



# CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

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**MONDAY, JUNE 3, 2019  
REGULAR COUNCIL MEETING**

6:30 p.m. - Study Session – Council Caucus Room  
7:00 p.m. - Council Meeting – Council Chambers

**Meeting Called to Order**

**Moment of Silent Prayer | Pledge of Allegiance**

**Roll Call**

**Disposition of Minutes**

Regular Meeting of Council May 20, 2019

Special Meeting of Council May 22, 2019

**Committee Reports**

Local Government and Community Services, Councilman McDonough, Chair

Finance Committee, Councilman Wojnar, Chair

**~ LEGISLATIVE AGENDA ~**

**Legislation on First Reading**

COUNCILMAN MCDONOUGH

Ord. 19-\_\_ | Amending Charter to Make Language Gender Neutral

Ord. 19-\_\_ | Amending Charter to Stagger Elected Office Terms

Ord. 19-\_\_ | Amending Charter to Change Zoning Notice Area, Mandatory Referral and Voter Approval Requirements

Ord. 19-\_\_ | Amending Charter to Change Submission of Zoning Changes and Voter Approval from 60 to 90 Days

Ord. 19-\_\_ | Amending Charter to Change Publishing and Posting Requirements

Ord. 19-\_\_ | Amending Charter to Change Number of At-Large Candidates and Primary Election Date

Ord. 19-\_\_ | Amending Charter to Change Recall Election Date

**Legislation on Second Reading**

COUNCILMAN WOJNAR

Res. 19-10 | Alternative Tax Budget 2020

**Audience Input on Legislation Up for Passage**

**Legislation on Third Reading/Final Passage**

COUNCILMAN WOJNAR

Ord. 19-18 | Solid Waste Fee Special Assessment for Tax Years 2020 and 2021

Ord. 19-19 | Amending Section 929.06 Solid Waste Collection Charges Expiration Date

*Agenda continued on back →*

Reports and Communications from Mayor, Directors and Other City Officials

Public Session

Miscellaneous Business and Reports from Council

Adjournment

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**UPCOMING MEETINGS OF COUNCIL**

MON., JUNE 10	Committee Meeting	7:00 p.m.	Council Caucus Room
MON, JUNE 17	Council Meeting	7:00 p.m.	Council Chambers
MON, JUNE 24	Committee Meeting	7:00 p.m.	Council Caucus Room

1  
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**  
3 **MONDAY, MAY 20, 2019**  
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 | PRESENT:

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

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

12 THE CHAIR made a motion to amend the agenda to move two ordinances on for first reading to passage  
13 without three readings.

14 Moved and Seconded.

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

16 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
17

18 THE CHAIR made a motion to approve the minutes of the regular meeting of May 6, 2019.

19 Moved and Seconded.

20 ROLL ON MOTION: Vote: YES-6, NO-0, ABSTAIN-1 | Motion carried.

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

22 THE CHAIR asked Councilman Wojnar the reason for his abstention.

23 COUNCILMAN WOJNAR said that he was out of town for work.  
24

25 **COMMITTEE REPORTS**

26 COUNCILMAN MINEK reported that The Environment, Public Works, Planning, Zoning &  
27 Development Committee met on Monday, May 13, 2019 at 7:00 pm to discuss the **issue of Airport Noise**.  
28 Mayor Patton, Law Director Gibbons & Finance Director Cingle were present and participated in the  
29 discussion. Council President Kilbane read an email from a resident in Ward 5 reference to the noise from  
30 Hopkins Airport. Considerable discussion pertaining to the renovation of a runway, departures of aircraft  
31 in early morning, flight patterns, etc. The telephone number of 216-898-5220 is the airport noise "hot line"  
32 and should be called when necessary. It was agreed that Mr. Robert Kennedy, Director of the City's  
33 Airports and members of his staff be invited to an open forum with members of the Administration, City  
34 Council, residents of our community and other individuals concerning noise issues from Hopkins Airport.  
35 The Chair will coordinate with Council Clerk Westbrooks to set up a meeting possibly on a Wednesday  
36 with sufficient time for notification to all individuals. Motion this issue remain in committee was  
37 approved 7-0.  
38

39 COUNCILMAN WOJNAR reported that the Finance Committee met on Monday, May 13, 2019 at 7:47  
40 pm. Present at the meeting were members of Council, Finance Director Greg Cingle, and Mayor Patton.  
41 The following legislation was discussed: **Ordinance 19-23** authorizes the purchase of computer  
42 equipment & software upgrades. Upgrades include bringing software to current versions for Windows and  
43 Office. Council questioned access of email for certain users and the need for upgrading licensing for users  
44 who may not need the software for how they access their email. Director Cingle stated he would ask the  
45 consultant and get back to council with answers. Discussion to continue. A motion to place on  
46 third reading and final passage passed by a vote of 7-0. **Ordinance 19-18** authorizes the Solid Waste Fee  
47 Special Assessment for Tax Years 2020 and 2021. Council discussed the rising costs of collection and  
48 wanting to be proactive as the current contract will be coming to a close in 2022. The discussed possible  
49 options to be inquired about in a future contract, such as the multi-day collection and additional bulk pick-  
50 up days. Director Cingle noted that the assessment can be done on a one year basis, to allow for options

51 to be researched. A motion to remain in committee passed by a vote of 7-0. **Ordinance 19-19**, amending  
52 Section 929.06 Solid Waste Collection Charges Expiration Date – The Solid Waste Collection Charges  
53 are in effect through December 31, 2019. The amended date would take the expiration date to December  
54 31, 2021. Discussions to continue in conjunction with Ordinance 19-18. A motion to remain in committee  
55 passed by a vote of 7-0. The Finance committee ended at 8:02 p.m.  
56

57 COUNCILMAN MCDONOUGH reported that the Local Government and Community Services  
58 Committee met on Monday, May 13<sup>th</sup> at 7:15pm to discuss the **issue of Review of Charter and Codified**  
59 **Ordinances**. In attendance were members of Council, Mayor Patton, Law Director Gibbons, Finance  
60 Director Cingle and Charter Commission Review member Michelle Sayer. Council went over draft  
61 ordinances provided by Law Director Gibbons for the three suggested changes to election filing timelines  
62 and gender neutrality of the Charter, recommended by the Charter Commission. Law Director Gibbons  
63 will look into changing Primary from September to May to align Fairview Park with the vast majority of  
64 Cuyahoga County municipalities to allow for a cost savings to taxpayers, increased voter turnout, and to  
65 comply with overseas military ballots counted by the Cuyahoga County Board of Elections. Clerk  
66 Westbrook will follow up with the city’s codifier, Walter Drane to see what costs would be to change  
67 charter and codified ordinances to reflect gender neutrality. A motion to keep the issue in committee  
68 passed by a vote of 7-0, and the committee meeting ended at 7:48 pm.  
69

