

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, MARCH 4, 2019**
4

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

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL | PRESENT:

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

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

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

13 Moved and Seconded.

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

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

17 THE CHAIR made a motion to approve the minutes of the regular meeting of February 18, 2019.

18 Moved and Seconded.

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

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

22 **COMMITTEE REPORTS**

23 COUNCILMAN SMITH reported that the Finance Committee met on Monday, February 25th to discuss
24 Ordinance 19-10 for Appropriations for the City of Fairview Park for the year 2019. Finance Director
25 Cingle went over the amendments to the budget since introduction including corrections of typos, for
26 personnel expenses for the Building Department and membership expenses for the Mayor’s Office,
27 adjustments for refunds for economic development grants and cost for the note issuance for the Gemini
28 roof repair. The total impact of the adjustments to the budget is a \$ 7,550 increase. A motion to amend on
29 passage and placed up for third and final reading passed by a vote of 6-0.
30

31 COUNCILMAN MINEK reported that the Environment, Public Works, Planning, Zoning & Development
32 Committee met on Monday, February 25, 2019 at 7:00 pm to discuss: Ordinance 19-07 Plans &
33 Specifications for 2019 Street Repair Program Year 30 and companion Ordinance 19-08 Bids & Contract
34 for 2019 Street Repair Program Year 30. Public Service/Development Director Leininger was in
35 attendance and provided an update to the 2019 program. Eaton Road between W. 210 St. to W. 213 St.
36 was added for chip seal & asphalt overlay. Due to the addition both ordinances would have to be
37 amended. The proposed amendment to Ordinance 19-07 would be in Section 2 changing the dollar amount
38 from \$48,000 to \$53,000 and inserting and from the Street Maintenance & repair Fund (Fund 210).
39 Amendment to Ordinance 19-08 would also be in Section 2 changing the dollar amount from \$483,000.00
40 to \$534,000.00 and inserting and from the Street Maintenance & Repair Fund (Fund 210). The
41 amendments would be made prior to the call for passage of each ordinance. Motion that Ordinance 19-07
42 & 19-08 be placed on third reading and up for passage was approved 6-0.
43

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

45
46 **LEGISLATION ON FOR PASSAGE WITHOUT THREE READINGS**

47 COUNCILMAN SMITH placed the following legislation up for emergency passage:

48 ORDINANCE NO. 19-12

49 REQUESTED BY: ERICH UPPERMAN, POLICE CHIEF

50 SPONSORED BY: COUNCILMAN WOJNAR

51 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT THROUGH THE*
52 *OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES (ODAS) COOPERATIVE PURCHASING*
53 *PROGRAM WITH LEBANON FORD FOR THE ACQUISITION OF THREE (3) FORD POLICE*
54 *INTERCEPTOR K8A CRUISERS, AND ACCESSORIES AND EQUIPMENT FOR SAID CRUISERS, FOR*
55 *THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.*

56 THE CHAIR asked for any further discussion before passage.
57 COUNCILMAN SMITH made a motion to suspend the Charter Provision and Rule 49 requiring three
58 readings.

59 Moved and Seconded.
60 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.

61 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith
62 COUNCILMAN SMITH made a motion to dispense Rule 53 requiring reference to Committee.

63 Moved and Seconded.
64 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.

65 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith
66 THE CHAIR asked for any further discussion before passage. No Discussion.

67 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-12 passes.
68 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith

69

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

71 COUNCILMAN MINEK placed the following legislation up for third reading and final passage:
72 ORDINANCE NO. 19-07

73 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT
74 SPONSORED BY: COUNCILMAN MINEK

75 *AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND*
76 *SPECIFICATIONS AND PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE*
77 *REPAIR AND RECONSTRUCTION OF CITY STREETS IN YEAR 30 OF THE STREET REPAIR*
78 *PROGRAM AND DECLARING AN EMERGENCY*

79 THE CHAIR asked for any further discussion before passage.
80 COUNCILMAN MINEK made a motion to amend Ordinance 19-07 in Section 2 to change dollar amount

81 from \$48,000 to \$53,000 and add the Street Maintenance and Repair Fund (Fund 210).
82 Moved and Seconded.

83 THE CHAIR asked for any discussion on the motion. No Discussion.
84 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.

