



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

COMMITTEE MEETING
MONDAY, OCTOBER 22, 2018
7:00 p.m.
Council Caucus Room

MEETING CALLED TO ORDER

FINANCE COMMITTEE – Councilman Wojnar, Chair

- ✧ Ord. 18-44 | 2019-20 County Board of Health Contract
- ✧ Ord. 18-45 | 2018-19 County CDSG Supplemental Grant Application and Administration
- ✧ Ord. 18-39 | Authorizing Agreement with Construction Resources for Gemini Center Roof Project
- ✧ Ord. 18-40 | Bids and Contracts for Gemini Center Roof Restoration Project
- ✧ Ord. 18-46 | Authorizing Increase in Expenditure for Vickers Law Group for Gemini Roof
- ✧ Res. 18-15 | Resolution Supporting National Postal Banking

BOARD & COMMISSIONS REPORTS

ROUNDTABLE

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CITY OF FAIRVIEW PARK
ORDINANCE NO. 18-44
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN WOJNAR

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CUYAHOGA COUNTY BOARD OF HEALTH FOR HEALTH SERVICES FOR THE YEARS 2019 AND 2020 AND DECLARING AN EMERGENCY

WHEREAS, Chapter 3709 of the Ohio Revised Code mandates that all Ohio municipalities must provide health services either through a city health district or by a valid contract with the county health district; and

WHEREAS, in the past, the City of Fairview Park has contracted for such services with Cuyahoga County Board of Health; and

WHEREAS, the District Advisory Council of the Cuyahoga County General Health District authorized the Chairman of the District Advisory Council to enter into a contract with the City of Fairview Park to provide such services for the years 2019 and 2020.

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

SECTION 1. The Mayor is hereby authorized to enter into a contract with the Cuyahoga County Board of Health for public health services for the years 2019 and 2020. The cost will not exceed Seventy-Nine Thousand Seven Hundred Fifty-five Dollars (\$79,755.00) for calendar year 2019 and will not exceed Ninety-One Thousand Seven Hundred Two Dollars (\$91,702.00) for calendar year 2020 to be deducted from the City's taxes by the County Fiscal Officer, and will be charged to the General Fund, Public Health line item (100.770.5243100). The City shall pay the sums stated herein in equal, semi-annual installments of Thirty-Nine Thousand Eight Hundred Seventy-Seven Dollars and Fifty Cents (\$39,877.50) from the regular property tax settlement to be made for the City for calendar year 2019 and Forty-Five Thousand Eight Hundred Fifty-One Dollars (\$45,851.00) from the regular property tax settlement to be made for the City for calendar year 2020.

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 provide for necessary health services for 2019 and 2020, 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:

1st reading: 10.15.18
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 18-45
REQUESTED BY: ERICH UPPERMAN, POLICE CHIEF
SPONSORED BY: COUNCILMAN WOJNAR
CO-SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2019 COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR POLICE DEPARTMENT RENOVATIONS AND THE INSTALLATION OF AN ADA COMPLIANT WOMEN'S RESTROOM AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the Cuyahoga County Department of Development ("Cuyahoga County") solicited applications for the Community Development Supplemental Grant ("CDSG"), a program that provides grant funding on a competitive basis for a variety of projects to help strengthen cities, encourage regional collaboration, and improve the quality of life for County residents; and

WHEREAS, the City of Fairview Park intends to submit an application to Cuyahoga County for CDSG funding to renovate the Police Department's outdated men's and women's locker room; construct a Americans with Disabilities Act ("ADA") compliant women's restroom; and repurpose the inactive shooting range to establish specialized workspace utilization, evidence processing, and storage ("Project"); and

WHEREAS, such improvements will result in a better working environment for police officers; aid in the retention and recruitment of current and future police officers; provide essential accommodations for policewomen and female staff that do not currently exist; provide an ADA restroom for visitors and staff of the police department; and increase operational efficiency; and

WHEREAS, the CDSG program provides one hundred percent (100%) reimbursement for project costs in an amount not to exceed Fifty Thousand Dollars (\$50,000), requiring the applicant to first expend funds and then request reimbursement from Cuyahoga County; and

WHEREAS, the estimated total cost for the Project is Two Hundred Thousand Dollars (\$200,000); and

WHEREAS, the estimated local match for the Project is One Hundred Fifty Thousand Dollars (\$150,000); and

WHEREAS, legislation supporting and authorizing the application is required and applications for assistance must be submitted by November 30, 2018.

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 Council of the City of Fairview Park hereby approves the application to be submitted for the Project to be funded under the 2019 CDSG program.

SECTION 2. That the Clerk is hereby authorized to attach a certified copy of this Ordinance to the application for assistance prior to its filing.

SECTION 3. That the Mayor and City Administration are authorized to submit a grant application for the purpose of funding the proposed improvements by November 30, 2018.

SECTION 4. That the City's request for CDSG funding is in the amount of Fifty Thousand Dollars (\$50,000) and all costs will be paid on a reimbursement basis out of the Permanent Improvement Fund (260).

