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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, DECEMBER 17, 2018**
4

5 The regular meeting of Council was called to order by Council President Pro Tem Minek at 7:00 p.m.

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL:

9 PRESENT: Council—B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

10 **Councilwoman Sarah Wering took her oath of office prior to the meeting start.*

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

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13 THE CHAIR made a motion to excuse Council President Kilbane from the meeting.

14 Moved and Seconded.

15 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.

16 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

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18 THE CHAIR made a motion to approve the minutes of the regular meeting of December 3, 2018.

19 Moved and Seconded.

20 ROLL ON MOTION: Vote: YES-5, NO-0, ABSTAIN-1 | Motion carried.

21 YES: B. McDonough, B. Minek, P. Wojnar, A. Russo and T. Smith | ABSTAIN: S. Wering

22 THE CHAIR asked Councilwoman Wering the reason for her abstention.

23 COUNCILWOMAN WERING stated that she was not present as a member of council at the meeting.

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25 **COMMITTEE REPORTS**

26 COUNCILMAN MCDONOUGH reported that on Monday, December 10, 2018 the Local Government
27 and Community Services Committee met to discuss **Ordinance 18-59**, which would amend the Fairview
28 Park Codified Ordinance Section 129.01 to increase the police appointment age eligibility. Chief
29 Upperman was in attendance and explained the reason and need for this changes as well as a request for it
30 to be passed on second reading emergency. By a vote of 5-0 council voted to pass on emergency by a vote
31 of 5-0. Council also discussed the issue of **Autism Safety Roster**, initially introduced by former
32 Councilman John Hinkel which would creating a roster for police when they encounter any residents in
33 the city who voluntarily sign up to register if they have any autistic children and any special needs
34 regarding that. The issue was voted to remain in committee by a vote of 5-0, while that is being
35 implemented.

36
37 COUNCILMAN WOJNAR reported that the Finance Committee met on Monday, December 10 at 8:13pm
38 to discuss the following ordinances: **Ordinance 18-54** appropriates funds for expenditures for the City for
39 the remainder of the year 2018. Finance Director Cingle had no other additions to what was discussed at
40 the last committee meeting of November 26. A motion to place on 3rd reading and final passage was
41 approved by a 5-0 vote. **Ordinance 18-55** appropriates temporary funds for the period of January 1
42 through March 31, 2019. Finance Director Cingle again had no other additions to what was discussed at
43 the last committee meeting of November 26, and a motion to place on 3rd reading and final passage was
44 approved by a 5-0 vote.

45 **Ordinance 18-09** authorizes the execution of a fee agreement by and between the City of Fairview Park
46 and Kelley & Ferraro, LLP, to pursue litigation against the manufacturers and distributors of Opioids
47 responsible for the Opioid epidemic. This ordinance was placed on 2nd reading on May 21, 2018. Finance
48 Director Cingle advised that Mayor Patton is requesting that Council take no legislative action on this
49 ordinance at this time. The Finance committee ended at 8:17pm.

50 COUNCILMAN MINEK reported that the Environment, Public Works, Planning, Zoning & Development
51 Committee met on Monday, December 10, 2018 at 7:00 pm. Present was Public Service/Development
52 Director Leininger and Mrs. Sarah Wering, incoming Ward 4 Councilwoman. The following issues were
53 discussed: **Community Development:** At the present time the MKSK Company is conducting a study of
54 the Lorain Road corridor. Director Leininger stated the company is working with the administration and
55 the next meeting will be decided shortly. Motion this issue remain in committee was approved 5-0.
56 **Municipal Facilities Maintenance:** Director Leininger stated there may be additional issues pertaining to
57 the pool pack at the Gemini Center and other concerns pertaining to Bain Park Cabin. Motion for this
58 issue to remain in committee was approved 5-0. **Sewers:** The good news is the contract for the Clifford
59 Drive Sewer Improvement Project was awarded to Fabrizi Trucking & Paving Inc. in the amount not to
60 exceed \$3,462,614.10. Director Leininger stated the company is working with the administration and
61 property owners pertaining to preliminary work the company will do before the year-long major project.
62 Motion this issue remain in committee was approved 5-0. This completes my report.

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64 AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE

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66 LEGISLATION ON PASSAGE WITHOUT THREE READINGS

67 COUNCILMAN WOJNAR placed an ordinance up for emergency passage.

68 ORDINANCE NO. 18-60

69 REQUESTED BY: MAYOR EILEEN ANN PATTON

70 SPONSORED BY: COUNCILMAN WOJNAR

71 *AN ORDINANCE REPEALING AND REPLACING ORDINANCE 18-30, AUTHORIZING THE MAYOR*
72 *TO ENTER INTO AN AGREEMENT WITH POMPDENT LLC FOR THE PURCHASE OF THE*
73 *PROPERTY LOCATED AT 20520 LORAIN ROAD, FAIRVIEW PARK, OHIO, AND DECLARING AN*
74 *EMERGENCY*

75 THE CHAIR asked for any discussion before passage.

76 COUNCILMAN WOJNAR made a motion to suspend the Charter Provision and Rule 49 requiring three
77 readings.

78 Moved and Seconded.

79 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.

