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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, FEBRUARY 4, 2019**
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 | PRESENT:

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

10 Administration - Mayor Patton, Director Leininger, Director Cingle, Director Gibbons, Engineer Mackay
11

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

13 Moved and Seconded.

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

15 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith
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17 THE CHAIR made a motion to approve the minutes of the regular meeting of January 22, 2019.

18 Moved and Seconded.

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

20 YES: B. McDonough, B. Minek, P. Wojnar, S. Wering, A. Russo and T. Smith
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22 **COMMITTEE REPORTS**

23 COUNCILMAN MCDONOUGH reported that the Local Government and Community Services
24 Committee met on Monday, January 28 at 7:45 pm to discuss Ordinance 19-01, which is the Walter Drane
25 Recodification ordinance. It is a bit of housekeeping, in that we incorporate city code, and updates to the
26 Ohio Revised Code. Council also discussed the use of alternative nicotine products. Fairview has
27 incorporated the state code prohibiting sale to minors, but Ohio Revised Code section 2151.87 is not in
28 our code, and that prohibits kids from using these latest products. There has been an epidemic of them
29 nationwide, with a 48% increase among middle school students and 78% increase nationwide among high
30 school kids. Many cities have adopted, such as the City of North Olmsted, and others are also looking at
31 the issue such as Avon. Council discussed adopted legislation under our general offense code as tool to
32 our officers. This proposed ordinance would be a standalone ordinance, which would have zero effect on
33 budget and would serve youth well in educating them. A motion to place Ordinance 19-02 on third reading
34 and final passage passed by a vote of 7-0, and the committee meeting ended at 8:02 pm
35

36 COUNCILMAN WOJNAR reported that the Finance Committee met on Monday, January 28 at 7:36 pm
37 to discuss ordinance 19-02, which provides for the issuance and sale of notes not to exceed \$1,250,000, in
38 anticipation of the issuance of bonds, for the purpose of constructing, reconstructing, repairing and
39 equipping the roof of the city's recreation complex, and improvements appurtenant thereto, related
40 building and site improvements. In attendance was Finance Director Cingle, Matthew (Matt) Stuczynski,
41 MAS Financial Advisory Services and Mayor Patton.
42

43 Finance Director Cingle asked that Matt Stuczynski, go through the timeline. Matt stated that if Council
44 does decide to proceed with authorization of issuance of the note. The city cannot sign the construction
45 contract unless it has funds in hand or in the process of collection. The notes are deemed to be in the
46 process of collection once you sell the note and then there is a formal award to an underwriter, possibly
47 Fifth Third. Funds cannot be used unless there is a formal contract so the underwriter, example Fifth
48 Third of Key Bank etc., would have to agree to buy the note and sign the certificate of award, and agree to
49 purchase the note. The notes would not fund until February 21. There is usually a 2-week period of time
50 between the sale of the note and all the preparation of documents that need to be completed.

51 Understanding that the 60-day awarding of the contract runs out on or about February 15, we are bumping
52 up against that date to sell the note and get the documents prepared and then fund the awarding of the
53 contract. The date to sell the notes is February 6th and there is some leg work to get that accomplished if
54 council approves the legislation. An underwriter has to be hired, collection of data that buyers will want
55 to see in terms of financial information, so there is a challenge if council proceeds. We will not receive
56 the money until February 21. The Mayor thanked Matt for bringing the timeline. Matt stated that the cost
57 of issuance was under \$12,000. He also explained that is very common for notes to be sold with a
58 premium to cover the cost of issuance. Premium will be set aside in the bond retirement fund to pay for
59 the cost of issuance so the city will have \$1.25 million for the project. Motion to place on third reading
60 passed 6-1. The meeting ended at 7:45 pm.

61
62 THE CHAIR reported that the Environment, Public Works, Planning, Zoning and Development
63 Committee met on Monday, January 28, 2019 at 8:10 pm to discuss the following: Ord. 19-02 Summerfest
64 2019 allowing sale of alcoholic beverages. This legislation would allow a vendor to sell & consume beer
65 and wine in an enclosed area on baseball diamond #3 in Bohlken Park on July 25 thru July 28, 2019.
66 Motion to place the ordinance on second reading and subsequent third reading was approved 7-0.
67 Ordinance. 19-04 Adopting County Solid Waste Management Update 2019-2033. The last update was
68 approved by City Council on November 5, 2012. Mayor Patton stated there would be a solid waste plan
69 update informational meeting for Council members and the public on February 19, 2019, 6:00 PM at the
70 Rocky River Library, 1600 Hampton Rd. Rocky River, Ohio. Mayor Bobst is the host. The fees for our
71 area which are the lowest on Ohio will increase slightly. Motion to place the ordinance on second reading
72 and subsequent third reading was approved 7-0. Lead Paint Safety. Councilman McDonough gave a brief
73 presentation of the new Lead Safe Cleveland Coalition which will work together to create a "Lead Safe"
74 Cleveland by drastically reducing the number of children exposed to the toxin. After discussion pertaining
75 to structures built prior to 1978, rental property, point of sale, legislation, gathering of additional
76 information etc. it was agreed that Council and the Administration will work together to develop a
77 program for our city. Motion this issue remain in committee was approved 7-0. This completes my report.