SECTION 5. That the City's local funding match is to be paid out of the Permanent Improvement Fund (260); and

SECTION 6. That the Mayor and City Administration are authorized to file all documents and execute all agreements necessary to accept the award and receive any grant funds; and that the funds are appropriated solely for purposes described in this Ordinance.

SECTION 7. 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 8. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, safety and welfare; and for the further reason that the application must be submitted by the November 30, 2018 deadline; and provided it received an 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:

1st reading: 10.15.18
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 18-39

REQUESTED BY: SHAWN LEININGER, DIRECTOR OF SERVICE & DEVELOPMENT

SPONSORED BY: COUNCILMAN WOJNAR

CO-SPONSORED BY: COUNCILMAN MINEK

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

WHEREAS, Construction Resources, Inc. conducted a Roof Study (“Study”) for the Fairview Park Gemini Center Natatorium roof in March of 2017 and April of 2018; and

WHEREAS, the Study concluded that the roof system is compromised and requires repairs and replacement; and

WHEREAS, Construction Resources, Inc. has prepared design plans and specifications setting forth the work to be completed in repairing and replacing the Gemini Center Natatorium roof; and

WHEREAS, the scope of the Project was developed in accordance with Study recommendations and generally includes roof removal and replacement, PoolPak removal and reinstallation, partial removal and replacement of the standing seam metal roofs covering the fitness floor and water slide area, disassembly and reassembly of the covered walkway connecting Gemini Center to the Fairview Park Middle and High Schools, and sheet metal removal and replacement including trim, fascia, and parapets; and

WHEREAS, the City of Fairview Park desires to have third party construction administration and observation to ensure the work is completed in accordance with the plans and specifications.

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

SECTION 1. The Mayor is hereby authorized to enter into an agreement with Construction Resources, Inc. to provide construction administration and observation services for the Project.

SECTION 2. That Construction Resources, Inc. shall be paid for the services rendered in accordance with an agreement with the City in amount not to exceed seventy-six thousand dollars (\$76,000) to be paid from the Recreation Capital Fund (Fund 231).

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 public peace, health, safety and welfare; and for the further reason that the Project shall begin at the earliest day possible to avoid further damage to the roof system; and provided it received an 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:

1st reading: 09.17.18
2nd reading: 10.01.18
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 18-40

REQUESTED BY: SHAWN LEININGER, DIRECTOR OF SERVICE & DEVELOPMENT

SPONSORED BY: COUNCILMAN WOJNAR

CO-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 THE GEMINI CENTER NATATORIUM ROOF REPLACEMENT PROJECT (PROJECT) AND DECLARING AN EMERGENCY.

WHEREAS, Construction Resources, Inc. conducted a Roof Study (“Study”) for the Fairview Park Gemini Center Natatorium roof in March of 2017 and April of 2018; and

WHEREAS, the Study concluded that the roof system is compromised and requires repairs and replacement; and

WHEREAS, Construction Resources, Inc. has prepared design plans and specifications setting forth the work to be completed in repairing and replacing the Gemini Center Natatorium roof; and

WHEREAS, the scope of the Project was developed in accordance with Study recommendations and generally includes roof removal and replacement, PoolPak removal and reinstallation, partial removal and replacement of the standing seam metal roofs covering the fitness floor and water slide area, disassembly and reassembly of the covered walkway connecting Gemini Center to the Fairview Park Middle and High Schools, and sheet metal removal and replacement including trim, fascia, and parapets; and

WHEREAS, the total estimated construction cost is one million six hundred fifty thousand dollars (\$1,650,000) as determined by the design plans and specifications.

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 is hereby authorized to advertise and accept bids for the Project.

SECTION 2. That the Mayor is authorized to enter into a contract with the lowest responsive and responsible bidder as determined by the Board of Control for the Project in an amount not to exceed one million seven hundred thirty-two thousand five hundred dollars (\$1,732,500) determined as follows and to be paid from the Recreation Capital Fund (Fund 231):

A. Construction costs not to exceed one million sixty hundred fifty thousand dollars (\$1,650,000).

B. Contingency costs not to exceed five percent (5%) of the actual awarded bid price.

SECTION 3. That the City of Fairview Park recognizes the necessity of a skilled and trained construction workforce. Additionally, a skilled trained construction workforce is necessary to ensure that the City of Fairview Park receives the highest quality product on behalf of its taxpayers. Therefore, all contractors and subcontractors seeking to submit a bid to the City of Fairview Park for this Project shall provide disclosure or evidence that it sponsors, participates in, hires enrollees or exclusively hires graduates of an apprenticeship program certified by the State of Ohio or the U.S. Department of Labor. Affirmatively meeting this standard shall be a precondition of any bid being considered responsive by the City of Fairview Park. The failure to meet this standard shall result in a bidder being classified as not responsible.