70 **LEGISLATION ON FIRST READING**

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

72 RESOLUTION NO. 19-10

73 ORIGINATED BY: THE FINANCE DEPARTMENT

74 REQUESTED BY: MAYOR EILEEN ANN PATTON

75 SPONSORED BY: COUNCILMAN WOJNAR

76 *A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE CITY OF FAIRVIEW PARK,*  
77 *STATE OF OHIO, FOR FISCAL YEAR BEGINNING JANUARY 1, 2020, AND SUBMITTING THE SAME*  
78 *TO THE CUYAHOGA COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY*

79 ACTION: Resolution 19-10 was placed on first reading and assigned to the Finance Committee.  
80

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

82  
83 **LEGISLATION ON FOR PASSAGE WITHOUT THREE READINGS**

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

85 ORDINANCE NO. 19-25

86 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF SERVICE & DEVELOPMENT

87 SPONSORED BY: COUNCILMAN WOJNAR

88 CO-SPONSORED BY: COUNCILMAN MINEK

89 *AN ORDINANCE INCREASING THE EXPENDITURE LIMIT SET FORTH IN ORDINANCE 19-24 FOR*  
90 *THE CAMPUS DRIVE AND WEST 210 STREET WATER MAIN REPLACEMENT AND EXTENSION*  
91 *PROJECT AND DECLARING AN EMERGENCY*

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

94 Moved and Seconded.

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

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

97 THE CHAIR asked for any further discussion before passage.

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

99 Moved and Seconded.

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

101 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
102 THE CHAIR asked for any further discussion before passage. No Discussion.  
103 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-25 passes.  
104 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
105  
106 ORDINANCE NO. 19-26  
107 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF SERVICE & DEVELOPMENT  
108 SPONSORED BY: COUNCILMAN WOJNAR  
109 CO-SPONSORED BY: COUNCILMAN MINEK  
110 *AN ORDINANCE INCREASING THE EXPENDITURE LIMIT SET FORTH IN ORDINANCE 18-52 FOR*  
111 *THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND PROVIDE*  
112 *CONSTRUCTION ADMINISTRATION SERVICES FOR THE CAMPUS DRIVE AND WEST 210 STREET*  
113 *WATER MAIN REPLACEMENT AND EXTENSION PROJECT AND DECLARING AN EMERGENCY*  
114 COUNCILMAN WOJNAR made a motion to suspend the Charter Provision and Rule 49 requiring three  
115 readings.  
116 Moved and Seconded.  
117 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.  
118 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
119 THE CHAIR asked for any further discussion before passage.  
120 COUNCILMAN WOJNAR made a motion to dispense Rule 53 requiring reference to Committee.  
121 Moved and Seconded.  
122 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.  
123 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
124 THE CHAIR asked for any further discussion before passage. No Discussion.  
125 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-26 passes.  
126 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
127  
128 **LEGISLATION ON THIRD READING AND FINAL PASSAGE**  
129 COUNCILMAN WOJNAR placed the following legislation up for third reading and final passage:  
130 ORDINANCE NO. 19-22  
131 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT  
132 SPONSORED BY: COUNCILMAN WOJNAR  
133 CO-SPONSORED BY: COUNCILMAN MINEK and COUNCILMAN SMITH  
134 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO*  
135 *ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND*  
136 *BEST BIDDER AS DETERMINED BY THE BOARD OF CONTROL TO RENOVATE THE EXISTING*  
137 *POLICE DEPARTMENT LOCKER ROOM AND TO ADD A WOMEN'S LOCKER ROOM AND*  
138 *DECLARING AN EMERGENCY*  
139 Moved and Seconded.  
140 THE CHAIR asked for any discussion before passage. No Discussion.  
141 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-22 passes.  
142 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
143  
144 ORDINANCE NO. 19-23  
145 REQUESTED BY: GREG CINGLE, FINANCE DIRECTOR  
146 SPONSORED BY: COUNCILMAN WOJNAR  
147 *AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE COMPUTER EQUIPMENT AND*  
148 *SOFTWARE FOR UPGRADES TO THE CITY'S COMPUTER SYSTEMS AND DECLARING AN*  
149 *EMERGENCY*  
150 Moved and Seconded.

151 THE CHAIR asked for any discussion before passage.  
152 COUNCILMAN RUSSO asked Director Cingle to see if, before purchasing, he could check to see if the  
153 software assurance will allow the Microsoft Office licenses to be duplicated onto the Thin Client  
154 computers in use. He advised that he sent him information on the topic and did not want to hold up the  
155 current pricing offered.  
156 DIRECTOR CINGLE said that he would check on that.  
157 THE CHAIR asked for any discussion before passage. No Discussion.  
158 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-23 passes.  
159 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

160

161 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**  
162 **OFFICIALS**

163 MAYOR PATTON thanked everyone who attended the Nelson Russ grand opening and announced that  
164 there are two other upcoming events for the Recreation Department: the big wheel race on May 31<sup>st</sup> at 6  
165 pm and the first movie in the park will be held on June 2<sup>nd</sup> at Nelson Russ at 10:30 am. This Monday, the  
166 annual Memorial Day service will take place starting at city hall at 8:00am, then moving across the street  
167 at 9:00am for a parade along Lorain Road.

168

169 DIRECTOR LEININGER thanked council for passage of the emergency legislation for the Campus water  
170 line project and said that it would help to keep the project on track. He reported that Dominion Energy has  
171 started the replacement of gas lines on Mastick Road and will be moving west to east from North Olmsted  
172 towards Eaton Road. Once the work is complete, the county project of resurfacing of Mastick Road will  
173 begin in the middle of July. A second gas line project will take place from West 221<sup>st</sup> Street to the North  
174 Olmsted border within the curb lanes in each direction and there will be some road closures as this takes  
175 place. A schedule is being discussed and will be passed along once determined. DIRECTOR LEININGER  
176 announced that Mastick Road will be closed between Eaton Road and Valley Parkway for county repairs  
177 on Wednesday, May 22, 2019 from 9:00 am until about 2:00 pm. Signs are posted at top and bottom of  
178 hill regarding this.

179

180 DIRECTOR CINGLE reported that auditors are on-site this week, as they move closer to finalizing the  
181 2018 audit.

182

183 ENGINEER MACKAY thanked council for passage of the Campus Drive/West 210<sup>th</sup> legislation. He said  
184 that this will allow completion of the bid recommendation. Plans for the 2019 street repair continue and it  
185 is expected to be bid in the next couple weeks. Plans for the Lorain Road slide project are being finalized  
186 and ODOT should be ready to bid the project in the near future.

