

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, NOVEMBER 21, 2016**
4

5 The regular meeting of Council was called to order by Council President Kilbane at 7:03 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, Public Service & Economic Development Director Leininger, Finance
11 Director Cingle, Law Director W. McGinty, Engineer M. Mackay
12

13 THE CHAIR called for a motion to dispose of the minutes of the Regular Meeting of Council held on
14 Monday, November 7, 2016.

15 Moved and Seconded.

16 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, minutes are approved.

17 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
18

19 **COMMITTEE REPORTS**

20 COUNCILMAN MINEK reported that the Environment, Public Works, Planning, Zoning &
21 Development committee met on Monday, November 14, 2016 @7pm to discuss two issues: The first issue
22 was **Municipal Facilities Maintenance**: Mayor Patton, Law Director McGinty, Finance Director Cingle
23 and Public Service/Development Director Leininger were present and participated in the discussion.
24 Several issues pertaining to all our Municipal Facilities were discussed. Three issues consisting of
25 repairs to the **roof at the Gemini Center; air conditioning servicing** and the **underground storage**
26 **tanks** area will be discussed at future committee meetings. Motion this issue remain in committee was
27 approved 7-0. The second issue, **City Sidewalks** was also discussed. Building commissioner Maynard
28 was not able to attend due to a Board of Zoning & Building Appeals meeting at the same time. Repairs to
29 sidewalks was the main concern. Any repairs to sidewalks are the responsibility of the property owner. It
30 was suggested a flyer noting methods of repairs be distributed to property owners who receive a
31 notification from the Division of Building to repair their sidewalk. It was agreed that the chair would
32 meet with Building Commissioner Maynard to discuss this issue. Motion this issue remain in committee
33 was approved 7-0. This completes my report!
34

35 COUNCILMAN HINKEL reported that the Local Government and Community Services Committee met
36 on Monday, November 14 to discuss an issue and an Ordinance. **Ordinance 16-44**, amending Section
37 505.02; council had a short discussion about the situation that brought rise to the ordinance and a
38 potential legislative fix to it. At the end of the discussion a motion to place on second but return to
39 committee passed on a 7-0 vote. There will be future research done on the issue, which will be presented
40 at a future committee meeting. The issue of **Dogs in City Parks** was discussed, and council has agree to
41 move forward with drafting an ordinance in regard to this. Council President has provided some
42 framework to be included in this, and a motion to continue review and discussion on this passed by a vote
43 of 7-0. This ended the Local Government and Community Services Committee meeting for the night.
44

45 COUNCILWOMAN CLEARY reported that the Finance Committee met on Monday, November 14th.
46 Finance Director. Greg Cingle and Sean Leininger, Director of Public Service and Development were in
47 attendance to discuss the following: **Ordinance 16-45** authorizes the Director of Finance to trade in (1)
48 Sullair 185 Portable Air Compressor and to purchase (1) new Sullair 185 Portable Air Compressor.
49 Director Leininger reported that the old compressor is 31 years old and is inoperable. The cost of the new
50 compressor is not to exceed \$22,000, less the trade-in, and will be paid for from the Service Equipment

51 Permanent Improvement Fund – 260. A motion to place on 2nd, subsequent 3rd carried 7-0. **Resolution**
52 **16-26** authorizes the Mayor to accept grant funds from the Ohio Department of Public Safety Division of
53 Medical Services for the Fire Department. A motion to place on 2nd, subsequent 3rd carried 7-0.
54 **Resolution 16-23** requests the County Fiscal Officer to advance taxes from the proceeds of tax levies
55 pursuant to Section 321.34 of the Ohio Revised Code. Finance Director Cingle reported that the
56 Cuyahoga County Fiscal Office collects the property taxes on behalf of the city and advances the funds
57 to the city. A motion to place on 3rd reading and up for passage carried 7-0. **Resolution 16-24** requests
58 that the City of Rocky River apply for financial assistance from the Ohio Public Works Commission's
59 State Capital Improvement Program for the funding of the Rocky River Wastewater Treatment Plans
60 2017-2010 Capital Improvements Project. Director Leininger reported that the total cost of the project is
61 \$1.9 million dollars for concrete and repair work to the clarifying building. A motion to place on 3rd
62 reading and up for passage carried 7-0. That concludes my report.

63

64 **LEGISLATION FOR FIRST READING**

65 COUNCILMAN HINKEL placed the following legislation up for first reading and introduction:

66 ORDINANCE NO. 16-46

67 REQUESTED BY: MAYOR EILEEN ANN PATTON

68 SPONSORED BY: COUNCILMAN HINKEL

69 *AN ORDINANCE SETTING THE MEMBERSHIP USER FEE SCHEDULE FOR THE FAIRVIEW PARK*
70 *RECREATION AND COMMUNITY CENTER GEMINI CENTER FOR THE YEAR 2017 AND*
71 *DECLARING AN EMERGENCY*

72 ACTION: Ordinance 16-46 was placed on first reading and referred to the Local Government and
73 Community Services Committee.