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 Project shall begin at the earliest day possible to avoid further damage to the roof system; 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:

1st reading: 09.17.18
2nd reading: 10.01.18
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 18-46
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN WOJNAR

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 18-25, AN ORDINANCE AUTHORIZING THE MAYOR TO ENGAGE THE LAW FIRM OF THE VICKERS LAW GROUP CO., LPA AS SPECIAL COUNSEL FOR RESOLUTION OF CONSTRUCTION ISSUES AT THE GEMINI CENTER AND DECLARING AN EMERGENCY.

WHEREAS, on January 16, 2018, Council passed Ordinance 18-04 Amended, approved by the Mayor on January 17, 2018, authorizing the Mayor to engage the law firm of the Vickers Law Group Co. LPA as special counsel for the resolution of construction issues at the Gemini Center; and

WHEREAS, on July 2, 2018, Council passed Ordinance 18-25, approved by the Mayor on July 3, 2018 increasing the amount of fees to be paid \$100,000.

WHEREAS, it has been determined that an increase in the number of hours are needed to prepare for an arbitration hearing in this matter which has not been settled.

WHEREAS, the Director of Law, by letter of January 9, 2018 attached hereto as Exhibit “A”, has certified to the Mayor, pursuant to Section 123.04 of the Codified Ordinances of Fairview Park, of the necessity to engage special outside counsel to assist the Law Department in resolving the outstanding construction issues at the Gemini Center; and,

WHEREAS, the Vickers Law Group Co. LPA, and specifically F. Thomas Vickers, is a recognized expert in the field of representing clients in complex construction matters, and possess the necessary skills, expertise and resources to carry out the services which may be required with respect to the resolution of the outstanding construction issues at the Gemini Center; and,

WHEREAS, the Director of Law has recommended that The Vickers Group Co. LPA, and F. Thomas Vickers be engaged to provide these services.

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 Mayor is hereby authorized to engage the law firm of The Vickers Group Co., LPA to provide expert legal services to assist the Law Department in resolving the outstanding construction issues at the Gemini Center.

SECTION 2. That the services of The Vickers Group will be provided on an hourly basis, the fees of such services shall not exceed the sum of \$150,000.00 including costs related thereto without further consent of Council. The fees shall be taken from the Recreation Construction Fund (231).

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 continue ongoing representation on behalf of the City 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:

1st reading: 10.15.18
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
RESOLUTION NO. 18-15
REQUESTED BY: COUNCILMAN WOJNAR
SPONSORED BY: COUNCILMAN WOJNAR AND COUNCIL PRESIDENT KILBANE

A RESOLUTION IN SUPPORT OF THE ESTABLISHMENT OF A NATIONAL POSTAL
BANKING SYSTEM

WHEREAS, an astounding one in four U.S. households (26.9%) is at least partially outside the financial mainstream, or underserved by traditional banks, according to a 2015 survey by the Federal Deposit Insurance Corporation; and

WHEREAS those underserved by traditional banks must rely on high-cost and often predatory “alternative” financial services including payday loans and check-cashing services, resulting in underserved households with an average annual income of \$25,000 spending an average of \$2,400 per year on interest and fees; and

WHEREAS, access to financial services is key to ensuring economic and social opportunity for low-income Americans, a vital priority at a time of growing inequality in our nation; and

WHEREAS, large banks have closed branches in low-income communities (where the largest number of underserved Americans reside); and

WHEREAS, the U.S. Postal Service operates more than 33,000 retail locations nationwide, many of which are located in “bank deserts” (59 percent of post offices are in zip codes with either zero banks or only one bank branch); and

WHEREAS, the U.S. Postal Service has a mandate to serve all Americans, regardless of geography, at affordable and uniform pricing; and has a skilled workforce which processes more than 286,000 money orders every day; therefore, the Postal Service has the infrastructure to provide much-needed financial services;

WHEREAS, worldwide, 1.5 billion people receive some financial services through their postal service and the U.S. Post Office Department successfully offered financial services, including savings accounts, for more than 50 years from 1911-1967; and

WHEREAS, the Postal Service is consistently rated one of the most trusted institutions and enjoys a much higher level of confidence from the public than do banks and payday lenders; and

WHEREAS, the USPS Office of Inspector General asserts that the Postal Service can act now to provide consumers with affordable financial services, by expanding and enhancing services including money orders and international money transfers, and introducing new services such as check-cashing, bill pay, and no-fee ATMS, and can do so under current legal and regulatory authority; and

WHEREAS, providing these services would strengthen our national treasure, the public Postal Service; and

WHEREAS, every other developed country in the world has postal banking, and the U.S. Conference of Mayors endorsed postal banking in 2014;

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

SECTION 1. This Council does hereby call on the U.S. Postal Service to expand and enhance existing services such as check cashing and international money transfers, and to take necessary steps towards designing and implementing additional financial services.

SECTION 2. That the Clerk of Council is hereby directed to forward certified copies of this resolution to the Campaign for Postal Banking.

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 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:

1st reading: 10.15.18
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council