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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, OCTOBER 1, 2018**
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, M. Kilbane, A. Russo and T. Smith

10 Administration – Mayor Patton, Director Cingle, Director McGinty and Engineer Mackay

11 ABSENT: Director Leininger
12

13 THE CHAIR called for a motion to excuse Councilman Wojnar from the meeting.

14 Moved and Seconded.

15 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

16 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
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18 THE CHAIR called for a motion to excuse Councilman J. Hinkel from the meeting.

19 Moved and Seconded.

20 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

21 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
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23 THE CHAIR called for a motion to dispose of the minutes of the regular meetings of September 17, 2018.

24 Moved and Seconded.

25 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

26 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
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28 **COMMITTEE REPORTS**

29 COUNCILMAN SMITH read the Finance report and said that The Finance Committee met on Monday,
30 September 24, 2018 at 7:27 pm. Present at the meeting were members of Council, Director of Public
31 Service and Development, Shawn Leininger, Finance Director Greg Cingle and Mayor Patton. The
32 following issues and legislation were discussed: **Ordinance 18-37** authorizes the mayor to enter into a
33 contract with McGowan and company for various insurance coverages for the City. The amount is for one
34 hundred sixty five thousand (\$165, 000), which is in line with the last several years. Director Cingle
35 stated that a representative from McGowan will be present at the next committee meeting on October 8. A
36 motion to place on second reading and return to committee carried by a vote of 6-0. **Ordinance 18-38**
37 authorizes the purchase of tasers and associated equipment for the Fairview Park Police Department. The
38 cost of the tasers is \$20,000, and will be paid for with funding received from a grant from the Ohio Office
39 of Criminal Justice Services (OCJS) in the amount of eight thousand four hundred twenty dollars and fifty
40 two cents (\$8,420.52), five thousand dollars (\$5,000) from the Police Auxiliary Association and six
41 thousand, five hundred seventy nine dollars and forty eight cents (\$6,579.48) from the Police Department
42 in the Permanent Improvement Fund 260. Councilman Minek said that he would like to see the legislation
43 passed on emergency, and council had no issue with this. Mayor Patton said that this will expand the
44 current pool of 10 to add 15 more tasers, and will allow each officer to have a taser as well as a pool for
45 detectives and certain trained auxiliary officers. She said that the chief thanks the organizations that
46 provided funding. A motion to pass on second was approved by a vote of 6-0 and the Chief Upperman will
47 be asked to provide an emergency letter on the recommendation of Council. **Ordinance 18-39** authorizes
48 a contract with Construction Resources for field observation and inspection related to the Gemini Roof
49 Replacement. Director Leininger said that this ordinance is tied in Ordinance 18-40, for the bids and
50 contracts and covers and includes a rate \$70.00 per hour, at an average of 8 hours a day, which is expected

