieutenant Zinsmayer who thanked the city and
53 individuals who have served and provided him the opportunity to serve for the past 34 years. He
54 commented on changes that have occurred in the Police Department during his service to the city with
55 uniforms, technology and shift management. He said that his time with the department has been
56 fulfilling, and thanked his wife for supporting him over the years. He thanked his colleagues in the Police
57 Department who he has grown to know over the years and said it is like a family; he will miss them.

58
59 THE CHAIR called for a motion to dispose of the minutes of the Regular Meeting of Council held on
60 Monday, June 20, 2016.

61 Moved and Seconded.
62 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carries, minutes are approved.
63 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary

64
65 THE CHAIR called for a motion to dispose of the minutes of the Special Meeting of Council held on
66 Monday, July 25, 2016.

67 Moved and Seconded.
68 ROLL ON MOTION: Vote: YES-5, NO-0, ABSTAIN-1 | Motion carries, minutes are approved.
69 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo, P. Cleary | ABSTAIN: P. Wojnar

70 THE CHAIR asked Councilman Wojnar the reason for his abstention. Councilman Wojnar stated he was
71 out of town and not at the meeting.

72
73 THE CHAIR called for a motion to dispose of the minutes of the Special Meeting of Council held on
74 Monday, August 8, 2016.

75 Moved and Seconded.
76 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carries, minutes are approved.
77 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, A. Russo, P. Cleary

78
79 **LEGISLATION FOR FIRST READING**

80 COUNCILWOMAN CLEARY placed the following legislation up for first reading and introduction:

81 ORDINANCE NO. 16-32
82 REQUESTED BY: GREG CINGLE, INTERIM FINANCE DIRECTOR
83 SPONSORED BY: COUNCILWOMAN CLEARY
84 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MCGOWAN*
85 *AND COMPANY FOR THE PROFESSIONAL SERVICES OF PROVIDING INSURANCE*
86 *REQUIREMENTS OF COMPREHENSIVE GENERAL LIABILITY, POLICE PROFESSIONAL*
87 *LIABILITY, FIREFIGHTER/AMBULANCE ATTENDANTS LIABILITY, BOILER AND MACHINERY*
88 *INSURANCE, COMPREHENSIVE AUTOMOBILE AND PHYSICAL DAMAGE LIABILITY, PUBLIC*
89 *OFFICIALS LIABILITY, PROPERTY AND EQUIPMENT COVERAGES, "UMBRELLA" COVERAGE,*
90 *AND CYBER PROTECTION COVERAGE AND DECLARING AN EMERGENCY*
91 ACTION: Ordinance 16-32 was placed on 1st read and referred to the Finance Committee.

92
93 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE**

94 MS. MARY O'CONNOR – 20133 Grannis Road – MS. O'CONNOR had comments regarding
95 Ordinance 16-34. She said that she lives across the street from Grannis Park and that she is happy that the
96 city is being so inclusive, and that there will be visitors from all over at the park, but expressed concern
97 with where parking would occur. She is not understand how we can have an ADA compliant playground
98 without it being a compliant facility.

99 MAYOR PATTON thanked Ms. O'Connor for her comments and said that Grannis Park is truly a
100 neighborhood park. She said that the goal is to make all of our parks as ADA accessible and compliant as
101 possible, similarly to what has already been done at Morton Park and will also be incorporated into some

102 other city parks. MAYOR PATTON said that enhancements are being made to make the park as beautiful
103 as it can be and offered to show the plan drawings for the park.
104 RECREATION DIRECTOR STEVE OWENS pointed out that one of the contingencies with the grant
105 received for the park was that it be ADA accessible. He said the equipment is both ADA and able-bodied
106 compliant therefore in use for everyone that wants to use it. DIRECTOR OWENS reiterated that this
107 ADA equipment is a duplication of what has already been done, and is not specific to Fairview Park, but
108 is also available in other cities so we are not expecting that there will be a massive influx of people. He
109 does not expect that parking will be a deterrent and use will be mostly by neighborhoods surrounding
110 Grannis, as it is currently.