187

188 **PUBLIC SESSION**

189 MR. VINCE UBINSKI - 4019 W. 210 St – MR. UBINSKI asked what the policy for semi-trucks going  
190 west on West 210<sup>th</sup> Street. He said that he has witnesses several truck flying down the street. He also  
191 expressed concern that there appears to be more cars using the one way ramp entrance into Westgate,  
192 some using incorrectly as an exit. MR. UBINSKI also asked about the noise ordinance of the city. He said  
193 that he has neighbors possibly violating in 2 o'clock hour. MR. UBINSKI commented that he thinks the  
194 Bohlken Park looks beautiful and he hopes it remains that way for SummerFest.

195

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

197 COUNCILMAN MINEK reported that the Board of Control met on Wednesday, May 8, 2019 at 10:00 am  
198 to discuss the Lorain Road Streetscape construction administration and inspection proposal. Three  
199 proposals were received and then scored based on their qualifications. CTL Engineering was determined  
200 to be the most qualified respondent based on the ODOT review criteria. A question was asked if ODOT

201 reviews the price to determine if it is a fair price and the answer was YES and ODOT will review and  
202 approve the price prior to the City awarding any contract. A motion to select the Lorain Road Streetscape  
203 construction administration and inspection proposal submitted by CTL Engineering as the most qualified  
204 and to authorize the Mayor to negotiate a contract for such services with CTL Engineering subject to  
205 review and approval by the Board of Control. Motion carried. COUNCILMAN MINEK reported that he  
206 will be attending the Police Recognition Awards at the Senior Center tomorrow at 7:00pm. He advised  
207 Mr. Ubinski to contact the police department about his traffic concerns as they are the enforcement  
208 authority.

209  
210 COUNCILMAN WOJNAR announced that the Parks and Recreation Commission will meet on  
211 Wednesday, May 22 at 6:00pm at the Gemini Center.

212  
213 COUNCILWOMAN WERING commended the Recreation Department on the great job done on  
214 transformation of Nelson Russ Park. She said that she has not seen her children have so much fun at park  
215 in a long time. Residents have been complimentary of the changes there as well.

216  
217 COUNCILMAN RUSSO commented on the Nelson Russ and said that the grand reopening was fun and  
218 thanked the Mayor for making sure there were ice cream and popsicles for those in attendance.

219  
220 COUNCILMAN SMITH also commended on the improvements of Nelson Russ and said we had a perfect  
221 day for the event. He said remembers when it just had a small building for the Recreation Department. He  
222 said there is some great workout equipment inside of the park as well. He announced the last day of  
223 Fairview Park Schools is this Thursday and asked everyone to watch out for the kids this summer. He  
224 congratulated the graduates of Fairview High School and congratulated Council President's daughter,  
225 Grace, on her graduation with the class of 2019. COUNCILMAN SMITH reminded everyone of the  
226 Memorial Day activities and let everyone know that the annual pancake breakfast will also be at Monday  
227 from 9:00am until noon. This year the breakfast will be at Gilles Sweet cafeteria due to the construction at  
228 the high school.

229  
230 THE CHAIR said that he was shocked to see lifeguards working around the pool area of the recreation  
231 center, as it is a construction area and safety hazard. He said that since contacting the Director about it,  
232 there has been caution tape placed around the area.

233  
234 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.  
235 Moved and Seconded.

236 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 7:31 p.m.  
237 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

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241 \_\_\_\_\_  
242 Michael P. Kilbane, President of Council

243 \_\_\_\_\_  
244 Liz L. Westbrooks, Clerk of Council

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246 Eileen Ann Patton, Mayor

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2 **MINUTES OF THE SPECIAL MEETING OF FAIRVIEW PARK CITY COUNCIL**  
3 **WEDNESDAY, MAY 22, 2019**  
4

5 The special meeting of Council was called to order by Council President Pro Tem Minek at 8:54 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  
11 THE CHAIR entertained a motion to excuse Council President Kilbane from the meeting.

12 Moved and Seconded.

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

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

15  
16 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**

17  
18 **LEGISLATION FOR PASSAGE WITHOUT THREE READINGS**

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

20 ORDINANCE NO. 19-27

21 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF SERVICE & DEVELOPMENT

22 SPONSORED BY: COUNCILMAN WOJNAR

23 *AN ORDINANCE INCREASING THE CONSTRUCTION CONTINGENCY LIMIT SET FORTH IN*  
24 *ORDINANCE 18-40 FOR THE GEMINI CENTER NATATORIUM ROOF REPLACEMENT PROJECT*  
25 *AND DECLARING AN EMERGENCY*

26 THE CHAIR asked for any discussion.

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

29 Moved and Seconded.

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

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

32 THE CHAIR asked for any further discussion before passage.

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

34 Moved and Seconded.

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

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

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

38 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-27 passes.

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

40  
41 THE CHAIR made a motion to adjourn with no other business before Council.

42 Moved and Seconded.

43 ROLL ON MOTION: Vote: YES-5, NO-0 | Meeting adjourned at 8:59 p.m.

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-  
REQUESTED BY: MAYOR EILEEN ANN PATTON  
SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND VARIOUS SECTIONS OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO REPLACE ALL PERSONAL PRONOUNS WITH THE OFFICIAL TITLE OF THE SINGLE CITY POSITION BEING REFERRED TO BY THESE PRONOUNS IN EACH OF THESE SECTIONS AND DECLARING AN EMERGENCY

WHEREAS, in September of 2018, the Mayor appointed nine (9) qualified electors to the 2018/2019 Charter Review Commission (“Commission”); and

WHEREAS, per Article XIV of the Charter, the Commission is charged with reviewing the Charter of the City of Fairview Park, Ohio (“Charter”), and recommending alterations, revisions and amendments, if any, to the Council; and

WHEREAS, per Article XIV of the Charter, the Council shall review the recommendations of the Charter Review Commission and approve or disapprove each individual recommendation. The Council thereafter shall submit to the electors any such proposed alterations, revisions, or amendments of this Charter it has approved by an affirmative vote of at least a majority plus one of its members pursuant to Article XII of this Charter at the next General Election; and

WHEREAS, the current Charter contains masculine pronouns or plural pronouns referring to the male gender; and

WHEREAS, the Charter Review Commission recommends that, where applicable, all personal pronouns in various sections of the Charter be replaced with the appropriate official title of the single City position being referred to by each given pronoun.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

SECTION 1. It shall be proposed to the electors of the City of Fairview Park to amend various sections of the Charter of the City of Fairview Park, where applicable, to replace all personal pronouns with the official title of the single City position being referred to by these pronouns in those sections.

