



# CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

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**COMMITTEE MEETING**  
MONDAY, NOVEMBER 14, 2016  
Council Caucus Room  
7:00 p.m.

## MEETING CALLED TO ORDER | ROLL CALL

### ENVIRONMENT, PUBLIC WORKS, PLANNING & DEVELOPMENT – Councilman Minek, Chair

- ✧ Issue: City Sidewalks
- ✧ Issue: Municipal Facilities Maintenance

### LOCAL GOV'T & COMMUNITY SERVICES COMMITTEE - Councilman Hinkel, Chair

- ✧ Ord. 16-44 | Amending Section 505.02 - Nuisance Conditions Prohibited
- ✧ Issue: Dogs in City Parks

### FINANCE - Councilwoman Cleary, Chair

- ✧ Ord. 16-45 | Authorizing the Trade-In and Purchase of Portable Air Compressor
- ✧ Res. 16-26 | Accepting Grant from the OH Dept of Public Safety for Fire Department
- ✧ Res. 16-23 | County Fiscal Officer to Advance Taxes 2017
- ✧ Res. 16-24 | Resolution Supporting OPWC Grant Application for RRWWTP

## BOARD & COMMISSIONS REPORTS

## ROUNDTABLE

## EXECUTIVE SESSION

*Agenda and meeting documents for this meeting can be viewed online by using this code:*



CITY OF FAIRVIEW PARK  
ORDINANCE NO. 16-44  
REQUESTED AND SPONSORED BY COUNCILMAN HINKEL

AN ORDINANCE AMENDING CHAPTER 505 OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK TITLED “ANIMALS” PROVIDING FOR FURTHER PROHIBITION OF NUISANCE CONDITIONS AND DECLARING AN EMERGENCY

WHEREAS, it is in the best interest of the City of Fairview Park to amend Section 505.02 of the Codified Ordinances of the City of Fairview Park to provide for further prohibition of nuisance conditions and to calculate repeat offenses in total.

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

SECTION 1. That Section 505.02 of the Codified Ordinances of the City of Fairview Park is hereby amended as follows:

**505.02 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal in the City so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as hereinafter defined.

(b) No person shall intentionally or recklessly provide food within the Municipality to any wild or feral animal so as to create noxious or offensive odors or unsanitary conditions, endanger the health, comfort or safety of any other person, or contribute to the damage of real or personal property of any other person.

~~(b)(c)~~ Any animal, which by biting or frequent and habitual barking, howling or yelping, or in any way or manner injures or disturbs the quiet of any person or the community, or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such nuisance.

~~(c)~~ (d) Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

~~(d)~~ (e) No person being the owner or in charge or control of any dog shall allow or permit such dog to commit a nuisance on any school grounds, City park or other public property, or upon any private property other than that of the owner or person in charge or control of such dog without the permission of the owner of such property. Where the owner or person in charge or control of such dog immediately removes all feces deposited by such dog and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

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 provide for an immediate change to the ordinance, 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: 11.07.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 16-45  
REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE &  
DEVELOPMENT  
SPONSORED BY: COUNCILWOMAN CLEARY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO TRADE-IN (1) SULLAIR 185 PORTABLE AIR COMPRESSOR AND TO PURCHASE (1) NEW SULLAIR 185 PORTABLE AIR COMPRESSOR AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park owns a Sullair 185 Portable Air Compressor, operated by the Public Service Department, which is approximately 30 years old, inoperable and not being used; and,

WHEREAS, Southeastern Equipment Company, Incorporated will take trade-in of aforementioned Air Compressor, for a credit in the amount of Seven Hundred Fifty Dollars (\$750) and utilize the proceeds to offset the purchase of (1) new Sullair Portable Air Compressor to reduce the cost of the new air compressor.

WHEREAS, the Air Compressor can be purchased from Southeastern Equipment Company, Incorporated, an authorized vendor who offers such equipment at a competitively bid price determined by the Department of Transportation for the State of Ohio (ODOT).

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

SECTION 1. The Director of Finance is hereby authorized to trade-in the aforementioned Air Compressor to Southeastern Equipment Company, Incorporated to reduce the price of a new air compressor and is further authorized to purchase a new Sullair 185 Portable Air Compressor from Southeastern Equipment Company, Incorporated, an authorized vendor who offers such equipment to the City at a competitively bid price determined by ODOT.