74

75 ORDINANCE NO. 16-47

76 REQUESTED BY: MAYOR EILEEN ANN PATTON

77 SPONSORED BY: COUNCILMAN HINKEL

78 *AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS*
79 *PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF FAIRVIEW*
80 *PARK, OHIO AND DECLARING AN EMERGENCY.*

81 ACTION: Ordinance 16-47 was placed on first reading and referred to the Local Government and
82 Community Services Committee.

83

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

85 ORDINANCE NO. 16-48

86 ORIGINATED BY: THE FINANCE DEPARTMENT

87 REQUESTED BY: MAYOR EILEEN PATTON

88 SPONSORED BY: COUNCILWOMAN CLEARY

89 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER*
90 *EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING*
91 *JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016 AND DECLARING AN EMERGENCY*

92 ACTION: Ordinance 16-48 was placed on first reading and referred to the Finance Committee.

93

94 ORDINANCE NO. 16-49

95 ORIGINATED BY: THE FINANCE DEPARTMENT

96 REQUESTED BY: MAYOR EILEEN PATTON

97 SPONSORED BY: COUNCILWOMAN CLEARY

98 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER*
99 *EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING*
100 *JANUARY 1, 2017 AND ENDING MARCH 31, 2017 AND DECLARING AN EMERGENCY*

101 ACTION: Ordinance 16-49 was placed on first reading and referred to the Finance Committee.
102
103 RESOLUTION NO. 16-27
104 REQUESTED BY: SENIOR LIFE DIRECTOR, REGINA SILLASEN
105 SPONSORED BY: COUNCILWOMAN CLEARY
106 CO-SPONSORED BY: COUNCILMAN MINEK
107 *A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE WESTERN*
108 *RESERVE AREA AGENCY ON AGING TO ACCEPT GRANT FUNDS FROM SAID AGENCY FOR THE*
109 *CITY'S PROGRAMS UNDER THE TITLE III OF THE OLDER AMERICANS ACT OF 1965 (42 USC 35)*
110 *WHICH PROVIDES FUNDING FOR TRANSPORTATION, NUTRITION AND SUPPORT SERVICES*
111 *AND PARTIAL FUNDING FOR SUPPLEMENTAL PROGRAMS THEREUNDER FOR 2017 AND*
112 *DECLARING AN EMERGENCY*
113 ACTION: Resolution 16-27 was placed on first reading and referred to the Finance Committee.
114
115 RESOLUTION NO. 16-28
116 *REQUESTED BY: MAYOR EILEEN ANN PATTON*
117 *SPONSORED BY: COUNCIL AS A WHOLE*
118 *A RESOLUTION ACCEPTING AND SUPPORTING THE PROJECT PROPOSED BY THE MAYOR AND*
119 *AUTHORIZING THE APPLICATION FOR ASSISTANCE TO BE SUBMITTED UNDER THE 2017*
120 *CUYAHOGA COUNTY MUNICIPAL GRANT PROGRAM AND DECLARING AN EMERGENCY*
121 ACTION: Resolution 16-28 was placed on first reading and referred to the Finance Committee.
122
123 RESOLUTION NO. 16-29
124 *REQUESTED BY: MAYOR EILEEN ANN PATTON*
125 *SPONSORED BY: COUNCIL AS A WHOLE*
126 *A RESOLUTION ACCEPTING AND SUPPORTING THE PROJECT PROPOSED BY THE MAYOR AND*
127 *AUTHORIZING THE APPLICATION FOR ASSISTANCE TO BE SUBMITTED UNDER THE 2017*
128 *CUYAHOGA COUNTY SUPPLEMENTAL GRANT PROGRAM AND DECLARING AN EMERGENCY*
129 ACTION: Resolution 16-29 was placed on first reading and referred to the Finance Committee.
130
131 **LEGISLATION FOR SECOND READING**
132 COUNCILMAN HINKEL placed the following legislation up for second reading:
133 ORDINANCE NO. 16-44
134 REQUESTED AND SPONSORED BY COUNCILMAN HINKEL
135 *AN ORDINANCE AMENDING CHAPTER 505 OF THE CODIFIED ORDINANCES OF THE CITY OF*
136 *FAIRVIEW PARK TITLED "ANIMALS" PROVIDING FOR FURTHER PROHIBITION OF NUISANCE*
137 *CONDITIONS AND DECLARING AN EMERGENCY*
138 ACTION: Ordinance 16-44 was placed on second reading and returned to the Local Government and
139 Community Services Committee.
140
141 COUNCILWOMAN CLEARY placed the following legislation up for second reading:
142 ORDINANCE NO. 16-45
143 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT
144 SPONSORED BY: COUNCILWOMAN CLEARY
145 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO TRADE-IN (1) SULLAIR 185*
146 *PORTABLE AIR COMPRESSOR AND TO PURCHASE (1) NEW SULLAIR 185 PORTABLE AIR*
147 *COMPRESSOR AND DECLARING AN EMERGENCY*
148 ACTION: Ordinance 16-45 was placed on second reading and subsequent third reading.
149
150 RESOLUTION NO. 16-26

