

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, NOVEMBER 19, 2018**
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, M. Kilbane, A. Russo and T. Smith

10 Administration – Mayor Patton, Director Leininger, Director Cingle, Director McGinty, Engineer Mackay
11

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

13 Moved and Seconded

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

15 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
16

17 THE CHAIR made a motion to approve the minutes of the regular meetings of November 5, 2018.

18 Moved and Seconded.

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

20 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
21

22 **COMMITTEE REPORTS**

23 COUNCILMAN RUSSO reported that the Environment, Public Works, Planning, Zoning and
24 Development Committee met on Monday, November 12 at 7:50 p.m. and first discussed **Ordinance 18-47**
25 for bids and contracts for Campus Drive and West 210th St Water Main Replacement and Extension. An
26 invitation was extended to Director Leininger to answer some questions related to the ordinance at the
27 next committee meeting and was voted to place on second reading and return to committee 5-0.
28 **Ordinance 18-48**, authorizing an agreement with Fairview City Schools for fire line and hydrant
29 replacement was also placed on 2nd reading and returned to committee by a vote of 5-0. Director Leininger
30 was invited to answer questions at the next committee meeting for this as well. The meeting ended at 7:52
31 p.m.
32

33 COUNCILMAN MCDONOUGH reported that the Local Government and Community Services
34 Committee met on November 12, 2018 at 7:52 pm to discuss **Ordinance 18-49**, setting the membership
35 user fees for the Gemini Center for 2019. Under the city's joint agreement with the Fairview Park City
36 School District, our Recreation Department prepares and submits that fee schedule to Council every year.
37 An invitation was extended to Mayor Patton and Recreation Director, Steve Owens to discuss new
38 promotions for the Gemini Center and to provide membership data regarding finances for the Gemini
39 Center for the last 3 years. A vote to place on second and return to committee passed by a vote of 5-0. The
40 meeting ended at 8:00 p.m.
41

42 COUNCILMAN SMITH read the Finance report: The Finance Committee met on Monday, November 12th
43 at 8:00 pm to discuss the following: **Resolution 18-17**, authorizes the Mayor to accept the funds donated
44 by Giant Eagle for the Senior Center to provide transportation services. Giant Eagle has awarded the
45 Fairview Park Senior Life Office Two Thousand Dollars (\$2,000.00) to use for transportation for seniors.
46 A motion made to place on second and subsequent third passed 5-0. **Resolution 18-18** authorizes the
47 Mayor to enter into a contract with Western Reserve Agency on Aging to accept grant funds for the city's
48 programs under the title three of the Older Americans Act of 1965. The grant provides partial funding in
49 an amount not to exceed \$20,000 and it will be deposited in the Special Hold Fund (611). A motion to
50 place on second and subsequent third passed 5-0. **Ordinance 18-50** supports and authorizes the

51 submission of an application to the Ohio Department of Natural Resources for the 2019 Land & Water
52 Conservation Fund Grant Program to provide financial assistance for the reconstruction of a public
53 restroom at Bain Park. The ordinance authorizes the Mayor to accept any awarded grant funds and file all
54 documents and execute all agreements necessary to receive and administer any awarded grant funds. The
55 purpose of grant is to pay for 50% of the reconstructing cost of the Bain Park public restroom. Then
56 application must be submitted by November 15, 2018. Total estimated project cost is (\$179,616.50), of
57 which the City is required to provide a fifty (50%) percent local funding match of (\$89,808.25) out of the
58 Recreation Fund (230). A motion to place on second and return to committee passed 5-0. The Committee
59 is requesting Recreation Director Steve Owens and Public Service Director Shawn Leininger to attend the
60 next committee meeting. **Ordinance 18-46** repeals and replace Ordinance 18-25, which authorized the
61 Mayor to engage the Law Firm of the Vickers Law Group Co., LPA. as special counsel for resolution of
62 construction issues with the natatorium roof at the Gemini Center. This is the 2nd increase for the legal
63 fees provided for special counsel. The fees of such services shall not exceed the sum of \$150,000.00
64 including costs related thereto without further consent of Council. The fees shall be taken from the
65 Recreation Construction Fund (231). A motion to pass on third passed 5-0. The meeting ended at 8:09
66 pm.

67
68 THE CHAIR made a motion to amend the agenda to remove and Ordinance from passage without three
69 readings and place under legislation for first reading.