80 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

81 THE CHAIR asked for any discussion before passage.

82 COUNCILMAN WOJNAR made a motion to dispense with Rule 53 requiring reference to committee.

83 Moved and Seconded.

84 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.

85 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

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

87 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 18-60 passes.

88 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

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90 COUNCILMAN MCDONOUGH placed an ordinance up for emergency passage.

91 ORDINANCE 18-59

92 REQUESTED BY: POLICE CHIEF ERICH UPPERMAN

93 SPONSORED BY: COUNCILMAN MCDONOUGH

94 *AN ORDINANCE AMENDING SECTION 129.01 OF CHAPTER 129 ENTITLED, "POLICE*
95 *DEPARTMENT" TO INCLUDE AGE ELIGIBILITY REQUIREMENTS FOR ORIGINAL*
96 *APPOINTMENTS AND DECLARING AN EMERGENCY*

97 THE CHAIR asked for any discussion before passage.

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

100 Moved and Seconded.
101 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.
102 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith
103 THE CHAIR asked for any further discussion before passage. No Discussion.
104 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 18-59 passes.
105 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

106

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

108 COUNCILMAN WOJNAR placed the following legislation up for third reading and final passage:

109 ORDINANCE NO. 18-54

110 ORIGINATED BY: THE FINANCE DEPARTMENT

111 REQUESTED BY: MAYOR EILEEN ANN PATTON

112 SPONSORED BY: COUNCILMAN WOJNAR

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

116 THE CHAIR asked for any discussion before passage. No Discussion.

117 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 18-54 passes.

118 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

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120 ORDINANCE NO. 18-55

121 ORIGINATED BY: THE FINANCE DEPARTMENT

122 REQUESTED BY: MAYOR EILEEN PATTON

123 SPONSORED BY: COUNCILMAN WOJNAR

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

127 THE CHAIR asked for any discussion before passage. No Discussion.

128 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 18-55 passes.

129 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

130

131 ORDINANCE NO. 18-56

132 REQUESTED BY: MAYOR EILEEN ANN PATTON

133 SPONSORED BY: COUNCILMAN WOJNAR

134 CO-SPONSORED BY: COUNCILMAN MINEK

135 *AN ORDINANCE ACCEPTING AND APPROVING THE PRE-CONSTRUCTION TAX ABATEMENT*
136 *APPLICATION OF MARK J. POMPEANI, DDS FOR ELIGIBLE IMPROVEMENTS TO PROPERTY*
137 *LOCATED AT 20520-40 LORAIN ROAD (PARCEL 323-20-005) AND DECLARING AN EMERGENCY*

138 THE CHAIR asked for any discussion before passage. No Discussion.

139 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 18-56 passes.

140 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

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142 RESOLUTION NO. 18-19

143 REQUESTED BY: GREG CINGLE, FINANCE DIRECTOR

144 SPONSORED BY: COUNCILMAN WOJNAR

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

148 THE CHAIR asked for any discussion before passage. No Discussion.

149 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Resolution 18-19 passes.

150 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

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152 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
153 **OFFICIALS**

154 MAYOR PATTON thanked Council for the passage of Ordinance 18-60, which is the last piece of
155 legislation of the year, which coincidentally also will kick off new construction in the city for the start of
156 the year. There will be a Planning and Design meeting on Wednesday, with two items on the agenda for
157 Cleveland Cabinets for review of plan for signage and Nuevo Acapulco for review of plans for signage
158 and awning. MAYOR PATTON welcomed Councilwoman Sarah Wering to council and bid a farewell to
159 Law Director McGinty. She wished residents a Merry Christmas, Happy Holidays and a great New Year.

160

161 DIRECTOR LEININGER welcomed Councilwoman Wering and said he looks forward to working with
162 her in the upcoming year. He announced that Becker's has acquired the space formerly occupied by the
163 Gift Hut and have submitted permits to expand into the space with a restaurant are in the works, there is
164 no planned opening date, but will advise when it is available. The last leaf collection sweep is making its
165 way through the city as of today, and trucks will be converted for snow operations once completed. After
166 the truck makes it past, and leaves can be mulched in yards and gardens, in the blue containers for garbage
167 or in black garbage bags for bulk collection. DIRECTOR LEININGER stated that this past Friday pre-
168 construction work started on the Clifford Drive Sewer Replacement Project. Construction drills were set
169 out and tree clearing operations are underway. Construction will begin in earnest on January 2, 2019 and
170 Clifford Drive will become a one-way street westbound from West 212th Street to West 220th Street and
171 again from West 227th Street to West 229th Street. The project is expected to last approximately 7 months
172 before getting into restoration work. When completed there will be two new sewers that no longer leak on
173 Clifford Drive and will also be oversized to take on additional capacity. This is a result of a year-long
174 study of the city sewers in that area to help offset some of the flooding that has been occurring over a
175 number of years. He said both he, and Fabrizi Construction have reached out to homeowners and any
176 questions can be directed to him on the project. He will provide updates as the project moves along. He
177 wished Director McGinty best of luck and thanked him for welcoming him into the community and a front
178 row seat on his journey to becoming a judge.