85 YES: B. McDonough, B. Minek, M. Kilbane, 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 19-07 Amended passes.
88 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith

89

90 ORDINANCE NO. 19-08
91 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT

92 SPONSORED BY: COUNCILMAN MINEK
93 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO*

94 *ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST*
95 *RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL FOR*
96 *THE WORK TO BE PERFORMED IN YEAR 30 OF THE STREET REPAIR PROGRAM AND*
97 *DECLARING AN EMERGENCY*

98 THE CHAIR asked for any further discussion before passage.
99 COUNCILMAN MINEK made a motion to amend Ordinance 19-08 in Section to change dollar amount

100 from \$483,000 to \$534,000 and add the Street Maintenance and Repair Fund (Fund 210).

101 Moved and Seconded.
102 THE CHAIR asked for any discussion on the motion. No Discussion.
103 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.
104 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith
105 THE CHAIR asked for any further discussion before passage. No Discussion.
106 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-08 Amended passes.
107 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith
108
109 COUNCILMAN SMITH placed the following legislation up for third reading and final passage:
110 ORDINANCE NO. 19-09
111 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT
112 SPONSORED BY: COUNCILMAN WOJNAR
113 *AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE 2019 NORTHEAST*
114 *OHIO PUBLIC ENERGY COUNCIL ENERGIZED COMMUNITY GRANT TO PROVIDE FINANCIAL*
115 *ASSISTANCE FOR ENERGY EFFICIENCY PROJECTS OR ENERGY INFRASTRUCTURE*
116 *IMPROVEMENTS AND AUTHORIZING THE MAYOR TO FILE ALL DOCUMENTS AND EXECUTE*
117 *ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING*
118 *AN EMERGENCY*
119 THE CHAIR asked for any discussion on the motion. No Discussion.
120 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-09 passes.
121 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith
122
123 ORDINANCE NO. 19-10
124 ORIGINATED BY: GREG CINGLE, FINANCE DIRECTOR
125 REQUESTED BY: MAYOR EILEEN ANN PATTON
126 SPONSORED BY: COUNCILMAN WOJNAR
127 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER*
128 *EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING*
129 *JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY*
130 THE CHAIR asked for any further discussion before passage.
131 COUNCILMAN SMITH made a motion to amend Ordinance 19-10 to incorporate the changes of Exhibit
132 A for General Fund accounts 4520, 7710, 7790, and for Funds 230, 300, 772 and 811, as discussed in
133 committee.
134 Moved and Seconded.
135 THE CHAIR asked for any discussion on the motion. No Discussion.
136 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.
137 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith
138 THE CHAIR asked for any further discussion before passage. No Discussion.
139 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-10 Amended passes.
140 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith
141
142 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
143 **OFFICIALS**
144 MAYOR PATTON reported that work began today at the intersection of Clifford and West 227th St,
145 which will remain closed until at least Friday, March 8 and a second crew will work west toward West
146 229th Street. She also announced that a new business called Omar's Pizza and Mediterranean Food in the
147 former Anna's Sewing Center on Lorain Road. MAYOR PATTON said that the Police Department has an
148 immediate need for school guards and are taking applications. She welcomed the six new auxiliary
149 officers that were sworn in today. The city has received 3 grants so far this year that will aid in hosting the
150 annual shredding and hazardous household waste events, purchasing body armor for the police and for

151 construction of the bathroom under the Community Development Block Grant. MAYOR PATTON was
152 sorry to report that the city has been in ongoing contact of the owners of the Fairview Sides to Go
153 Barbecue location, and unfortunately the business is now closed due to an ongoing dispute with the
154 landlord regarding necessary improvements to the building, which began with the build out of the space
155 prior to opening and precipitated into this action being taken. They could not continue to support the
156 needed costs and permanent improvements to the building without the assistance of the landlord. She also
157 reminded everyone of the Lorain Road Corridor Study Public Workshop, which will be held on
158 Wednesday, March 6 at the Gemini Center from 7 to 8:30 pm and all are encouraged to attend.

159
160 DIRECTOR CINGLE thanked Council and the Administration for passage of items on agenda and
161 reported that the 2018 audit began last week and will keep everyone apprised as it moves forward.

162 THE CHAIR thanked Director Cingle and all Directors on all their hard work that was done on the budget,
163 and said that it was a very informative process.

164
165 DIRECTOR GIBBONS reported that he attended a seminar with Police Chief Upperman in Columbus
166 regarding the issue of Medical Marijuana and Employers. He said that the new law, like many others,
167 creates new issues and unintended consequences. The seminar which was sponsored by the Bureau of
168 Workers Compensation and showed that cities may need to look at their existing policies to see how they
169 comport with the new laws on medical marijuana. Complicating it further is that science is not entirely
170 clear as to the effects on the body. He said that the city will be looking at its current policy and discussing.
171 DIRECTOR GIBBONS reported that the Charter Review Commission will be meeting March 5 at 6:30
172 pm in the Dunson Community room and are open for the public to attend. He anticipates that they will be
173 reviewing the issues raised by the Commission and those that have potential of being recommendations
174 for changes to the Charter.