SECTION 2. That the proposed amendment includes deletion of the following section.

ARTICLE XIII  
GENERAL PROVISIONS

**~~SECTION 5. GENDER NEUTRAL~~**

~~Whenever the male gender is used in this Charter it shall include the female gender.~~

~~(Added 11-3-09.)~~

SECTION 3. That this amendment to the Charter of the City of Fairview Park shall be submitted to the electors pursuant to Articles XII and XIV of the Charter of the City of Fairview Park and in accordance with all other laws.

SECTION 4. That the forgoing proposed amendment to the Charter of the City of Fairview Park, on receiving at least a majority of the votes cast at the November 5, 2019 General Election, shall become effective immediately upon passage.

SECTION 5. That the Clerk of Council is authorized to promptly forward a certified copy of this Ordinance to the Cuyahoga County Board of Elections so that the Board of Elections shall cause an appropriate notice to be given of the election to be held on November 5, 2019 of the foregoing amendment to the Charter of the City of Fairview Park and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

SECTION 6. That the Clerk of Council shall cause the full text of the proposed amendment to the Charter to be published once a week for two (2) consecutive weeks in a newspaper published in the City of Fairview Park, with the first publication being made at least fifteen (15) days prior to the General Election to be held November 5, 2019 as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, and Section 731.211 of the Ohio Revised Code.

SECTION 7. Spaces shall be provided on the ballot where the electors of the City of Fairview Park can indicate a “yes” or a “no” to the question submitted and that the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT  
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

“Shall various sections of the Charter of the City of Fairview Park be amended to replace all pronouns with the official title of the single City position being referred to by these pronouns in each of those sections and shall Article XIII, Section 5 GENDER NEUTRAL be deleted?”

SECTION 8. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 9. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and so that this amendment can be place on the ballot at General Election of November 5, 2019; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-  
REQUESTED BY: MAYOR EILEEN ANN PATTON  
SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 1 OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT THE POSITIONS OF PRESIDENT OF COUNCIL AND THE AT-LARGE MEMBER OF COUNCIL SHALL BE ELECTED IN THE REGULAR MUNICIPAL ELECTION SCHEDULED IN NOVEMBER 2023, FOR A TERM OF FOUR (4) YEARS BEGINNING IN JANUARY 2024, AND EVERY FOUR (4) YEARS THEREAFTER; AND THAT POSITIONS OF THE FIVE (5) WARD MEMBERS OF COUNCIL SHALL BE ELECTED IN THE REGULAR MUNICIPAL ELECTION SCHEDULED IN NOVEMBER 2023, FOR A TERM OF TWO (2) YEARS, FOR TERMS BEGINNING JANUARY 1, 2024, AND SUCH WARD COUNCIL MEMBER POSITIONS SHALL STAND FOR ELECTION IN NOVEMBER 2025, FOR FOUR (4) YEAR TERMS BEGINNING JANUARY 1, 2026, AND EVERY FOUR (4) YEARS THEREAFTER, AND DECLARING AN EMERGENCY

WHEREAS, in September of 2018, the Mayor appointed nine (9) qualified electors to the 2018/2019 Charter Review Commission (“Commission”); and

WHEREAS, per Article XIV of the Charter, the Commission is charged with reviewing the Charter of the City of Fairview Park, Ohio (“Charter”), and recommending alterations, revisions and amendments, if any, to the Council; and

WHEREAS, per Article XIV of the Charter, the Council shall review the recommendations of the Charter Review Commission and approve or disapprove each individual recommendation. The Council thereafter shall submit to the electors any such proposed alterations, revisions, or amendments of this Charter it has approved by an affirmative vote of at least a majority plus one of its members pursuant to Article XII of this Charter at the next General Election; and

WHEREAS, the current Charter provides that the positions of President of Council, At-Large Member of Council and the five (5) Ward Members of Council shall be elected at the regular municipal election in the year 2011 for a term of four (4) years and every fourth year thereafter; and

WHEREAS, the Charter Review Commission recommends that the positions of President of Council and the at-large Council Member continue to be elected in this cycle and positions of the five (5) Ward Members of Council be elected for a single two (2) year term in 2023 and a four (4) year term in 2025 and then every four (4) years thereafter resulting in the positions of President of Council and at-large Member of Council being staggered by two (2) years from the positions of the five (5) Ward Council Members.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

SECTION 1. It shall be proposed to the electors of the City of Fairview Park to amend Article IV, Section 1 of the Charter of the City of Fairview Park to provide that the positions of President of Council and the at-large Member of Council shall be elected in the regular municipal election scheduled in November 2023, for a term of four (4) years beginning in January 2024, and every four (4) years thereafter; and that positions of the five (5) Ward Members of Council shall be elected in the regular municipal election scheduled in November 2023, for a term of two (2) years, for terms beginning January 1, 2024, and such Ward council member positions shall stand for election in November 2025, for four (4) year terms beginning January 1, 2026, and every four (4) years thereafter.

SECTION 2. That the proposed amendments to Article IV and Article IX read as follows:

ARTICLE IV  
THE COUNCIL

**SECTION 1. NUMBER AND TERMS.**

All legislative powers of the City, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven members, five of whom shall be elected by the several wards, one of whom shall be elected at large, and one of whom shall be elected at large as president of Council.

~~Members of Council, including the President of Council, shall be elected at the regular municipal election in the year 2011 for a term of four (4) years and every fourth year thereafter for a term of four (4) years. All members of the Council shall assume office on the first day of January next following their election.~~ **THE POSITIONS OF PRESIDENT OF COUNCIL AND COUNCILPERSON AT-LARGE SHALL BE ELECTED IN THE REGULAR MUNICIPAL ELECTION SCHEDULED IN NOVEMBER 2023, FOR A TERM OF FOUR (4) YEARS BEGINNING JANUARY 1, 2024, AND EVERY FOUR (4) YEARS THEREAFTER.**

**THE FIVE (5) WARD COUNCIL POSITIONS SHALL BE ELECTED IN THE REGULAR MUNICIPAL ELECTION SCHEDULED IN NOVEMBER 2023, FOR A TERM OF TWO (2) YEARS, FOR POSITIONS BEGINNING JANUARY 1, 2024, AND SAID POSITIONS WILL STAND FOR ELECTION IN NOVEMBER 2025, FOR FOUR (4) YEAR TERMS BEGINNING JANUARY 1, 2026, AND EVERY FOUR (4) YEARS THEREAFTER.”**

ARTICLE IX  
NOMINATIONS AND ELECTION

**SECTION 4. ELECTIONS.**

~~The regular municipal election shall be held on the first (1st) Tuesday after the first (1st) Monday in November of odd numbered years, commencing in 1977, for the Mayor, the President of Council and all members of Council.~~ **THE REGULAR MUNICIPAL ELECTION SHALL BE HELD ON THE FIRST (1ST) TUESDAY AFTER THE FIRST (1ST) MONDAY IN NOVEMBER**

**OF ODD NUMBERED YEARS, COMMENCING IN 2023, AND AS PRESCRIBED BY ARTICLE IV, SECTION 1 OF THE CHARTER.**

SECTION 3. That this amendment to the Charter of the City of Fairview Park shall be submitted to the electors pursuant to Articles XII and XIV of the Charter of the City of Fairview Park and in accordance with all other laws.