70 Moved and Seconded.

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

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

73

74 **LEGISLATION ON FIRST READING**

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

76 ORDINANCE NO. 18-53

77 REQUESTED BY: FINANCE DIRECTOR GREG CINGLE

78 SPONSORED BY: COUNCILMAN WOJNAR

79 *AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE COMPUTER EQUIPMENT FOR*
80 *UPGRADES TO THE CITY'S COMPUTER SYSTEMS AND DECLARING AN EMERGENCY*

81 ACTION: Ordinance 18-53 was placed on first reading and referred to the Finance Committee.

82

83 ORDINANCE NO. 18-54

84 ORIGINATED BY: THE FINANCE DEPARTMENT

85 REQUESTED BY: MAYOR EILEEN ANN PATTON

86 SPONSORED BY: COUNCILMAN WOJNAR

87 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER*
88 *EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING*
89 *JANUARY 1, 2018 AND ENDING DECEMBER 31, 2018 AND DECLARING AN EMERGENCY*

90 ACTION: Ordinance 18-54 was placed on first reading and referred to the Finance Committee.

91

92 ORDINANCE NO. 18-55

93 ORIGINATED BY: THE FINANCE DEPARTMENT

94 REQUESTED BY: MAYOR EILEEN PATTON

95 SPONSORED BY: COUNCILMAN WOJNAR

96 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER*
97 *EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING*
98 *JANUARY 1, 2019 AND ENDING MARCH 31, 2019 AND DECLARING AN EMERGENCY.*

99 ACTION: Ordinance 18-55 was placed on first reading and referred to the Finance Committee.

100

101 ORDINANCE NO. 18-56
102 REQUESTED BY: MAYOR EILEEN ANN PATTON
103 SPONSORED BY: COUNCILMAN WOJNAR
104 CO-SPONSORED BY: COUNCILMAN MINEK
105 *AN ORDINANCE ACCEPTING AND APPROVING THE PRE-CONSTRUCTION TAX ABATEMENT*
106 *APPLICATION OF MARK J. POMPEANI, DDS FOR ELIGIBLE IMPROVEMENTS TO PROPERTY*
107 *LOCATED AT 20520-40 LORAIN ROAD (PARCEL 323-20-005) AND DECLARING AN EMERGENCY*
108 ACTION: Ordinance 18-56 was placed on first reading and referred to the Finance Committee.
109

110 RESOLUTION NO. 18-19
111 REQUESTED BY: GREG CINGLE, FINANCE DIRECTOR
112 SPONSORED BY: COUNCILMAN WOJNAR
113 *A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE*
114 *PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND*
115 *DECLARING AN EMERGENCY*
116 ACTION: Resolution 18-19 was placed on first reading and referred to the Finance Committee.
117

118 COUNCILMAN MINEK placed the following legislation up for first reading and introduction:
119 ORDINANCE NO. 18-57
120 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT
121 SPONSORED BY: COUNCILMAN MINEK
122 *AN EMERGENCY ORDINANCE ENACTED BY THE CITY OF FAIRVIEW PARK, CUYAHOGA*
123 *COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE MUNICIPALITY, THAT REQUESTS THE*
124 *COOPERATION OF THE COUNTY OF CUYAHOGA, OHIO, HEREINAFTER REFERRED TO AS THE*
125 *COUNTY, IN THE MATTER OF THE RESURFACING OF MASTICK ROAD FROM THE WESTERN*
126 *CORPORATION LINE TO EATON ROAD AS HEREINAFTER DESCRIBED AND AUTHORIZING THE*
127 *MAYOR TO FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE*
128 *ASSISTANCE AND DECLARING AN EMERGENCY*
129 CHAIR: Resolution 18-57 is placed on first reading and referred to the Environment, Public Works,
130 Planning, Zoning and Development Committee.
131

132 **LEGISLATION ON SECOND READING**

133 COUNCILMAN MINEK placed the following legislation up for second reading:
134 ORDINANCE NO. 18-47
135 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT
136 SPONSORED BY: COUNCILMAN MINEK
137 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO*
138 *ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT FOR THE CAMPUS*
139 *DRIVE AND WEST 210 STREET WATER MAIN REPLACEMENT AND EXTENSION PROJECT AND*
140 *DECLARING AN EMERGENCY*
141 ACTION: Ordinance 18-47 was placed on first reading and returned to the Environment, Public Works,
142 Planning, Zoning and Development Committee.
143

144 ORDINANCE NO. 18-48
145 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT
146 SPONSORED BY: COUNCILMAN MINEK
147 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE*
148 *FAIRVIEW PARK CITY SCHOOLS (SCHOOL DISTRICT) AND DECLARING AN EMERGENCY*
149 ACTION: Ordinance 18-48 was placed on second reading and returned to the Environment, Public Works,
150 Planning, Zoning and Development Committee.

151
152 COUNCILMAN MCDONOUGH placed the following legislation up for second reading:
153 ORDINANCE NO. 18-49
154 REQUESTED BY: MAYOR EILEEN ANN PATTON
155 SPONSORED BY: COUNCILMAN MCDONOUGH
156 *AN ORDINANCE SETTING THE MEMBERSHIP USER FEE SCHEDULE FOR THE FAIRVIEW PARK*
157 *RECREATION AND COMMUNITY CENTER GEMINI CENTER FOR THE YEAR 2019 AND*
158 *DECLARING AN EMERGENCY*
159 CHAIR: Ordinances 18-49 was placed on second reading and returned to the Local Government and
160 Community Services Committee.

