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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**  
3 **TUESDAY, JANUARY 22, 2019**  
4

5 The regular meeting of Council was called to order by Council President Kilbane at 7:10 p.m.

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL | PRESENT:

9 Council - B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

10 Administration - Mayor Patton, Director Leininger, Director Gibbons  
11

12 **COMMITTEE REPORTS**

13 COUNCILMAN MCDONOUGH reported that the Local Government and Community Services  
14 Committee met on Monday, January 14 at 7:00 pm to discuss Ordinance 19-01, which is the Walter Drane  
15 Recodification. Input was requested from Police Chief, Law Director and City Prosecutor. This ordinance  
16 mainly incorporates Ohio Revised Code traffic code and general offenses changes and puts the in the  
17 City's code. Council also discussed the issue of e-cigarettes and alternative nicotine products by juveniles  
18 and how they are covered under state law as well as our ordinances and legislation recently passed by  
19 North Olmsted into their code. A motion to place on 2nd and return to committee passed on 7-0 vote.  
20 Committee ended at 7:08pm  
21

22 COUNCILMAN WOJNAR reported that the Finance Committee met on Monday, January 14 at 7:09pm  
23 to discuss ordinance 19-02, which provides for the issuance and sale of not to exceed \$1,250,000 of notes,  
24 in anticipation of the issuance of bonds, for the purpose of constructing, reconstructing, repairing and  
25 equipping the roof of the city's recreation complex, and improvements appurtenant thereto, related  
26 building and site improvements. In attendance was Finance Director Cingle, Matthew (Matt) Stuczynski,  
27 MAS Financial Advisory Services and Mayor Patton. Matt explained that the legislation was for  
28 authorization of issuing bond anticipation notes not in excess \$1,250,000. The notes are in multiples of  
29 \$100,000 for no longer than one year. The mention of bonds anticipation notes must be used per the Ohio  
30 Revised Code. It is used as a temporary instrument to finance to be retired quickly or rolled for up to 20  
31 years. State statutes allows for the rolling of notes for 5 years and then bonded for another 20 years. The  
32 maturity years and rates were also discussed. It was explained that maturity is largely used for reference  
33 purposes and on support of useful life, but is not locked in. This can be addressed, after the fact, with the  
34 determination and opinion of the Finance Director. Options for early redemption, pay down and pay off of  
35 the bond notes were also discussed. Director Cingle clarified that the Administration's intention is not to  
36 convert the notes to bonds alone, but after the year of issuance letting the new Administration decide  
37 whether to pay down the notes after one year with proceeds with monies which are hoped to be received  
38 from arbitration and possibly rolled into future refunding of current outstanding debt or rolled into a future  
39 financing for capital improvement down the road. Director Cingle stated that the total outstanding debt of  
40 the city is about \$20,905,000. The risks of the city waiting to roll the notes in regard to rising interest  
41 rates was raised, and Matt explained that he tries to steer clear of decision-making based on rising of  
42 prospective interest rates, since speculations is generally wrong. He did concede that there is a risk  
43 involved in the process, and rates could go higher or lower. Questions were raised about the prohibition to  
44 levy taxes for debt and paying of debt service. Mr. Stuczynski explained that the section basically says  
45 that the mills not dedicated to a specific purpose, county or schools is permitted to be forced to pay down  
46 outstanding debt for nonpayment. He said that debt retirement should be a consideration of the budget.  
47 Council asked where the \$3.3 millage is set aside in the budget. Director Cingle said it is in the General  
48 Fund and Matt explained that as collection revenue comes in, it could be allocated to the Bond Retirement  
49 Fund to specifically pay down debt service. Director Cingle said there will be a continuous review to  
50 determine if refunding is warranted prior to increasing of debt service payments of outstanding debt in

51 2022. Questions regarding notes affecting current rating of city was asked. Matt said that anytime you take  
52 money it affects your credit rating, but is determined on many variables and debt and non-debt metrics,  
53 related. He said that he does not believe the amount of this note is anything that would cause a big credit  
54 negative. Council requested to be presented with upcoming large expenditures anticipated and expected  
55 for considering the budget. Director Cingle went over some anticipated retirements in Police and Fire  
56 Departments. By the Administration's best guesses, there could be (8) retirements for Police and Fire in  
57 the next five years with an estimated payout amount total of \$706,000. Council asked for estimated times  
58 to be accrued for payout benefit time amounts of time to plan for possibly funding planning for  
59 retirements. Director Cingle concluded that he believes the note gives the city the greatest flexibility, and  
60 hopefully we will recoup some monies from the arbitration. It would cover the costs of repair, inspection,  
61 note issuance costs and contingency. Council asked how suggested bid came in nearly half a million  
62 dollars less than the expert engineer's estimate of 1.5 million. Director Leininger said that they may have  
63 better means and methods, better materials and how they look at it. Bids received for this project ranged  
64 from \$900,000 up to \$1.9 million and that there were several requirements in the specs of this bid project  
65 for similar past projects and natatoriums, specifically. There was a meeting with the Administration and  
66 the apparent low bidder to make sure they understood the scope of the project and what is expected. Matt  
67 went through the process of issuing the notes upon the passage of ordinance by council, through selecting  
68 underwriter to market sale of notes to investors, date of sale up to pricing, agreement and time of sale.  
69 Interest is due one year and one day after the closing date. Council discussed the options of preserving  
70 cash in reserves for short term and unknown projects versus borrowing for a long term use project.  
71 Director Leininger said that the planned time for the project is from April 1, 2019 through August 9, 2019  
72 is the planned timing of the project from start to completion. There was discussion about the logistics of  
73 parking, use of pool and splash pad at the Gemini Center. The Mayor said that this legislation is her  
74 recommendation for a solution to repairs of the roof at the Gemini Center. Motion to place on 2<sup>nd</sup> and  
75 return to committee passed 7-0. The Finance committee ended at 8:46pm