SECTION 4. That the forgoing proposed amendment to the Charter of the City of Fairview Park, on receiving at least a majority of the votes cast at the November 5, 2019 General Election, shall become effective immediately upon passage.

SECTION 5. That the Clerk of Council is authorized to promptly forward a certified copy of this Ordinance to the Cuyahoga County Board of Elections so that the Board of Elections shall cause an appropriate notice to be given of the election to be held on November 5, 2019 of the foregoing amendment to the Charter of the City of Fairview Park and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

SECTION 6. That the Clerk of Council shall cause the full text of the proposed amendment to the Charter to be published once a week for two (2) consecutive weeks in a newspaper published in the City of Fairview Park, with the first publication being made at least fifteen (15) days prior to the General Election to be held November 5, 2019 as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, and Section 731.211 of the Ohio Revised Code.

SECTION 7. Spaces shall be provided on the ballot where the electors of the City of Fairview Park can indicate a “yes” or a “no” to the question submitted and that the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT  
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

“Shall Article IV, Section 1 of the Charter of the City of Fairview Park be amended to provide that the positions of President of Council and the at-large Member of Council be elected in the regular municipal election scheduled in November 2023, for a term of four (4) years beginning in January 2024, and every four (4) years thereafter; and that positions of the five (5) Ward Members of Council be elected in the regular municipal election scheduled in November 2023, for a term of two (2) years, for terms beginning January 1, 2024, and such Ward council member positions stand for election in November 2025, for four (4) year terms beginning January 1, 2026, and every four (4) years thereafter?”

SECTION 8. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 9. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and so that this amendment can be place on the ballot at General Election of November 5, 2019; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-  
REQUESTED BY: MAYOR EILEEN ANN PATTON  
SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE IV OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT SECTION 14 REQUIRE THAT NOTICE OF A PUBLIC HEARING BE PROVIDED TO RECORD TITLE HOLDERS OF THE PROPERTY WITHIN AN AREA OF FIVE HUNDRED (500) FEET, OR GREATER AS MAY BE PROVIDED BY ORDINANCE OF COUNCIL AS DISCLOSED BY RECORDS OF THE CUYAHOGA COUNTY OFFICE OF FISCAL OFFICER AND TO REQUIRE THAT ANY SUCH ZONING ACTION SHALL BE REFERRED TO THE PLANNING AND DESIGN COMMISSION AS PROVIDED IN ARTICLE VII, SECTION 2 (d) OF THE CHARTER; AND THAT SECTION 16. VOTER APPROVAL OF ZONING CHANGES BE DELETED AND DECLARING AN EMERGENCY

WHEREAS, in September of 2018, the Mayor appointed nine (9) qualified electors to the 2018/2019 Charter Review Commission (“Commission”); and

WHEREAS, per Article XIV of the Charter, the Commission is charged with reviewing the Charter of the City of Fairview Park, Ohio (“Charter”), and recommending alterations, revisions and amendments, if any, to the Council; and

WHEREAS, per Article XIV of the Charter, the Council shall review the recommendations of the Charter Review Commission and approve or disapprove each individual recommendation. The Council thereafter shall submit to the electors any such proposed alterations, revisions, or amendments of this Charter it has approved by an affirmative vote of at least a majority plus one of its members pursuant to Article XII of this Charter at the next General Election; and

WHEREAS, the current Charter provides that notice of a public hearing include record title holders of property immediately adjacent, adjoining and abutting the subject property and that the electors of the City of Fairview Park shall approve changes in zoning classification, districts and uses in at municipal elections; and

WHEREAS, the Charter Review Commission recommends that notice of a public hearing be amended to include record title holders of property within five hundred (500) feet of the subject property; that zoning actions be referred to the Planning and Design Commission; and that voter approval of zoning changes be deleted.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

SECTION 1. It shall be proposed to the electors of the City of Fairview Park to amend Article IV of the Charter of the City of Fairview Park to provide that Section 14 (b) require that notice of a public hearing be provided to record title holders of the property within an area of five hundred (500) feet, or greater as may be provided by Ordinance of Council as disclosed by records of the Cuyahoga County Office of Fiscal Officer and to require that any such zoning action shall be referred to Planning and Design Commission as provided in Article VII, Section 2 (d) of the Charter; and that Section 16. Voter Approval of Zoning Changes, be deleted.

SECTION 2. That the proposed amendments to Article IV read as follows:

ARTICLE IV  
THE COUNCIL

**SECTION 14. ENACTMENT OF ZONING ORDINANCES AND REGULATIONS, NOTICE.**

(b) The Council may provide by ordinance for the procedure for the passage and amendments to any zoning ordinance, the maps and regulations thereof, and the publication of notice and public hearings thereof, provided that the minimum notice of the time and place of such public hearing shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the city, with the first such notice being published not less than thirty days (30) prior to the first public hearing at which Council considers such ordinance. In the event it is proposed to amend, enlarge, or change any area, zone or district classification, defined in an enacted ordinance, then, in addition to the newspaper notice hereinbefore provided, notice of the time and place of such public hearing shall be given by first class mail, postage pre-paid, ten (10) days before such hearing, to the record title holders of the property ~~immediately adjacent, adjoining and abutting on~~ **WITHIN AN AREA OF FIVE HUNDRED (500) FEET, OR GREATER AS MAY BE PROVIDED BY ORDINANCE OF COUNCIL**, of such area, zone, or district proposed to be changed. Record title holder shall mean the title holder of such property as disclosed by the Records of the ~~Auditor of~~ Cuyahoga County **OFFICE OF FISCAL OFFICER**, thirty (30) days immediately prior to the date of such public hearing. If the mailing address of such record title holder cannot be reasonably ascertained, then the aforesaid newspaper notice of such hearing shall be deemed adequate notice. Nothing herein provided shall be construed as limiting the power of the Council from enlarging on such notice. **ANY SUCH ZONING ACTION SHALL BE REFERRED TO PLANNING AND DESIGN COMMISSION AS PROVIDED IN ARTICLE VII, SECTION 2 (d) OF THE CHARTER.**