51 to be about 5 months. It also covers \$100 hour for other services, including project meetings, representing
52 the city, reviewing pay requests and materials used in the project up to an amount of seventy six thousand
53 dollars (\$76,000) to be paid from the Recreation Capital Fund 231. The contract would begin when the
54 actual job begins on the Gemini Center. A motion to place on second and return to committee carried 6-0.
55 **Ordinance 18-40** authorizes the Director of Public Service and Development to advertise for bids and the
56 Mayor to award a contract for the Gemini roof replacement. Council asked about legislation authorizing
57 the use of a financial advisor for securing the recommended note financing. Director Leininger said that
58 the plan is to proceed, and assuming passage of the bid and award legislation, send it out for bid and then
59 proceed with the process for the note, which would be part of separate legislation within the next 30 days
60 to coincide with the passage of the bid and award legislation. Director Leininger stated that the
61 construction is one million six hundred fifty thousand dollars right now, and the 5% is to cover whatever
62 else may be discovered once the roof is removed. The contingency standard is typically 5-10 %. He said
63 that the knowing what we do about this roof, he is comfortable with the current 5%. Council asked about
64 the planned construction process and use of the facility. Director Leininger explained the need to remove
65 the walkway to gain access to the roof and also that there will limited use of the pools, but that one would
66 always be in service. He expects that the work will take four months, including the months of May, June
67 and July. The splash pad will be inaccessible due to safety concerns. Council asked what other
68 alternatives were available without taking out more debt for the city. Director Cingle said that another
69 option is to pay down Fund balances currently available, but would then not be available in an emergency.
70 He stated that that the Gemini Center debt will need to be refinanced at some point, and a note could be
71 rolled over at some point. The Administration conceded that there may be a need to increase taxes at some
72 point and Council asked said that perhaps this is the time to actually look at that. Council discussed the
73 city holding the money in the past and how that was not beneficial, and money the past and that perhaps
74 using money available should be considered. The Mayor said that the Administration has had many
75 discussions on the issue and suggested that we see what happens with the litigation and whether there is
76 monies received back and possibly use additional monies from the Cable TV Fund or a hybrid of the two.
77 Council said that the City will be cutting it close in the near future with just operating costs and asked
78 about possible options such as redirecting services like the Senior Center, as other cities have done. The
79 city has lost \$1.3 million dollars of revenue over the last 3 years between the Local Government Fund and
80 Estate tax. That, along with the prior loss of revenue lost from the NASA move will force the city to make
81 some tough decisions over the next few years. The Mayor said there are a few options out there such as
82 raising sewer rates and other avenues. President Kilbane said that the services the City offers are great,
83 but it also needs to find a way to have the money needed to operate without kicking the can down the road
84 for future officials to deal with. He asked the Administration present some other options they have
85 discussed as council considers the same. A motion to place on second and return to committee carried by a
86 6-0 vote. The Finance committee ended at 8:01 p.m.

87

88 **LEGISLATION ON FIRST READING**

89 COUNCILMAN SMITH placed the following legislation up for first reading and introduction:

90 ORDINANCE NO. 18-41

91 REQUESTED BY: MAYOR EILEEN ANN PATTON

92 SPONSORED BY: COUNCILMAN WOJNAR

93 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SERVICE AGREEMENT WITH TAC*
94 *COMPUTER, INC. AND DECLARING AN EMERGENCY*

95 ACTION: Ordinance 18-41 was placed on first reading and referred to the Finance Committee.

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97 ORDINANCE NO. 18-42

98 ORIGINATED BY: THE FINANCE DEPARTMENT

99 REQUESTED BY: MAYOR EILEEN ANN PATTON

100 SPONSORED BY: COUNCILMAN WOJNAR

101 AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER
102 EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING
103 JANUARY 1, 2018 AND ENDING DECEMBER 31, 2018 AND DECLARING AN EMERGENCY
104 ACTION: Ordinance 18-42 was placed on first reading and referred to the Finance Committee.
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106 **LEGISLATION ON SECOND READING**

107 COUNCILMAN SMITH placed the following legislation up for second reading:

108 ORDINANCE NO. 18-37

109 REQUESTED BY: GREG CINGLE, FINANCE DIRECTOR

110 SPONSORED BY: COUNCILMAN WOJNAR

111 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MCGOWAN
112 AND COMPANY FOR THE PROFESSIONAL SERVICES OF PROVIDING INSURANCE
113 REQUIREMENTS OF COMPREHENSIVE GENERAL LIABILITY, POLICE PROFESSIONAL
114 LIABILITY, FIREFIGHTER/AMBULANCE ATTENDANTS LIABILITY, BOILER AND MACHINERY
115 INSURANCE, COMPREHENSIVE AUTOMOBILE AND PHYSICAL DAMAGE LIABILITY, PUBLIC
116 OFFICIALS LIABILITY, PROPERTY AND EQUIPMENT COVERAGES, "UMBRELLA" COVERAGE,
117 AND CYBER PROTECTION COVERAGE AND DECLARING AN EMERGENCY