161
162 COUNCILMAN SMITH placed the following legislation up for second reading:
163 ORDINANCE NO. 18-50
164 REQUESTED BY: STEVEN OWENS, DIRECTOR OF RECREATION
165 SPONSORED BY: COUNCILMAN WOJNAR
166 CO-SPONSORED BY: COUNCILMAN MINEK
167 *AN ORDINANCE SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO*
168 *THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE 2019 LAND & WATER*
169 *CONSERVATION FUND GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR THE*
170 *RECONSTRUCTION OF A PUBLIC RESTROOM AT BAIN PARK AND AUTHORIZING THE MAYOR*
171 *TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL*
172 *AGREEMENTS NECESSARY TO RECEIVE AND ADMINISTER ANY AWARDED GRANT FUNDS AND*
173 *DECLARING AN EMERGENCY*
174 CHAIR: Ordinances 18-50 was placed on second reading and returned to the Finance Committee.

175
176 RESOLUTION NO. 18-17
177 REQUESTED BY: MAYOR EILEEN ANN PATTON
178 SPONSORED BY: COUNCILMAN WOJNAR
179 CO-SPONSORED BY: COUNCILMAN MINEK
180 *A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE FUNDS DONATED BY GIANT*
181 *EAGLE FOR THE SENIOR CENTER TO PROVIDE TRANSPORTATION SERVICES AND DECLARING*
182 *AN EMERGENCY*
183 CHAIR: Resolution 18-17 are placed on second reading and subsequent third reading.

184
185 RESOLUTION NO. 18-18
186 REQUESTED BY: SENIOR LIFE DIRECTOR, REGINA SILLASEN
187 SPONSORED BY: COUNCILMAN WOJNAR
188 CO-SPONSORED BY: COUNCILMAN MINEK
189 *A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE WESTERN*
190 *RESERVE AREA AGENCY ON AGING TO ACCEPT GRANT FUNDS FROM SAID AGENCY FOR THE*
191 *CITY'S PROGRAMS UNDER THE TITLE III OF THE OLDER AMERICANS ACT OF 1965 (42 USC 35)*
192 *WHICH PROVIDES FUNDING FOR TRANSPORTATION, NUTRITION AND SUPPORT SERVICES*
193 *AND PARTIAL FUNDING FOR SUPPLEMENTAL PROGRAMS THEREUNDER FOR 2019 AND*
194 *DECLARING AN EMERGENCY*
195 CHAIR: Resolution 18-18 was placed on second reading and subsequent third reading.

196
197 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE**

198
199 **LEGISLATION ON PASSAGE WITHOUT THREE READINGS**

200 COUNCILMAN SMITH placed an ordinance up for emergency passage.

201 ORDINANCE NO. 18-58
202 REQUESTED BY: SHAWN LEININGER, PUBLIC SERVICE & DEVELOPMENT DIRECTOR
203 SPONSORED BY: COUNCILMAN WOJNAR
204 *AN ORDINANCE INCREASING THE EXPENDITURE LIMIT SET FORTH IN ORDINANCE 18-24 TO*
205 *PREPARE PLANS AND SPECIFICATIONS FOR THE SENIOR CENTER ROOF RESTORATION*
206 *PROJECT AND DECLARING AN EMERGENCY.*
207 THE CHAIR asked for any further discussion before passage.
208 COUNCILMAN SMITH made a motion to suspend the Charter Provision and Rule 49 requiring three
209 readings.
210 Moved and Seconded.
211 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.
212 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
213 COUNCILMAN SMITH made a motion to dispense Rule 53 requiring reference to Committee.
214 Moved and Seconded.
215 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.
216 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
217 THE CHAIR asked for any further discussion before passage. No Discussion.
218 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Motion carried, Ordinance 18-58 passes.
219 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
220

LEGISLATION ON THIRD READING AND FINAL PASSAGE

222 COUNCILMAN SMITH placed the following legislation up for third reading and final passage:
223 ORDINANCE NO. 18-44
224 REQUESTED BY: MAYOR EILEEN ANN PATTON
225 SPONSORED BY: COUNCILMAN WOJNAR
226 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE*
227 *CUYAHOGA COUNTY BOARD OF HEALTH FOR HEALTH SERVICES FOR THE YEARS 2019 AND*
228 *2020 AND DECLARING AN EMERGENCY*
229 THE CHAIR asked for any discussion before passage. No Discussion.
230 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Motion carried, Ordinance 18-44 passes.
231 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
232