~~**SECTION 16. VOTER APPROVAL OF ZONING CHANGES**~~

~~(a) An ordinance, resolution, or other action, whether legislative or administrative in nature, effecting a change in the zoning classification or district of any property within the City of Fairview Park, Ohio, shall not become effective after the passage thereof, until Council submits such ordinance, resolution or other action to the electorate at a regularly scheduled election in November or a primary election in May occurring more than sixty (60) days after the passage of the ordinance, resolution, or other action and such ordinance, resolution or other action is approved by a majority~~

~~of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to property in the ward.~~

~~—(b) An ordinance, resolution, or other action, whether legislative or administrative in nature, effecting change in the uses permitted in any zoning use classification or district of the City of Fairview Park, Ohio, shall not become effective after the passage thereof, until Council submits such ordinance, resolution or other action to the electorate at a regularly scheduled election in November or a primary election in May occurring more than sixty (60) days after the passage of the ordinance, resolution or other action and such ordinance, resolution or other action is approved by a majority of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to property in the ward.~~

~~(Amended 11-7-95.)~~

~~—(c) The requirement of approval by a majority of voters voting thereon in this Municipality and in each ward in which the change is applicable shall also apply to changes in zoning classification, district or use sought to be effected by initiative petition.~~

~~—(d) All ordinances, resolutions, proclamations, motions and Charter provisions inconsistent with this section are hereby repealed and declared null and void.~~

~~—(e) This section shall be severable and if any subsection, part, word or application thereof is held invalid for any reason, such holding shall not invalidate or affect the force and effect of any other subsection, part, word or application thereof~~

SECTION 3. That this amendment to the Charter of the City of Fairview Park shall be submitted to the electors pursuant to Articles XII and XIV of the Charter of the City of Fairview Park and in accordance with all other laws.

SECTION 4. That the forgoing proposed amendment to the Charter of the City of Fairview Park, on receiving at least a majority of the votes cast at the November 5, 2019 General Election, shall become effective immediately upon passage.

SECTION 5. That the Clerk of Council is authorized to promptly forward a certified copy of this Ordinance to the Cuyahoga County Board of Elections so that the Board of Elections shall cause an appropriate notice to be given of the election to be held on November 5, 2019 of the foregoing amendment to the Charter of the City of Fairview Park and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

SECTION 6. That the Clerk of Council shall cause the full text of the proposed amendment to the Charter to be published once a week for two (2) consecutive weeks in a newspaper published in the City of Fairview Park, with the first publication being made at least fifteen (15) days prior to the General Election to be held November 5, 2019 as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, and Section 731.211 of the Ohio Revised Code.

SECTION 7. Spaces shall be provided on the ballot where the electors of the City of Fairview Park can indicate a “yes” or a “no” to the question submitted and that the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT  
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

“Shall Article IV of the Charter of the City of Fairview Park be amended to provide that Section 14 require that notice of a public hearing be provided to record title holders of the property within an area of five hundred (500) feet, or greater as may be provided by Ordinance of Council as disclosed by records of the Cuyahoga County Office of Fiscal Officer and to require that any such zoning action shall be referred to Planning and Design Commission as provided in Article VII, Section 2 (d) of the Charter; and that Section 16. Voter Approval of Zoning Changes, be deleted?”

SECTION 8. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 9. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and so that this amendment can be place on the ballot at General Election of November 5, 2019; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-  
REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 16, SUBSECTIONS (a) AND (b) OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT COUNCIL SUBMIT AN ORDINANCE, RESOLUTION OR OTHER ACTION EFFECTING A CHANGE IN THE ZONING CLASSIFICATION OR DISTRICT OR EFFECTING CHANGE IN THE USES PERMITTED OF ANY PROPERTY TO THE ELECTORATE AT A REGULARLY SCHEDULED ELECTION IN NOVEMBER OR A REGULARLY SCHEDULED PRIMARY ELECTION MORE THAN NINETY (90) DAYS AFTER THE PASSAGE OF SUCH ORDINANCE, RESOLUTION OR OTHER ACTION AND DECLARING AN EMERGENCY

WHEREAS, per Article XII of the Charter of the City of Fairview Park, Ohio (“Charter”), the Charter may be amended by Council, by the affirmative vote of at least a majority plus one of its members and submitted to the electors in accordance with the provisions of the Constitution and laws of Ohio; and

WHEREAS, the current Charter provides that an ordinance, resolution or other action effecting a change in the zoning classification or district or effecting change in the uses permitted of any property be submitted to the electorate at the regularly scheduled election in November or primary election in May more than sixty (60) days after the passage of such ordinance, resolution or action; and

WHEREAS, the requirement that an ordinance, resolution or other action effecting a change in the zoning classification or district or effecting change in the uses permitted of any property be submitted to the electorate at the regularly scheduled election in November or primary election in May more than sixty (60) days after the passage of such ordinance, resolution or action does not provide sufficient time for the Board of Elections to provide ballots to all eligible electors and additional time is required and in certain years primary elections are held in a month other than May.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

SECTION 1. It shall be proposed to the electors of the City of Fairview Park to amend Article IV, Section 16, Subsections (a) and (b) of the Charter of the City of Fairview Park to provide that Council submit an ordinance, resolution or other action effecting a change in the zoning classification or district or effecting change in the uses permitted of any property to the electorate at a regularly scheduled election in November or a regularly scheduled primary election more than ninety (90) days after the passage of such ordinance, resolution or other action.

SECTION 2. That the proposed amendments to Article IV, Section 16 read as follows:

ARTICLE IV  
THE COUNCIL

**SECTION 16. VOTER APPROVAL OF ZONING CHANGES**

- (a) An ordinance, resolution or other action, whether legislative or administrative in nature, effecting a change in the zoning classification or district of any property within the City of Fairview Park, Ohio, shall not become effective after the passage thereof, until Council submits such ordinance, resolution or action to the electorate at a regularly scheduled election in November or a **REGULARLY SCHEDULED** primary election ~~in May~~ occurring more than ~~sixty~~ **NINETY(60 90)** days after the passage of the ordinance, resolution of other action and such ordinance, resolution or other action is approved by a majority of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to the property in the ward.
- (b) An ordinance, resolution or other action, whether legislative or administrative in nature, effecting change in the uses permitted in any zoning use classification or district of the City of Fairview Park, Ohio, shall not become effective after the passage thereof, until Council submits such ordinance, resolution or action to the electorate at a regularly scheduled election in November or a **REGULARLY SCHEDULED** primary election ~~in May~~ occurring more than ~~sixty~~ **NINETY(60 90)** days after the passage of the ordinance, resolution of other action and such ordinance, resolution or other action is approved by a majority of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to the property in the ward.