118 ACTION: Ordinance 18-37 was placed on second reading and returned to the Finance Committee.
119

120 ORDINANCE NO. 18-39

121 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF SERVICE & DEVELOPMENT

122 SPONSORED BY: COUNCILMAN WOJNAR

123 CO-SPONSORED BY: COUNCILMAN MINEK

124 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH
125 CONSTRUCTION RESOURCES, INC. TO PROVIDE CONSTRUCTION ADMINISTRATION AND FIELD
126 OBSERVATION SERVICES FOR THE GEMINI CENTER ROOF REPLACEMENT PROJECT
127 (PROJECT) AND DECLARING AN EMERGENCY.

128 Ordinance 18-39 was placed on second reading and returned to the Finance Committee.
129

130 ORDINANCE NO. 18-40

131 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF SERVICE & DEVELOPMENT

132 SPONSORED BY: COUNCILMAN WOJNAR

133 CO-SPONSORED BY: COUNCILMAN MINEK

134 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO
135 ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST
136 RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL FOR
137 THE GEMINI CENTER NATATORIUM ROOF REPLACEMENT PROJECT (PROJECT) AND
138 DECLARING AN EMERGENCY.

139 Ordinance 18-40 was placed on second reading and returned to the Finance Committee.
140

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

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143 **LEGISLATION ON PASSAGE WITHOUT THREE READINGS**

144 COUNCILMAN SMITH placed the following legislation up for emergency passage:

145 ORDINANCE NO. 18-43

146 REQUESTED BY: ANTHONY RAFFIN, FIRE CHIEF

147 SPONSORED BY: COUNCILMAN WOJNAR

148 AN ORDINANCE AUTHORIZING THE CITY COUNCIL TO ACCEPT THE BID OF THE LOWEST
149 RESPONSIVE AND RESPONSIBLE BIDDER AND AUTHORIZING THE MAYOR TO ENTER INTO A
150 CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE PURCHASE

151 *OF SELF CONTAINED BREATHING APPARATUS AS DETERMINED BY THIS COUNCIL, AND*
152 *DECLARING AN EMERGENCY*

153 COUNCILMAN SMITH made a motion to suspend the Charter Provision and Rule 49 requiring three
154 readings.

155 Moved and Seconded.

156 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

157 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith

158 COUNCILMAN SMITH made a motion to dispense Rule 53 requiring reference to Committee.

159 Moved and Seconded.

160 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

161 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith

162 THE CHAIR asked for any further discussion before passage. No Discussion.

163 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Motion carried, Ordinance 18-43 passes.

164 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith

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166 ORDINANCE NO. 18-38

167 REQUESTED BY: ERICH UPPERMAN, POLICE CHIEF

168 SPONSORED BY: COUNCILMAN WOJNAR

169 *AN ORDINANCE AUTHORIZING THE PURCHASE OF TASERS AND ASSOCIATED EQUIPMENT*
170 *FOR THE FAIRVIEW PARK POLICE DEPARTMENT (“POLICE DEPARTMENT”) AND ACCEPTING*
171 *FUNDS FROM THE FAIRVIEW PARK AUXILIARY POLICE ASSOCIATION (“FPAPA”) AND THE*
172 *OHIO OFFICE OF CRIMINAL JUSTICE SERVICES (“OCJS”) FOR THE PURCHASE OF SAID*
173 *EQUIPMENT AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED FUNDS AND FILE*
174 *ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED*
175 *FUNDS AND DECLARING AN EMERGENCY*

176 Ordinance 18-38 was placed on second reading and returned to the Finance Committee.

177 COUNCILMAN SMITH made a motion to suspend the Charter Provision and Rule 49 requiring three
178 readings.

179 Moved and Seconded.

180 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

181 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith

182 THE CHAIR asked for any further discussion before passage. No Discussion.

183 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Motion carried, Ordinance 18-38 passes.