SECTION 2. That the cost of the purchase of the equipment shall be paid from the Permanent Improvement Fund – Service Equipment (Fund 260) at a cost not to exceed Twenty-Two Thousand Dollars (\$22,000), less the authorized trade-in, to be paid in one lump sum

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

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to immediately dispose of old equipment, and provided it receives the affirmative vote of a majority plus one of the members of Council eligible to vote, 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.

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 so that the order for the equipment 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: 11.07.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 16-26  
REQUESTED BY: MAYOR EILEEN ANN PATTON  
SPONSORED BY: COUNCILWOMAN CLEARY  
CO-SPONSORED BY: COUNCILMAN MCDONOUGH

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT GRANT FUNDS FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY DIVISION OF MEDICAL SERVICES FOR THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY

WHEREAS, a grant to the Fire Department, in the amount of Four Thousand Seven Hundred Fifty Dollars (\$4,750.00) has been made by the Ohio Department of Public Safety Division of Emergency Medical Services.

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

SECTION 1. That the Mayor is hereby authorized to accept the grant from the Ohio Department of Public Safety Division of Emergency Medical Services in the amount of \$4,750.00, with said funds to be deposited into the EMS Grant Equipment Fund 100-1130-5253700 to purchase Medical Supplies that are on an approved list from the Ohio Department of Public Safety.

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

SECTION 3. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to allow for acceptance of the funds as soon as possible, 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: 11.07.16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 16-23  
REQUESTED BY: GREG CINGLE, INTERIM FINANCE DIRECTOR  
SPONSORED BY: COUNCILWOMAN CLEARY

A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

WHEREAS, Section 321.34 of the Ohio Revised Code of the State of Ohio provides that any money in the County Treasury in the account of the City of Fairview Park, and lawfully applicable to the purpose of the current year may be drawn upon request.

**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 Fiscal Officer of Cuyahoga County be and is hereby requested to draw Warrants and is hereby requested to pay to the Director of Finance of the City of Fairview Park any money in the County Treasury to the account of Fairview Park and lawfully applicable to the purposes of the fiscal year 2017. This request includes advances of special assessments.

SECTION 2. That the Clerk of Council is hereby authorized to furnish a certified copy of this Resolution to the 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 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 immediate preservation of the public peace, health, safety and for the further reason that it is immediately necessary to obtain the above mentioned advances in order to provide for proper financing of the City's obligations, 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.

PASSED:  
APPROVED:

1<sup>st</sup> reading: 10.17.16  
2<sup>nd</sup> reading: 11.07.16  
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. 16-24

REQUESTED BY: SHAWN LEININGER, PUBLIC SERVICE & DEVELOPMENT  
DIRECTOR

SPONSORED BY: COUNCILWOMAN CLEARY

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

A RESOLUTION REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT PROGRAM FOR THE FUNDING OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT (WWTP) 2017-2020 CAPITAL IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, the State Capital Improvements Program under the Ohio the Ohio Public Works Commission ("OPWC") provides financial assistance to political subdivisions for capital improvements to public infrastructure and,

WHEREAS, the City of Rocky River is planning to make capital improvements via the project known as the WWTP 2017-2020 Capital Improvements Project which will replace/repair aging equipment and structures within the Rocky River WWTP and,

WHEREAS, it has been determined by the six (6) year WWTP capital plan submitted with the annual WWTP budget that it is necessary for the City of Rocky River to submit applications for financial assistance for the management of the Rocky River Wastewater Treatment Plant on behalf of all member Cities, including Bay Village, Fairview Park and Westlake and,

WHEREAS, the infrastructure improvements described herein are considered to be an environmental priority need for the City of Rocky River Wastewater Treatment Plant and is a qualified project under the OPWC programs and,

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

SECTION 1. That the City of Rocky River is hereby requested to apply to the Ohio Public Works Commission's State Capital Improvement Program for financial assistance for capital infrastructure improvements projects for the management of the Rocky River Wastewater Treatment Plant on behalf of the City of Fairview Park.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to adoption of this Resolution were adopted in an open meeting of this Council, and

any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety and for the further reason that services referred to above must be expedited due to deteriorating conditions of the WWTP and NPDES requirements, and provided it receives the affirmative vote of majority plus one of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading: 10.17.16  
2<sup>nd</sup> reading: 11.07.16  
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