111

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

113 COUNCILWOMAN CLEARY placed the following legislation up for emergency passage:

114 ORDINANCE NO. 16-33

115 REQUESTED BY: MAYOR EILEEN ANN PATTON

116 SPONSORED BY: COUNCILWOMAN CLEARY

117 *AN ORDINANCE MAKING A WRITTEN RETURN TO THE FISCAL OFFICER OF CUYAHOGA*
118 *COUNTY, OHIO, FOR CHARGES FOR THE SERVICES OF THE CITY OF FAIRVIEW PARK, OHIO,*
119 *FOR CUTTING WEEDS ON CERTAIN PARCELS OF LAND DESCRIBED HEREIN, AND*
120 *AUTHORIZING SAID CHARGES TO BE PLACED UPON THE TAX DUPLICATE AND COLLECTED*
121 *AS OTHER TAXES PURSUANT TO SECTION 731.54 OF THE REVISED CODE OF OHIO, AND*
122 *DECLARING AN EMERGENCY*

123 COUNCILWOMAN CLEARY made a motion to suspend the Charter Provision and Rule 49 requiring
124 three readings.

125 Moved and Seconded.

126 THE CHAIR asked for any discussion. No discussion.

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

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

129 THE CHAIR called for any further discussion.

130 COUNCILWOMAN CLEARY made a motion to dispense Rule 53 requiring reference to Committee.

131 Moved and Seconded.

132 THE CHAIR asked for any discussion. No discussion.

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

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

135 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 16-33 passes.

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

137

138 ORDINANCE NO. 16-34

139 REQUESTED BY: MAYOR EILEEN ANN PATTON

140 SPONSORED BY: COUNCIL AS A WHOLE

141 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE*
142 *PURCHASE AND INSTALLATION OF ADA ACCESSIBLE PLAYGROUND EQUIPMENT AT GRANNIS*
143 *PARK AND DECLARING AN EMERGENCY*

144 COUNCILWOMAN CLEARY made a motion to suspend the Charter Provision and Rule 49 requiring
145 three readings.

146 Moved and Seconded.

147 THE CHAIR asked for any discussion. No discussion.

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

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

150 THE CHAIR called for any further discussion.

151 COUNCILWOMAN CLEARY made a motion to dispense Rule 53 requiring reference to Committee.

152 Moved and Seconded.

153 THE CHAIR asked for any discussion. No discussion.
154 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries.
155 THE CHAIR called for any further discussion prior to passage. No Discussion.
156 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 16-34 passes.
157 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
158

159 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
160 **OFFICIALS**

161 MAYOR PATTON reported that the second Recycle Roundup for the year will be held on September 24
162 from 9:00 am until 12:00 pm. Services provided for the roundup include paper shredding, household
163 hazardous waste disposal, computer recycling and scrap tire collection. This roundup will be a little
164 different, as Cool Cleveland on behalf of the Cuyahoga County Solid Waste Disposal will be onsite to
165 film activities as part of an upcoming commercial to show the importance of recycling, and it will air
166 locally. Volunteers are welcomed and wanted. Residents are being notified in advance via the monthly
167 electronic newsletter that Cleveland Water will change from quarterly to monthly billing in January
168 2017. This will help residents better manage their household budget, track water usage and detect
169 possible leaks sooner. Forward Fairview Park has three upcoming events: Freshen Up Fairview on Sept
170 17 from 9:00 am-12pm to spruce up three commercial properties on Lorain Road; the IGNITE program
171 will feature the Emerald Necklace Inn as their spotlight business in September. On Tuesdays and
172 Thursdays in September they will offer ice cream and beverages while listening to the history and future
173 of this business; the organization will hold a meeting on September 27 at 7:00 pm and the guest speaker
174 will be Fairview Park resident, Jim Kastelic who will be the guest speaker. MAYOR PATTON
175 announced that the FAA will be hosting a public meeting at the Gemini Center on Thursday, September
176 15 from 4:00 pm-8:00 pm. They are proposing improvements to the air traffic procedures in the
177 Cleveland and Detroit metropolitan area. She encouraged the public to attend this important workshop,
178 which will be in an open house format and attended by FAA representatives. Written comments will be
179 accepted at the workshop.
180