184 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith

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186 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
187 **OFFICIALS**

188 MAYOR PATTON gave the following updates: Leaf pick up will begin on October 22; there will be a
189 public meeting on October 18 at the Gemini Center at 7pm to gather input from the community for the
190 Lorain Road Corridor Study in efforts to develop a vision strategy for safety, walkability, greenspace and
191 identification of the downtown area; Equipment and landscaping work continues at Nelson Russ and
192 Grannis Parks; October 5 is Fairview High School’s homecoming. There will be a parade that starts at the
193 Fairview Shopping Center and Saturday the Young Marines will hold a 5K starting at 9 am. Halloween
194 trick-or-treating will take place on Halloween. MAYOR PATTON thanked Gemini employees for their
195 assistance and work for the Fairview Flea Fest, which was a successful event. She wished Finance
196 Director Cingle a Happy Birthday.

197

198 DIRECTOR CINGLE said that the monthly financial reports are coming for the month of September. He
199 thanked everyone for birthday wishes given.

200 ENGINEER MACKAY reported that Crossroads Asphalt has started work for the 2018 Street Program
201 and should be completed by early November. Catts Construction has begun the 2018 Water Line project
202 on North Park Dr, and it should be complete by the beginning of November. ENGINEER MACKAY said
203 that they are working ODOT on plans for the slide area project on Lorain Road, which are expected to be
204 approved by early next year. Plans for the Clifford Road sewer plans are being finalized and will be bid in
205 the next several weeks.

206

207 **PUBLIC SESSION**

208 MR. CHUCK SOTU – 20867 Fairpark Dr – MR. SOTU asked about the replacement of lights for the
209 Center Ridge Road Project.

210 MAYOR PATTON said that the project on Center Ridge was a study, and no construction work was being
211 completed.

212 MR. SOTU asked about the status of the new restaurant on Lorain Road.

213 MAYOR PATTON said that they held a soft opening and will be officially open once they finish work on
214 the building.

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216 MR. JOHN TAYLOR – 22405 Macbeth Ave – MR. TAYLOR said that the Brookpark Bridge is looking
217 great and asked about the ODOT timeline for work on the lighting. A couple of the lights are being held
218 by tape and poles have not been attended to. He hopes that this gets addressed before the darker evenings
219 come. He asked about the increase of power outages in the Macbeth, and perhaps others in the area. He
220 said that he can understand during storms and transformers blowing, but it is happening in circumstances
221 where the weather is not bad. He asked that the city looks into this happening in the city.

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223 MS. DEB HAMMERLE – 22326 Haber Dr – MS. HAMMERLE thanked Mr. Taylor for bringing the
224 issue of power outages up and said that she wanted to add to that, as she has called the

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

227 COUNCILMAN MINEK announced that the Board of Control this morning at 10:20 am to award the
228 contract for the Senior Center Roof Replacement Project. Three bids were received for the estimated
229 \$487,000 project. USA Roofing from Twinsburg, Ohio was awarded the contract in the amount of
230 \$467,444. COUNCILMAN MINEK asked that the Mayor add the northern section of the city when
231 inquiring about the power outages.

232

233 COUNCILMAN RUSSO said that he has spoken to Director Leininger regarding the lights and poles on
234 the Brookpark Bridge. He has found out who is responsible for it and knows he is working on this issue
235 and they should be on and fixed soon.

236

237 THE CHAIR reported that Council held an executive session on Monday, September 24 for the purpose of
238 Conferences with an attorney for the public body concerning disputes involving the public body that are
239 the subject to pending or imminent court action.

240

241 THE CHAIR assigned the issue of supporting a resolution advocating for a national postal banking system
242 to the Local Government and Community Services Committee.

243

244 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.

245 Moved and Seconded.

246 ROLL ON MOTION: Vote: YES-5, NO-0 | Meeting adjourned at 7:27 p.m.

247 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith

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251 William F. Minek, Council President Pro Tem

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255 Liz L. Westbrooks, Clerk of Council

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