179

180 DIRECTOR CINGLE welcomed Councilwoman Wering to Council and thanked Council for the passage
181 of the ordinances and resolution this evening. He wished Director McGinty the best of luck and wished
182 residents Merry Christmas and happy and prosperous 2019.

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184 DIRECTOR MCGINTY welcomed Councilwoman Wering to Council. He spoke in honor of Mrs. Patton
185 and said he prayed for her at Mass on Saturday. He thanked Mayor Patton for taking a risk on him and
186 asking him to be Law Director and to Council for approving him to serve. He said that the last three years
187 have been the most fun years of his practice of law. He said that everyone has to remember that most of
188 our monies are already budgeted for at the start of the year, and every now and then we get to spend some
189 money and fix a park or property and then sell it. He said he has learned so much and thanks everyone for
190 the respect shown by everyone at the dais. DIRECTOR MCGINTY said he loves Fairview Park, it is a
191 wonderful city that manages to get the things that need to be done completed. He thanked everyone in
192 attendance, and said that when you have 5 or 6 people in the audience, it means that the city is doing
193 something right, and everyone should be complemented for that.

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195 ENGINEER MACKAY reported that the plans for the Lorain Road slide area and the new water line on
196 Campus Drive will be completed in the next couple months and he will keep everyone advised on it. He
197 welcomed Councilwoman Wering and said he looks forward to working with her. He wished Director
198 McGinty the best of luck in his new position and said it has been a pleasure to work with him. He wished
199 everyone a Merry Christmas.

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PUBLIC SESSION

MR. RAY HAMMERLE - 22326 Haber Drive – MR. HAMMERLE said that he was born and raised in Fairview and this is one of the best cities in the world. He said that the last 10 year have been wonderful and pound of them and appreciates living here. He welcomed new Councilwoman Sarah Wering. He wished everyone a Merry Christmas and wished Law Director McGinty the best of luck.

MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL

COUNCILMAN MCDONOUGH offered condolences to Mayor Patton on the death of her mother in-law. He thanked the Service Department for their great work on leaf and snow collection and salting so far in the season. He wished everyone a Merry Christmas and Happy Holidays. He told Law Director his humor and wisdom will be missed, but will be a great asset to the Common Pleas bench.

COUNCILMAN WOJNAR congratulated and welcomed Councilwoman Wering to Council and thanked Director McGinty for his years of service to the city.

COUNCILWOMAN WERING offered condolences to Mayor Patton. She said she is excited to be serving on Council. She has lived in the city for 10 years and has followed the journey that council has been on fairly closely, and looking forward to serving the residents and community and continue making Fairview the place to live in the West suburbs of Cleveland. She offered best wishes to Director McGinty on his new journey.

COUNCILMAN RUSSO offered condolences to the Mayor and wished the best of luck to Director McGinty. He welcomed Councilwoman Wering to Council and said he is looking forward to working with her. He wished everyone a Merry Christmas.

COUNCILMAN SMITH offered condolences to the Mayor and her family for their loss. He welcomed Councilwoman Wering to Council and thanked Chief Raffin for his recent tour to Council of the new fire truck before their last meeting. He said the city was saved a lot of money the way the truck was built, and would be appreciated by residents. He said he heard that Santa is requesting a new ride on it next week. He also thanked the Police Chief for a tour of the Police Station and afterwards was happy that the grant for improvements will bring much needed changes. He thanked Director McGinty for his service and wished him the best of luck. He wished residents a Merry Christmas and Happy New Year and asked everyone to stay safe.

THE CHAIR wished the Law Director well and offered condolences to the Mayor. He wished a Merry Christmas and Happy Holidays to residents and announced that unless there is a special meeting called, Council will resume its next meeting on January 7, 2019.

THE CHAIR made a motion to move into executive session per Articles 15, Section 1 for the appointment of a public employee or official and Article 15, Section 3 for conferences with an attorney for the public body concerning disputes involving the public body that are the subject to pending or imminent action. Moved and Seconded.

ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried, Council moved into executive session at 7:35 p.m.

YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

THE CHAIR made a motion to exit executive session and return to the regular meeting. Moved and Seconded.

ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried, Council returned from executive session at 8:06 p.m.

250 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith
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252 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.
253 Moved and Seconded.
254 ROLL ON MOTION: Vote: YES-6, NO-0 | Meeting adjourned at 8:07 p.m.
255 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith

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260 Michael P. Kilbane, President of Council

Liz L. Westbrooks, Clerk of Council

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264 Eileen Ann Patton, Mayor

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