181 DIRECTOR LEININGER welcomed everyone back and thanked council for holding special meetings to
182 introduce and pass legislation over the summer. He thanked Engineer Mackay and his team for keeping
183 capital projects on time, on budget and for their responsiveness to issues as they came up. DIRECTOR
184 LEININGER said that Custom Fit Kids and Duck Duck Daycare have done extensive work on both
185 buildings over the summer. He reported that Peter Holbrooke has businesses in the city that he owns and
186 is in the process of doing various improvements. The Administration continues to keep the process
187 moving along with trying to find a new owner for the Stampers building. A number of office buildings
188 have also gone up for sale in recent months. The Westgate Professional Office Building has been listed
189 on the state site, which allows it to be used as potential leads for sale in the entire state of Ohio. The 210
190 Medical Building will be completely vacant on Jan 1, 2017 and will be up for sale. He said this location
191 provides a lot of opportunity with its location at the corner of West 210th Street Lorain. The city has
192 secured a list of leads for sale of that building and hoping to assist in getting some traction with its sale.
193

194 DIRECTOR MCGINTY welcomed everyone back to session. He said that he attended the Fire
195 Department's Open House over the summer and everyone there seemed to have a great time. He thinks
196 that is what helps to make this city special. He said he has been the Law Director for about nine months
197 and is happy that Shawn is here and also a Fairview resident. He mentioned that he was able to see some
198 of council and our safety forces on walkabouts during the Republican National Convention and similar to
199 the Cavaliers championship parade. He said that putting together all the safety forces is great and is glad
200 that we can reach out and everyone helps each other. He acknowledged Assistant Law Director John
201 Castele who was in attendance. He thanked Council Clerk Westbrook for her assistance throughout the
202 year and in preparation for Council's return to session.
203

204 ENGINEER MACKAY reported that it has been busy construction season this summer and gave an
205 update on project statuses. Fabrizi Trucking and Paving has completed the 2015 waterline
206 projects with the exception of punch list items, which are expected to be completed within the
207 next several weeks. Crossroads Asphalt Paving has completed the 2016 street repair program and
208 are also working on punch list items. Terrace Construction is working on the 2016 water line
209 projects. This project is expected to be completed by November 1. The 2016 sidewalk repair program is
210 about to start and the Contractor, Construction King has plans to complete by November. The Thomas
211 Lane subdivision improvements are nearing completion. The majority of the concrete street pavement
212 was poured today and that is the last of the major improvements there. It is expected that the remaining
213 work should be completed in the next month.

214

215 **PUBLIC SESSION**

216 MS. MELISSA HILLE & MS. HELEN WEBBER – Ms. Hille and Ms. Webber came to speak on behalf
217 of the Friends of Fairview Park Schools and in support of the upcoming bond and permanent
218 improvement levy issue on the November ballot. It is relation to the District’s facilities plan. The plan
219 was a thoughtful process and includes all schools in the district. The promise made six years ago to not
220 ask for addition monies for the schools for has been met, and it has actually been 11 years. This bond and
221 levy issue should allow for no additional requests for money until at least the year 2020 or beyond and
222 will be cost about and additional \$93 a year. They personally support the levy because they love the city
223 and want all the students to have the best facilities to provide an environment where they can learn in.
224 There will be a fundraiser this Saturday in support of the Friends of Fairview Park Schools this Saturday
225 at Gunselman's Tavern.

226 THE CHAIR thanked them for coming out and said he will be supporting this issue.

227

228 MR. JOHN CASTELE–18869 Canyon Rd – MR. CASTELE spoke about his family moving to Fairview
229 Park in 1964 and growing up in Fairview Park. He said that their family home was recently sold but
230 wanted to let everyone know how much it meant to him and his family and it will always be a part of who
231 he is. The neighborhood has aged from families with lots of kids to less occupants, but sees this now in
232 other neighborhoods because it is a great place to raise children.

233

234 MS. DEB HAMMERLE – 22336 Haber Drive – MS. HAMMERLE said it was good to be back and they
235 recently hosted their Haber Neighbors gathering which was a success. She said while some neighbors
236 have passed away, there is a new generation of young families moving in who love their new
237 neighborhood and the city.

238

239 MR. RAY HAMMERLE – 22336 Haber Drive – MR. HAMMERLE said that the Haber Neighbors party
240 was a great time. He still loves the city, and will not be leaving and time soon if he can help it.

241

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

243 COUNCILMAN MCDONOUGH thanked council for approval on the passage of upgrades at Grannis
244 Park. He acknowledged Recreation Director Owens, the Administration and Jeff Snider of Snider
245 Equipment and said it will be a great place for residents to enjoy and raise kids. He also commended the
246 Service Department clearing overgrowth and vegetation on Mastick Road leading into the Valley
247 Parkway. They did a wonderful job clearing it out and making it safe for travelers.