78
79 **LEGISLATION ON FIRST READING**

80 COUNCILMAN MINEK placed the following legislation up for first reading and introduction:
81 ORDINANCE NO. 19-07
82 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT
83 SPONSORED BY: COUNCILMAN MINEK
84 *AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND*
85 *SPECIFICATIONS AND PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE*
86 *REPAIR AND RECONSTRUCTION OF CITY STREETS IN YEAR 30 OF THE STREET REPAIR*
87 *PROGRAM AND DECLARING AN EMERGENCY*
88 ACTION: Ordinance 19-07 was placed on first reading and referred to the Environment, Public Works,
89 Planning, Zoning and Development Committee.

90
91 ORDINANCE NO. 19-08
92 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT
93 SPONSORED BY: COUNCILMAN MINEK
94 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO*
95 *ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST*
96 *RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL FOR*
97 *THE WORK TO BE PERFORMED IN YEAR 30 OF THE STREET REPAIR PROGRAM AND*
98 *DECLARING AN EMERGENCY*
99 ACTION: Ordinance 19-08 was placed on first reading and referred to the Environment, Public Works,
100 Planning, Zoning and Development Committee.

101
102 COUNCILMAN WOJNAR placed the following legislation up for first reading and introduction:
103 ORDINANCE NO. 19-09
104 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT
105 SPONSORED BY: COUNCILMAN WOJNAR
106 *AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE 2019 NORTHEAST*
107 *OHIO PUBLIC ENERGY COUNCIL ENERGIZED COMMUNITY GRANT TO PROVIDE FINANCIAL*
108 *ASSISTANCE FOR ENERGY EFFICIENCY PROJECTS OR ENERGY INFRASTRUCTURE*
109 *IMPROVEMENTS AND AUTHORIZING THE MAYOR TO FILE ALL DOCUMENTS AND EXECUTE*
110 *ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING*
111 *AN EMERGENCY*
112 ACTION: Ordinance 19-09 was placed on first reading and referred to the Finance Committee.

113
114 ORDINANCE NO. 19-10
115 ORIGINATED BY: GREG CINGLE, FINANCE DIRECTOR
116 REQUESTED BY: MAYOR EILEEN ANN PATTON
117 SPONSORED BY: COUNCILMAN WOJNAR
118 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER*
119 *EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING*
120 *JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY*
121 ACTION: Ordinance 19-10 was placed on first reading and referred to the Finance Committee.

122
123 **LEGISLATION ON SECOND READING**
124 COUNCILMAN MINEK placed the following legislation up for second reading:
125 ORDINANCE NO. 19-03
126 REQUESTED BY: COUNCILMAN MINEK
127 SPONSORED BY: CITY COUNCIL
128 *AN ORDINANCE AMENDING SECTION 921.05 (a)(3) OF THE CODIFIED ORDINANCES OF THE*
129 *CITY OF FAIRVIEW PARK TO PERMIT THE SALE OF BEER AND WINE COOLERS ONLY TO BE*
130 *SOLD AND CONSUMED AT SUMMER FEST 2019 TO BE HELD IN BOHLKEN PARK ON JULY 25, 26,*
131 *27 and 28, 2019 AND DECLARING AN EMERGENCY*
132 ACTION: ACTION: Ordinance 19-03 was placed on second reading and subsequent third.

133
134 COUNCILMAN WOJNAR placed the following legislation up for second reading:
135 ORDINANCE NO. 19-04
136 REQUESTED BY: COUNCILMAN MINEK
137 SPONSORED BY: COUNCILMAN MINEK
138 *AN ORDINANCE TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA*
139 *COUNTY SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY*
140 ACTION: Ordinance 19-04 was placed on second reading and subsequent third.

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

143
144 **LEGISLATION ON FOR PASSAGE WITHOUT THREE READINGS**
145 COUNCILMAN WOJNAR placed the following legislation up for emergency passage:
146 ORDINANCE NO. 19-11
147 REQUESTED BY: REGINA SILLASEN, DIRECTOR OF SENIOR LIFE
148 SPONSORED BY: COUNCILMAN WOJNAR
149 CO-SPONSOED BY: COUNCILMAN MINEK

150 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT THROUGH THE*
151 *OHIO DEPARTMENT OF TRANSPORTATION (“ODOT”) COOPERATIVE PURCHASING PROGRAM*
152 *WITH WHITWORTH BUS SALES, INC. FOR THE ACQUISITION OF ONE (1) 2019 FORD ELDORADO*
153 *BUS FOR THE SENIOR LIFE DEPARTMENT AND DECLARING AN EMERGENCY*

154 THE CHAIR asked for any further discussion before passage.

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

157 Moved and Seconded.

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

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

160 COUNCILMAN WOJNAR made a motion to dispense Rule 53 requiring reference to Committee.

161 Moved and Seconded.

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

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

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

165 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-11 passes.