76  
77 THE CHAIR made a motion to approve the minutes of the regular meeting of January 7, 2019.

78 Moved and Seconded.

79 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.

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

81

82 **LEGISLATION ON FIRST READING**

83 COUNCILMAN MINEK placed the following legislation up for first reading and introduction:

84 ORDINANCE NO. 19-03

85 REQUESTED BY: COUNCILMAN MINEK

86 SPONSORED BY: CITY COUNCIL

87 *AN ORDINANCE AMENDING SECTION 921.05 (a)(3) OF THE CODIFIED ORDINANCES OF THE*  
88 *CITY OF FAIRVIEW PARK TO PERMIT THE SALE OF BEER AND WINE COOLERS ONLY TO BE*  
89 *SOLD AND CONSUMED AT SUMMER FEST 2019 TO BE HELD IN BOHLKEN PARK ON JULY 25, 26,*  
90 *27 and 28, 2019 AND DECLARING AN EMERGENCY*

91 ACTION: Ordinance 19-03 was placed on first reading and referred to the Environment, Public Works,  
92 Planning, Zoning and Development Committee.

93

94 ORDINANCE NO. 19-04

95 REQUESTED BY: COUNCILMAN MINEK

96 SPONSORED BY: COUNCILMAN MINEK

97 *AN ORDINANCE TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA*  
98 *COUNTY SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY*

99 ACTION: Ordinance 19-04 was placed on first reading and referred to the Environment, Public Works,  
100 Planning, Zoning and Development Committee.

101 **LEGISLATION ON SECOND READING**

102 COUNCILMAN MCDONOUGH placed the following legislation up for second reading:

103 ORDINANCE NO. 19-01

104 REQUESTED BY: COUNCIL PRESIDENT KILBANE

105 SPONSORED BY: COUNCILMAN MCDONOUGH

106 *AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS*  
107 *PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF FAIRVIEW*  
108 *PARK, OHIO AND DECLARING AN EMERGENCY*

109 ACTION: Ordinance 19-01 was placed on second reading and returned to the Local Government and  
110 Community Services Committee.

111

112 COUNCILMAN WOJNAR placed the following legislation up for second reading:

113 ORDINANCE NO. 19-02

114 REQUESTED BY: GREGORY CINGLE, FINANCE DIRECTOR

115 SPONSORED BY: COUNCILMAN WOJNAR

116 *AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,250,000 OF*  
117 *NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF*  
118 *CONSTRUCTING, RECONSTRUCTING, REPAIRING AND EQUIPPING THE ROOF OF THE CITY'S*  
119 *RECREATION COMPLEX, AND IMPROVEMENTS APPURTENANT THERETO, RELATED BUILDING*  
120 *AND SITE IMPROVEMENTS, AND DECLARING AN EMERGENCY*

121 ACTION: Ordinance 19-02 was placed on second reading and returned to the Finance Committee.

122

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

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

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

127 ORDINANCE NO. 19-05

128 REQUESTED BY: MAYOR EILEEN ANN PATTON

129 SPONSORED BY: COUNCILMAN MCDONOUGH

130 *AN ORDINANCE ADOPTING A WRITTEN CREDIT CARD POLICY FOR THE CITY OF FAIRVIEW*  
131 *PARK AND DECLARING AN EMERGENCY*

132 THE CHAIR asked for any further discussion before passage.

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

135 Moved and Seconded.

136 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.

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

138 COUNCILMAN MCDONOUGH made a motion to dispense Rule 53 requiring reference to Committee.

139 Moved and Seconded.

140 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.

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

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

143 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-05 passes.