248

249 COUNCILMAN MINEK reported that the Board of Control met on July 5, 2016 to award the 2016
250 Water Main Replacement Contract to Terrace Construction, Inc. in the amount of \$1,323,343.55. The
251 Board of Control met again on July 27, 2016 to award the 2016 Sidewalk Safety Improvements to
252 Konstruction King, Inc., in the amount of \$135,490.00. Board of Zoning & Building Appeals will meet
253 next Monday the 12th at 7:00 pm in Council Chambers to discuss Docket 09-16-1 B 21077, 21087 &

254 21095 Center Ridge Road and 3160, 3180, 3200 & 3220 W. 210 St. Applicant proposes 2 monument
255 signs on one parcel and also proposes 2 business listings on each monument sign, thereby including a
256 business located on adjoining parcel. This hearing pertains to the redevelopment of the Minerva's
257 Restaurant property on Center Ridge Road, W. 210 St. and Glenbar Drive. Two restaurants are proposed:
258 a Panda Express and a Red Robin. The Planning & Design Commission held a meeting on August 24,
259 2016 to discuss and approve the plan for Lot Split/Consolidation of the mentioned addresses. No time
260 frame was mentioned regard the demolition of the existing restaurant, vacant retail store, Swinging Door
261 Lounge, Print shop, four homes on W. 210 St and one home on Glenbar Drive.
262

263 COUNCILMAN WOJNAR offered congratulations to the officers on their promotions to Lieutenant and
264 Sergeant. He also wished Lt. Thomas Zinsmayer a long and eventful retirement and thanked him for his
265 service to this city. He welcomed everyone back from the summer recess and said he hoped that
266 everyone had a good summer. He received a lot of positive feedback from residents in Ward 3 once again
267 on Summer Fest and Food Truck festivals, and noted that the Gemini Center is looking great after its
268 sprucing up. A lot of the construction projects have wrapped up and the city is looking and working
269 better for those projects. He thanked Director Leininger for his help on some issue brought up by
270 residents in Ward 3. His quick response made the city look good. COUNCILMAN WOJNAR thanked
271 the Mayor for her kind words this evening and said he looks forward to a productive fall and winter.
272

273 COUNCILMAN HINKEL welcomed everyone back and looks for the remainder of the legislative year.
274

275 COUNCILMAN RUSSO reminded everyone that St. Mary Magdalene will be having their annual
276 European Festival on Saturday, September 10 from 11 am to 11 pm and volunteers are welcome. He
277 spoke on the school bond issue and said that they have shown great responsibility in not just spending the
278 money that they have in reserve, but by leveraging it they are preserving their triple "A" bond rating dso
279 that things last longer and can keep a better rate. He believes they are doing a good job financially. He
280 announced the dedication of the Innovation Center on September 15. He offered congratulations to
281 officers being promoted and Lt. Zinsmayer on his retirement. He said he looks forward to working with
282 everyone again.
283

284 COUNCILWOMAN CLEARY commented on Summerfest and is looking forward to getting back to
285 work with everyone.
286

287 THE CHAIR thanked Director Leininger for being so attentive to constituent issues he brought to him
288 over the summer and said he also looks forward to getting back to work as they return to the legislative
289 session.
290

291 THE CHAIR made a motion to adjourn to executive session for the purpose of conferencing with an
292 attorney for the public body concerning disputes involving the public body that are the subject to pending
293 or imminent court action (Section 3).
294

294 Moved and Seconded.

295 THE CHAIR asked for any discussion. No discussion.

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

297 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
298

299 THE CHAIR made a motion to return from executive session
300

300 Moved and Seconded.

301 THE CHAIR asked for any discussion. No discussion.

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

303 YES: B. McDonough, B. Minek, P. Wojnar, J. Hinkel, A. Russo, P. Cleary
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305 COUNCILMAN MINEK made a motion to adjourn the regular meeting with no further business.
306 Moved and Seconded.
307 THE CHAIR asked for any discussion. No discussion.
308 ROLL ON MOTION: Vote: YES-6, NO-0 | Meeting adjourned at 9:42 p.m.
309 YES: B. McDonough, B. Minek, P. Wojnar, J. Hinkel., A. Russo, P. Cleary

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Michael P. Kilbane, President of Council


Liz L. Westbrooks, Clerk of Council


Eileen Ann Patton, Mayor