175
176 ENGINEER MACKAY reported that plans for the Campus and West 210th Street water main plans
177 continue and expects that it will be bid this spring. He said that they are also working closely with ODOT
178 to complete plans for the Lorain Road slide area and will provide updates as they are available. He
179 thanked council for approving the 2019 street legislation and said that plans will begin immediately on
180 them.

181
182 **PUBLIC SESSION**

183 MR. RAY HAMMERLE – 22326 Haber Drive – MR. HAMMERLE said that he has lived here many
184 years and that the town is running smoothly as evidenced by him not speaking of any problems. He said he
185 has seen many councils and many ups and downs and is happy with the way the city is currently and said
186 to keep up the good work.

187
188 JOHN TAYLOR -22405 Macbeth Ave – MR. TAYLOR expresses concern with homes putting trash and
189 recycling out earlier than the times allowed, especially with the high winds we had last week. He said that
190 maybe there should be a friendly reminder on the boards/marquee. He said also noticed that ODOT got
191 several of the lights lit up on West 220th Street, so now you can see the speed bumps on the bridge. They
192 have one more to go, as does First Energy at the intersection. He said he will follow-up with Director
193 Leininger on the lights at Nelson Russ Park, and mentioned it has been nice to see families using the all-
194 season equipment at the park, but he noticed walking his dog on the leash that others were letting their
195 dogs have free reign and thinks that there should be some signage regarding lease laws and reminders to
196 clean up after them as well, as it is a recreational park.

197 MAYOR PATTON said that she thinks once the park is utilized more and signage is up, people will patrol
198 other people as well.

199

200 MR. BRIAN GIBBONS – 19510 Lorain Road – MR. GIBBONS reminded everyone that on March 8-11
201 and again from March 15-17, the Girl Scouts will be selling cookies in front of the Giant Eagle Store and
202 asked everyone to support their sales.

203

204 MR. ERIC KEREZCZ – 20921 Westwood Ave – MR. KEREZCZ said that he and his girlfriend moved to
205 Fairview Park about a year and half ago, but unfortunately they have been having some issues with a
206 neighbor in regard to dog waste which has made them unable to fully enjoy their residence and
207 approaching the point where it can become hazardous to their health. Fencing the dogs is also an issue, as
208 dogs are able to jump that. He said they have been given date to handle issues by March 6, and
209 understands that there is a process to these things and hopes that it is resolved soon.

210 MAYOR PATTON stated that this has been an ongoing problem for most of the year, and the Building
211 department, court system and health department are all included in this issue, and they have until March 6
212 to address it. She said that when you have a resident that is uncooperative and leads into the legal court
213 system, it gets tied up in that system. She said that the city is on top of this, and it is an unfortunate
214 situation.

215 MR. KEREZCZ said that they will take it day by day and he looks forward to seeing what happens.

216

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

218 COUNCILMAN MCDONOUGH spoke about and congratulate the success of the Fairview Park Boys
219 basketball team and their advancement to the sectional District finals, with game on Wednesday, March
220 6th at North Ridgeville High School. He encouraged everyone to attend and cheer on the team who is
221 playing in their first conference championship since 1962.

222

223 COUNCILWOMAN WERING said that she appreciates all the residents that came and spoke tonight. She
224 said that nothing can be done without knowing how the residents are thinking and feeling. She welcomed
225 and appreciates all of the comments, and said she hopes that it continues, and thanked them for being
226 involved residents.

227

228 COUNCILMAN SMITH said that there will be a band concert tomorrow at the high school for grades 5th
229 through 12th. He also encouraged everyone to pop into the Lorain Road Corridor meeting on Wednesday
230 to provide input on the future of Lorain Road. He commended Director Cingle, the Administration,
231 Directors and Council on the passage of the budget. He said that he believes that everyone has done a
232 fabulous job with the citizen's money and spent very wisely. COUNCILMAN SMITH commended the
233 Police Department for a recent arrest which was posted on the Facebook page a couple days ago, and the
234 great work they do behind the scenes. He also acknowledged the great work of the Service Department in
235 cleaning up after the storm that came through with the high winds and the cleanup afterwards.

236

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

238 Moved and Seconded.

239 ROLL ON MOTION: Vote: YES-6, NO-0 | Meeting adjourned at 7:35 p.m.

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

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244 _____
Michael P. Kilbane, President of Council

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246

247

248 _____
Eileen Ann Patton, Mayor

249

Liz L. Westbrooks, Clerk of Council