SECTION 3. That this amendment to the Charter of the City of Fairview Park shall be submitted to the electors pursuant to Articles XII and XIV of the Charter of the City of Fairview Park and in accordance with all other laws.

SECTION 4. That the forgoing proposed amendment to the Charter of the City of Fairview Park, on receiving at least a majority of the votes cast at the November 5, 2019 General Election, shall become effective immediately upon passage.

SECTION 5. That the Clerk of Council is authorized to promptly forward a certified copy of this Ordinance to the Cuyahoga County Board of Elections so that the Board of Elections shall cause an appropriate notice to be given of the election to be held on November 5, 2019 of the foregoing amendment to the Charter of the City of Fairview Park and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

SECTION 6. That the Clerk of Council shall cause the full text of the proposed amendment to the Charter to be published once a week for two (2) consecutive weeks in a newspaper published in the City of Fairview Park, with the first publication being made at least fifteen (15) days prior

to the General Election to be held November 5, 2019 as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, and Section 731.211 of the Ohio Revised Code.

SECTION 7. Spaces shall be provided on the ballot where the electors of the City of Fairview Park can indicate a “yes” or a “no” to the question submitted and that the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT  
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

“Shall Article IV, Section 16, Subsections (a) and (b) of the Charter of the City of Fairview Park be amended to provide that Council submit an ordinance, resolution or other action effecting a change in the zoning classification or district or effecting change in the uses permitted of any property to the electorate at a regularly scheduled election in November or a regularly scheduled primary election, more than ninety (90) days after the passage of such ordinance, resolution or other action?”

SECTION 8. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 9. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and so that this amendment can be place on the ballot at General Election of November 5, 2019; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrook, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-  
REQUESTED BY: MAYOR EILEEN ANN PATTON  
SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 11 OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT ALL ORDINANCES, RESOLUTIONS, STATEMENTS, ORDERS, PROCLAMATIONS AND REPORTS REQUIRED BY LAW OR BY THIS CHARTER, SHALL BE POSTED IN A BROADLY ACCESSIBLE PLACE AS PRESCRIBED BY COUNCIL AND INCLUDE POSTING ON THE OFFICIAL CITY WEBSITE OR OTHER ELECTRONIC MEANS AND DECLARING AN EMERGENCY

WHEREAS, in September of 2018, the Mayor appointed nine (9) qualified electors to the 2018/2019 Charter Review Commission (“Commission”); and

WHEREAS, per Article XIV of the Charter, the Commission is charged with reviewing the Charter of the City of Fairview Park, Ohio (“Charter”), and recommending alterations, revisions and amendments, if any, to the Council; and

WHEREAS, per Article XIV of the Charter, the Council shall review the recommendations of the Charter Review Commission and approve or disapprove each individual recommendation. The Council thereafter shall submit to the electors any such proposed alterations, revisions, or amendments of this Charter it has approved by an affirmative vote of at least a majority plus one of its members pursuant to Article XII of this Charter at the next General Election; and

WHEREAS, the current Charter provides that all ordinances, resolutions, statements, orders, proclamations and reports required by law or by the Charter or by ordinance be published or posted at one place, the City Hall; and

WHEREAS, the Charter Review Commission recommends that such publishing or posting be posted in a broadly accessible place as prescribed by Council and that publication shall include posting on the official City website or other electronic means.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

SECTION 1. It shall be proposed to the electors of the City of Fairview Park to amend Article IV, Section 11 of the Charter of the City of Fairview Park to provide that all required publication and postings of the Council be in a broadly accessible place as prescribed by Council and include posting on the official City website or other electronic means.

SECTION 2. That the proposed amendments to Article IV read as follows:

ARTICLE IV  
THE COUNCIL

**SECTION 11. FORM OF LEGISLATIVE ACTION.**

All legislative action by Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members elected to Council shall be required for the passage or enactment of every ordinance or resolution. Unless otherwise provided herein, every ordinance or resolution shall be read at three (3) different Council meetings unless a majority plus one of the members elected to Council dispense with this requirement. If a written or printed copy of the ordinance or resolution shall have been furnished to each member of Council prior to its introduction, the ordinance or resolution shall be deemed to have been read if the title is fully read, provided however, at the request of two or more members of Council the full text of the ordinance or resolution shall be read.

All ordinances, resolutions, statements, orders, proclamations and reports required by law or by this Charter or by ordinance to be published or posted, shall be posted **IN A BROADLY ACCESSIBLE PLACE AS PRESCRIBED BY COUNCIL** ~~at one place, the City Hall,~~ for a period of not less than fifteen (15) days prior to the taking effect thereof. **PUBLICATION SHALL ALSO INCLUDE POSTING ON THE OFFICIAL CITY WEBSITE OR OTHER ELECTRONIC MEANS.** Any emergency ordinance or resolution shall also be published or posted as aforesaid, but said requirements shall not postpone the immediate taking effect thereof as provided in Section 12 of this Article.

SECTION 3. That this amendment to the Charter of the City of Fairview Park shall be submitted to the electors pursuant to Articles XII and XIV of the Charter of the City of Fairview Park and in accordance with all other laws.

SECTION 4. That the forgoing proposed amendment to the Charter of the City of Fairview Park, on receiving at least a majority of the votes cast at the November 5, 2019 General Election, shall become effective immediately upon passage.

SECTION 5. That the Clerk of Council is authorized to promptly forward a certified copy of this Ordinance to the Cuyahoga County Board of Elections so that the Board of Elections shall cause an appropriate notice to be given of the election to be held on November 5, 2019 of the foregoing amendment to the Charter of the City of Fairview Park and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

SECTION 6. That the Clerk of Council shall cause the full text of the proposed amendment to the Charter to be published once a week for two (2) consecutive weeks in a newspaper published in the City of Fairview Park, with the first publication being made at least fifteen (15) days prior to the General Election to be held November 5, 2019 as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, and Section 731.211 of the Ohio Revised Code.

SECTION 7. Spaces shall be provided on the ballot where the electors of the City of Fairview Park can indicate a “yes” or a “no” to the question submitted and that the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT  
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

“Shall Article IV, Section 11 of the Charter of the City of Fairview Park be amended to provide that all required publications and postings of Council be in a broadly accessible place as prescribed by Council and include posting on the official City website or other electronic means?”