233 ORDINANCE NO. 18-46
234 REQUESTED BY: MAYOR EILEEN ANN PATTON
235 SPONSORED BY: COUNCILMAN WOJNAR
236 *AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 18-25, AN ORDINANCE AUTHORIZING*
237 *THE MAYOR TO ENGAGE THE LAW FIRM OF THE VICKERS LAW GROUP CO., LPA AS SPECIAL*
238 *COUNSEL FOR RESOLUTION OF CONSTRUCTION ISSUES AT THE GEMINI CENTER AND*
239 *DECLARING AN EMERGENCY*
240 THE CHAIR asked for any discussion before passage. No Discussion.
241 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Motion carried, Ordinance 18-46 passes.
242 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
243

REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY OFFICIALS

246 MAYOR PATTON announced that the over 180 people have signed up for the annual Thanksgiving lunch
247 that will take place on Wednesday at the Senior Center sponsored by Longhorn Steakhouse. The Civil
248 Service Commission met last week and will be offering a test sometime in January for a recent departure
249 in the Police Department. Shop with a Cop will be taking place again with the Police Department and
250 tickets are available for this. There will be a Planning and Development meeting tomorrow night

251 (November 20) with one item on the agenda. The Building Department is very busy in the next month as
252 plans have been received from the businesses of Brookpark Road (NASA Building) for demolition, Nuevo
253 Acapulco, a title building near East Coast Custard for renovations on 226th St and Lorain and Hope Yoga
254 in the Fairview Shopping Center. MAYOR PATTON said that the city is in the final year of an agreement
255 with Summit County for healthcare and the Director Cingle has been working on this. There was a
256 Containment Committee meeting, followed by an employee meeting. There is a small increase of 4
257 percent for the coming year. Paperwork for selections are due back on November 26. Fairview High
258 School is offering tours to the community today and tomorrow to see renovations being done. On Friday,
259 from 5:30-7:30 p.m. the Recreation Department will be hosting Winterfest at Bain Cabin.

260
261 DIRECTOR LEININGER reported on recent business openings for Sides to Go, which is now officially
262 opened at the corner of Lorain and Story Road and Turney and Dunham appliance store west of
263 McDonalds. Leaf collection is progressing, and making rounds throughout the city. DIRECTOR
264 LEININGER thanked Mr. John Taylor for helping out with some weed and branch removal at Nelson
265 Russ Park keeping him informed on what is going on. He wished everyone a Happy Thanksgiving.

266
267 DIRECTOR CINGLE said that there are many items in the Finance Committee and said that is anyone has
268 any questions prior to next week's committee to let him know. He wished everyone a Happy
269 Thanksgiving.

270
271 DIRECTOR MCGINTY reported that the Charter Review Commission meeting tonight was the reason for
272 him being delayed to the meeting. He thanked everyone for congratulations on his win.

273
274 ENGINEER MACKAY reported that the street repair program is pretty much complete with the exception
275 of some striping and other punch list items, as is the 2018 water line project. The bids for the Clifford
276 Sewer project were opened last Wednesday, November 14 and a recommendation has been made to the
277 Board of Control. ENGINEER MACKAY reported that plans for the Lorain Road slide project are being
278 worked on with ODOT, and the project is set to be completed in 2019.

279
280 **PUBLIC SESSION**

281
282 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**

283 COUNCILMAN MINEK wished everyone a Happy Thanksgiving from his family.

284
285 COUNCILMAN RUSSO wished everyone a Happy Thanksgiving and said he hopes to see everyone at
286 Winterfest.

287
288 COUNCILMAN SMITH thanked Director Leininger and the Service Department for their great work with
289 leaf collection and said he is looking forward to attending Winterfest this year. He wished everyone a
290 Happy Thanksgiving.

291
292 THE CHAIR wished everyone a Happy Thanksgiving.

293
294 THE CHAIR made a motion to move into executive session for the purposes of considering the purchase
295 of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure
296 of information would give an unfair competitive or bargaining advantage to a person whose personal,
297 private interest is adverse to the general public interest; and conferences with an attorney for the public
298 body concerning disputes involving the public body that are the subject to pending or imminent court
299 action.

300 Moved and Seconded.

301 THE CHAIR asked for any discussion. No Discussion.
302 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.
303 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
304 THE CHAIR made a motion to adjourn executive session and return to the regular meeting.
305 Moved and Seconded.
306 THE CHAIR asked for any discussion. No Discussion.
307 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.
308 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
309
310 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.
311 Moved and Seconded.
312 ROLL ON MOTION: Vote: YES-5, NO-0 | Meeting adjourned at 8:03 p.m.
313 YES: B. McDonough, B. Minek, M. Kilbane, A. Russo and T. Smith
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317 _____
318 Michael P. Kilbane, President of Council
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318 Liz L. Westbrooks, Clerk of Council
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321 _____
322 Eileen Ann Patton, Mayor
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