151 REQUESTED BY: MAYOR EILEEN ANN PATTON
152 SPONSORED BY: COUNCILWOMAN CLEARY
153 CO-SPONSORED BY: COUNCILMAN MCDONOUGH
154 *A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT GRANT FUNDS FROM THE OHIO*
155 *DEPARTMENT OF PUBLIC SAFETY DIVISION OF MEDICAL SERVICES FOR THE FIRE*
156 *DEPARTMENT AND DECLARING AN EMERGENCY*
157 ACTION: Resolution 16-26 was placed on second reading and subsequent third reading.

158

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

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161 **LEGISLATION ON THIRD READING AND FINAL PASSAGE**

162 COUNCILWOMAN CLEARY placed the following legislation up for third reading and final passage:

163 RESOLUTION NO. 16-23

164 REQUESTED BY: GREG CINGLE, FINANCE DIRECTOR

165 SPONSORED BY: COUNCILWOMAN CLEARY

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

169 THE CHAIR asked for any further discussion prior to passage. No Discussion.

170 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carries, Resolution 16-23 passes.

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

172

173 RESOLUTION NO. 16-24

174 REQUESTED BY: SHAWN LEININGER, PUBLIC SERVICE & DEVELOPMENT DIRECTOR

175 SPONSORED BY: COUNCILWOMAN CLEARY

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

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

183 THE CHAIR asked for any further discussion prior to passage. No Discussion.

184 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carries, Resolution 16-24 passes.

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

186

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

188 COUNCILMAN MCDONOUGH placed the following legislation up for emergency passage:

189 RESOLUTION NO. 16-30

190 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

191 *A RESOLUTION CONGRATULATING SAINT EDWARD HIGH SCHOOL PRINCIPAL, DR. FRANK*
192 *O'LINN ON ACHIEVING RECOGNITION AS A NATIONAL BLUE RIBBON SCHOOL OF*
193 *EXCELLENCE*

194 THE CHAIR asked for any discussion.

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

197 Moved and Seconded.

198 THE CHAIR asked for any discussion. No discussion.

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

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

201 THE CHAIR asked for any further discussion prior to passage.
202 COUNCILMAN MCDONOUGH made a motion to dispense of Council Rule 53 requiring referral to
203 committee.
204 Moved and Seconded.
205 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries.
206 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
207 THE CHAIR asked for any further discussion prior to passage. No Discussion.
208 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carries, Resolution 16-30 passes.
209 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
210
211 RESOLUTION NO. 16-31
212 A RESOLUTION COMMENMORATING THE 25th ANNUAL TURKEY BOWL
213 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH
214 THE CHAIR asked for any discussion.
215 COUNCILMAN MCDONOUGH made a motion to suspend the Charter Provision and Rule 49 requiring
216 three readings.
217 Moved and Seconded.
218 THE CHAIR asked for any discussion. No discussion.
219 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries.
220 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
221 THE CHAIR asked for any further discussion prior to passage.
222 COUNCILMAN MCDONOUGH made a motion to dispense of Council Rule 53 requiring referral to
223 committee.
224 Moved and Seconded.
225 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries.
226 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
227 THE CHAIR asked for any further discussion prior to passage. No Discussion.
228 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carries, Resolution 16-31 passes.
229 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
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231 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
232 **OFFICIALS**

233 MAYOR PATTON thanked the residents of the city for the passage of Issue 59, which amends the
234 Zoning Code District of Office Building 3. The amendment passed by very large numbers. The city has
235 spoken to the developer, who is awaiting news of their submission of a historical grant. Once this takes
236 place, the project will begin. She also thanked residents for the passage and support of the school levy,
237 Issue 112, which also passed. MAYOR PATTON reminded everyone that food trucks, reindeer, Santa
238 and the lighting of the Christmas tree, which was donated by the Leathers family, will all be part of the
239 Fourth Annual Winterfest this Friday, November 25 in the Bain Cabin Park area from 5:30-7:30 pm.
240 Parking is available at the High School and the Library where there will be a shuttle for those that do not
241 want to walk to the event. Thanks to the Winterfest team of Danielle Danburg, Bob Benden, Mary Long,
242 Steve Owens, Terry Klopp and Bridget Hinkel. The event is hosted by our very own Fox 8 personality
243 and Fairview resident, Todd Meany. MAYOR PATTON wished everyone a Happy Thanksgiving.
244