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

145

146 COUNCILMAN WOJNAR placed the following legislation up for emergency passage:

147 ORDINANCE NO. 19-06

148 THE CHAIR asked for any further discussion before passage.

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

151 Moved and Seconded.  
152 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.  
153 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
154 COUNCILMAN WOJNAR made a motion to dispense Rule 53 requiring reference to Committee.  
155 Moved and Seconded.  
156 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.  
157 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
158 THE CHAIR asked for any further discussion before passage.  
159 COUNCILMAN WOJNAR made a motion to amend Ordinance 19-06 to strike last two whereas clauses  
160 referencing Gardiner, amend Section one to replace “Gardiner” with “GEM Energy” and amend amount in  
161 Section two from \$31,498 to \$35,010.  
162 Moved and Seconded.  
163 THE CHAIR asked for any further discussion.  
164 COUNCILMAN RUSSO asked Director Leininger if Gardiner Trane currently held the maintenance  
165 contract and how long it lasts.  
166 DIRECTOR LEININGER said that they do have the contract and it runs through October 31, 2019.  
167 THE CHAIR asked for any further discussion. No Discussion.  
168 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-06 is amended.  
169 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
170 THE CHAIR asked for any further discussion before passage.  
171 COUNCILMAN MINEK asked Director Leininger asked if he anticipated any problems with the contract  
172 with Gardiner.  
173 DIRECTOR LEININGER said he did not anticipate any problems with Gardiner fulfilling the terms of  
174 their contract.  
175 LAW DIRECTOR GIBBONS stated that council’s action on amending the ordinance was based upon  
176 further discussion and review of the original ordinance, and a determination that the amendment was  
177 necessary because GEM ENERGY was the more responsive bid.  
178 THE CHAIR asked for any further discussion before passage. No Discussion.  
179 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-06 Amended passes.  
180 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
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182 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**  
183 **OFFICIALS**

184 MAYOR PATTON announced that North Rock Park is an 8-week fitness challenge between the cities of  
185 North Olmsted, Rocky River and Fairview Park that launches January 24 from 5-8 pm, and will conclude  
186 on Saturday, March 16 from 1-2 pm at the Wellness Center on Wooster Road. There is no cost for this  
187 program, and Fairview will be doing classes on Thursdays from 6-7:45 pm. The Lorain Road Corridor  
188 Study will hold its next public meeting on Wednesday, January 30 at the Gemini Center.  
189

190 DIRECTOR LEININGER thanked Council for the passage of the poolpak repair ordinance. He also  
191 updated that the West 220<sup>th</sup> intersection, which was closed for the Clifford Road Sewer Project officially  
192 reopened today but will remain with gravel until roads are repaved in the spring. Work is now proceeding  
193 east on Clifford towards (West) 219<sup>th</sup> St until it will need to be closed for West 220<sup>th</sup>.  
194

195 DIRECTOR GIBBONS said that it has been two weeks and one day since his appointment and doesn’t  
196 have a lot to report, but he did attend the last 2 meetings of the Charter Review Commission Meeting,  
197 which has allowed him to get better acquainted with the Charter. He said that he is very impressed with  
198 the quality of the people on the Commission and their dedication to making certain that the Charter is as  
199 good as it can be. They are welcoming to input, and suggestions from that anyone that has any.  
200 DIRECTOR GIBBONS said that he has had the opportunity to meet with all the Directors over the last

201 couple weeks and is impressed with the caliber of the people working with the city and looks forward to  
202 meeting with each members of council as well.

203

204 **PUBLIC SESSION**

205

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

207 COUNCILMAN WOJNAR said that if anyone is interested in a great value in entertainment, to attend a  
208 Fairview Park basketball game. He said he attended the game against Bay Village, who also is also at the  
209 top of their conference, and the game went until the final seconds. Unfortunately Fairview lost, but our  
210 teams are doing extremely well and he sees them going very far in the State tournament.

211

212 COUNCILWOMAN WERING commended Director Leininger and the Service Department staff for  
213 amazing work they did this weekend keeping up with the snow storm and making sure residents stayed  
214 safe. She thanked them for the hard work and hours they put in and said it does not go unnoticed.

215

216 COUNCILMAN RUSSO thanked the Service Department, as well as Fire and Police for their hard work  
217 over the weekend during the storm. He also commended the basketball team, said they are playing well,  
218 and have a game tonight, and hopes they take home another win.

219

220 THE CHAIR announced that Council met in executive session on January 7, 2019 for the purposes of  
221 considering the employment and compensation of a public employee.

222

223 THE CHAIR made a motion to reappoint Doreen Papajcik to the Shade Tree Advisory Committee for a  
224 term of 5 years through December 31, 2023.

225 Moved and Seconded.

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

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

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229 THE CHAIR assigned the issue of Lead Paint Safety to the Environment, Public Works, Planning, Zoning  
230 and Development Committee.

231

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

233 Moved and Seconded.

234 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 7:35 p.m.

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

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William F. Minek, Council President Pro Tem

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Liz L. Westbrooks, Clerk of Council

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Eileen Ann Patton, Mayor

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