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

167

168 **LEGISLATION ON FOR THIRD READING AND FINAL PASSAGE**

169 COUNCILMAN MCDONOUGH placed the following legislation up for third reading and final passage:

170 ORDINANCE 19-01

171 REQUESTED BY: COUNCIL PRESIDENT KILBANE

172 SPONSORED BY: COUNCILMAN MCDONOUGH

173 *AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS*
174 *PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF FAIRVIEW*
175 *PARK, OHIO AND DECLARING AN EMERGENCY*

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

177 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-01 passes.

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

179

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

181 ORDINANCE NO. 19-02

182 REQUESTED BY: GREGORY CINGLE, FINANCE DIRECTOR

183 SPONSORED BY: COUNCILMAN WOJNAR

184 *AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,250,000 OF*
185 *NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF*
186 *CONSTRUCTING, RECONSTRUCTING, REPAIRING AND EQUIPPING THE ROOF OF THE CITY’S*
187 *RECREATION COMPLEX, AND IMPROVEMENTS APPURTENANT THERETO, RELATED BUILDING*
188 *AND SITE IMPROVEMENTS, AND DECLARING AN EMERGENCY*

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

190 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-02 passes.

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

192

193 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
194 **OFFICIALS**

195 MAYOR PATTON said she had three reminders for everyone; on Tuesday, February 12, Gunselman’s
196 Tavern will be receiving Business of the Year honors from the Fairview Chamber and will be having a
197 celebration from 5-7:00 pm, and is free to attend. On that Thursday, February 14 there will be a mass for
198 Lt. James Witt on the 15th anniversary of his ultimate sacrifice in the Vietnam War. This will be held at St.
199 Angela Merici. Lt. Witt was a resident who grew up in Fairview Park, and his military sword has been

200 donated to the city and is displayed in the We Do Care memorial at City Hall. On Saturday, February 16
201 the top 30 police entrants will be taking their agility test at the Gemini Center beginning at 9:00 am.

202
203 DIRECTOR LEININGER reminded everyone that cancelled January 30 public meeting #2 for the Lorain
204 Road Corridor study has been rescheduled for Wednesday, March 6th at the Gemini Center from 7-8:30pm
205 in the Oak and Maple Rooms. It will be an open, drop-in format that will allow residents to stop in as they
206 can and offer input.

207
208 DIRECTOR CINGLE thanked Council for approving Ordinance 19-02. The notes are scheduled to be sold
209 on Wednesday, February 6 and he will keep Council advised. He said if anyone has questions in regard to
210 upcoming budget hearings and Ordinance 19-10, please contact him.

211
212 ENGINEER MACKAY reported that the Camps and West 210th St water line project continues to be
213 worked on and expect to bid this sometime this spring. ODOT continues work on the Lorain Road slide
214 area, and progress on the project will continue to advise council on it.

215
216 **PUBLIC SESSION**

217 MR. JOHN TAYLOR - 22405 Macbeth Ave - MR. TAYLOR asked if responsibility has determined for
218 the lights on the Brookpark Road Bridge.

219 DIRECTOR LEININGER said that First Energy is responsible for maintaining the lights, of which there
220 are three out currently. He said it is the city's responsibility to have the electric receptacle for the lights
221 and the pole and arm, and a contract is already in place for that work in the next couple weeks so First
222 Energy can be notified.

223 MR. TAYLOR said that there were some lights also out on Mastick and West 220th, that ODOT are First
224 Energy responsible for.

225 MR. TAYLOR inquired why the lights at Nelson Russ Park are no longer on.

226 DIRETOR LEININGER explained that there were several complaints about the brightness of lighting in
227 the park and that is why they are no longer on. HE said that the light by the gazebo will remain on for
228 lighting in the park.

229 MR. TAYLOR expressed concern with the speeding on Macbeth as we are coming near spring and
230 summer when the park will be in full use. He asked if there could be some signage or notice of strict
231 enforcement efforts to help curb speeders coming down the street.

232
233 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**

234 COUNCILMAN WOJNAR announced that Council will hold budget hearings on Saturday February 9 in
235 the Dunson Community Room beginning at 8:00 am for the departments of Fire, Police, Recreation and
236 Service and Development. Hearings for the remaining city departments of Building, Senior Life, Finance,
237 Law, the Mayor's Office and Council will be held on Monday, February 11 at 7:00 pm in the Council
238 Caucus Room.

239
240 COUNCILMAN SMITH thanked the Service Department for all the hard work they have been doing with
241 the streets, including through the polar vortex. He said he looks forward to the budget hearings. He wished
242 Mayor Patton a Happy Belated Birthday.

243
244 THE CHAIR announced that Council met in executive session on January 28, 2019 per Charter Article 15,
245 Section 3 for conference with an attorney for the public body concerning disputes involving the public
246 body that are subject to pending or imminent court action.

247
248 THE CHAIR wished Mayor Patton a Happy Birthday.

249

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

251 Moved and Seconded.

252 ROLL ON MOTION: Vote: YES-6, NO-0 | Meeting adjourned at 7:26 p.m.

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

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William F. Minek, Council President Pro Tem

Liz L. Westbrooks, Clerk of Council

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Eileen Ann Patton, Mayor

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