245 DIRECTOR LEININGER announced that next Monday, November 28 will be the last yard waste day for
246 the city, and after that date it can be placed in the blue rubbish cart for pick-up on the regular collection
247 day. Plastic bags can also be placed out on bulk-pick up day, on the third Monday of each month. Yard
248 waste pick-up will resume in April 2017. The Director reported on the water leak on West 220th Street
249 between Alexander and Clifford from over the weekend. Due to the break, the road had to be closed for a
250 period of time last night as Cleveland Water crews came out and repaired it. The city's Service

251 Department will come back and do the road repair once the hole that they dug has a chance to settle. Leaf
252 collection is ongoing and city crews are working every day to get these up. The leaf tracker on the city
253 website can be checked to see where crews will be on a certain day. DIRECTOR LEININGER reported
254 that the city hall elevator roof repair project is underway and on schedule. Weather pending, it will be
255 completed next week. Most of the mortar has been removed from the exterior walls and the sloped roof
256 has been removed as well. The Director advised that the application for the state capital improvement
257 project to replace sewer and storm lines between West 227th, West 229th, West 212 and West 220th
258 Streets. Communication was received today that from the staff at the Cuyahoga County District One
259 committee has put us on the short list for primary recommendation. The committee will now review and
260 we will hopefully stay in that position and be sent to the state for funding. Out of a total of 53 projects
261 submitted, 19 were recommended for funding. This is a \$3.5 million dollar project, of which we would
262 split half of in grants and the other in loans. He wished everyone a Happy Thanksgiving.

263
264 DIRECTOR CINGLE said that anyone wishing to discuss Ordinance 16-48 (2016 Final Appropriations)
265 or 16-49 (2017 Temporary Appropriations) before the committee meeting next week, feel free to let him
266 know. He wished council, the Administration and residents a Happy Thanksgiving.

267
268 DIRECTOR MCGINTY wished everyone a Happy Thanksgiving and congratulated St Edward Principal
269 Dr. Frank O'Linn on their Blue Ribbon School designation.

270
271 ENGINEER MACKAY reported that the contractors are continuing to finish up the last few items on
272 punch list for the 2015 and 2016 water line projects and the 2016 paving projects. He advised that his
273 office is continuing to work on the plans and specifications for the 2017 water line projects that council
274 and the City of Cleveland has previously authorized. He wished everyone in the city a Happy
275 Thanksgiving.

276

277 **PUBLIC SESSION**

278

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

280 COUNCILMAN MCDONOUGH wished everyone a happy and safe Thanksgiving.

281

282 COUNCILMAN MINEK reported that the Planning & Design Commission met on Wednesday,
283 November 16 with 2 docket items; 22935 Lorain Road – The Salvage Yard, review of plan for signage
284 and exterior renovations, which was approved; 21280 Lorain Road – 808 Shave Ice, review of plan for
285 exterior renovations and fencing, which was also approved. COUNCILMAN MINEK wished everyone a
286 Happy Thanksgiving.

287

288 COUNCILMAN WOJNAR wished everyone a Happy Thanksgiving.

289

290 COUNCILMAN HINKEL also wished everybody a nice long weekend and to have some stuffing!

291

292 COUNCILMAN RUSSO said Happy Thanksgiving and not to forget the pumpkin pie.

293

294 COUNCILWOMAN CLEARY wished everyone a Happy Thanksgiving.

295

296 THE CHAIR announced that Council held an executive session on Monday, November 14 for the
297 purposes of conferences with an attorney for the public body concerning disputes involving the public
298 body that are the subject to pending or imminent court action; and preparing for, conducting, or
299 reviewing negotiations or bargaining sessions with public employees concerning their compensation or

300 other terms and conditions of their employment. THE CHAIR wished everyone a safe and happy
301 Thanksgiving.

302
303 THE CHAIR said with nothing further on the agenda he would entertain a motion to adjourn the regular
304 meeting.

305 Moved and Seconded.

306 THE CHAIR asked for any discussion. No discussion.

307 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 7:30 p.m.

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

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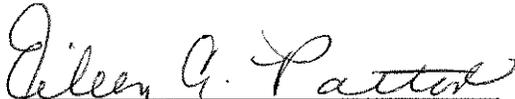


313 Michael P. Kilbane, President of Council

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317 Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council