SECTION 8. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 9. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and so that this amendment can be place on the ballot at General Election of November 5, 2019; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-  
REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE IX, SECTION 3 OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO MOVE PRIMARY ELECTIONS FROM SEPTEMBER TO MAY AND TO CORRECT SAID SECTION TO PROVIDE THAT IN CASE THERE SHALL NOT BE MORE THAN TWO (2) PERSONS WHO SHALL HAVE FILED PETITIONS FOR THE OFFICE OF COUNCIL AT LARGE AS PROVIDED FOR IN THIS CHARTER, THEN SAID PERSONS SHALL BE THE CANDIDATES AT THE REGULAR MUNICIPAL ELECTION AND THE PRIMARY FOR THE PARTICULAR OFFICE SHALL NOT BE HELD AND DECLARING AN EMERGENCY

WHEREAS, in September of 2018, the Mayor appointed nine (9) qualified electors to the 2018/2019 Charter Review Commission (“Commission”); and

WHEREAS, per Article XIV of the Charter, the Commission is charged with reviewing the Charter of the City of Fairview Park, Ohio (“Charter”), and recommending alterations, revisions and amendments, if any, to the Council; and

WHEREAS, per Article XIV of the Charter, the Council shall review the recommendations of the Charter Review Commission and approve or disapprove each individual recommendation. The Council thereafter shall submit to the electors any such proposed alterations, revisions, or amendments of this Charter it has approved by an affirmative vote of at least a majority plus one of its members pursuant to Article XII of this Charter at the next General Election; and

WHEREAS, the current Charter requires that primary elections be held in the month of September; and

WHEREAS, holding an earlier primary would result in cost savings; ensure that those who participate in early voting have sufficient time between the primary election and early voting period; increase voter turnout; and allow the Board of Elections to send accurate and timely ballots to military and overseas voters; and

WHEREAS, in 2009, amendments were made to Article IX, Section 3 to reduce the number of candidates receiving the highest number of votes at the primary election who are to be placed on the ballot of the General Election from six (6) persons to two (2) persons; and

WHEREAS, the current Charter provides that in case there shall not be more than six (6) persons who shall have filed petitions for the office of Council-at-large as provide for in this Charter then a primary election shall not be held; and

WHEREAS, the Charter Review Commission recommends that Article IX, Section 3 be amended to reference in case there shall not be more than two (2) persons for the office of Council-at-large, since there is only one position of Council-at-large.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

SECTION 1. It shall be proposed to the electors of the City of Fairview Park to amend Article IX, Section 3 of the Charter of the City of Fairview Park to move primary elections from September to May and to correct said section to provide that in case there shall not be more than two (2) persons who shall have filed petitions for the office of Council-at-large as provided for in this Charter, then said persons shall be the candidates at the regular Municipal election and the primary for the particular office shall not be held.

SECTION 2. That the proposed correction in Article IX reads as follows:

ARTICLE IX  
NOMINATIONS AND ELECTIONS

**SECTION 3. PRIMARY ELECTION.**

Candidates for all offices to be voted for at any municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held on the ~~second~~ **first** Tuesday **after the first Monday in May** ~~September~~.

The number of candidates for the office of Mayor, President of Council and Ward Councilmen at any regular municipal election in the City shall be the two candidates on the primary election ballot receiving the highest number of votes at the primary election. The number of candidates for the office of Council-at-large at any regular municipal election in the City shall be the two (2) candidates on the primary election ballot receiving the highest number of votes at the primary election.

In case there shall not be more than two persons who shall have filed petitions for the office of Mayor, President of Council and Ward Councilmen as provided for in this Charter, then said persons shall be the candidates at the regular municipal election and the primary for the particular office shall not be held. In case there shall not be more than **TWO (2)** ~~six (6)~~ persons who shall have filed petitions for the office of Council-at-large as provided for in this Charter, then said persons shall be the candidates at the regular Municipal election and the primary for the particular office shall not be held.

Anyone who has not filed a petition for this primary election shall be ineligible as a candidate in the regular municipal election.

SECTION 3. That this amendment to the Charter of the City of Fairview Park shall be submitted to the electors pursuant to Articles XII and XIV of the Charter of the City of Fairview Park and in accordance with all other laws.

SECTION 4. That the forgoing proposed amendment to the Charter of the City of Fairview Park, on receiving at least a majority of the votes cast at the November 5, 2019 General Election, shall become effective immediately upon passage.

SECTION 5. That the Clerk of Council is authorized to promptly forward a certified copy of this Ordinance to the Cuyahoga County Board of Elections so that the Board of Elections shall cause an appropriate notice to be given of the election to be held on November 5, 2019 of the foregoing amendment to the Charter of the City of Fairview Park and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

SECTION 6. That the Clerk of Council shall cause the full text of the proposed amendment to the Charter to be published once a week for two (2) consecutive weeks in a newspaper published in the City of Fairview Park, with the first publication being made at least fifteen (15) days prior to the General Election to be held November 5, 3019 as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, and Section 731.211 of the Ohio Revised Code.

SECTION 7. Spaces shall be provided on the ballot where the electors of the City of Fairview Park can indicate a “yes” or a “no” to the question submitted and that the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT  
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

“Shall Article IX, Section 3 of the Charter of the City of Fairview Park be amended to move primary elections from September to May and be corrected to provide that in case there shall not be more than two (2) persons who shall have filed petitions for the office of Council-at-large as provided for in this Charter, then said persons shall be the candidates at the regular Municipal election and the primary for the particular office shall not be held?”

SECTION 8. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 9. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and so that this amendment can be place on the ballot at General Election of November 5, 2019; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-  
REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE X, SECTION 3, OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT IN THE EVENT A RECALL PETITION HAS BEEN FOUND SUFFICIENT AND HAS BEEN DELIVERED TO THE OFFICIAL WHOSE RECALL IS SOUGHT AND A RECORD IS MADE OF SUCH DELIVERY, IF SUCH OFFICIAL SHALL NOT RESIGN WITHIN FIVE (5) DAYS AFTER THE DAY ON WHICH SUCH DELIVERY SHALL HAVE BEEN MADE, THE COUNCIL SHALL FIX A DAY FOR HOLDING A RECALL ELECTION NOT LESS THAN NINETY (90) DAYS, NOR MORE THAN ONE HUNDRED TWENTY (120) DAYS FROM THE DATE OF DELIVERY AND DECLARING AN EMERGENCY.

WHEREAS, per Article XII of the Charter of the City of Fairview Park, Ohio (“Charter”), the Charter may be amended by Council, by the affirmative vote of at least a majority plus one of its members and submitted to the electors in accordance with the provisions of the Constitution and laws of Ohio; and

WHEREAS, the current Charter provides that in the event a recall petition has been found sufficient and has been delivered to the official whose recall is sought and a record is made of such delivery, if such official shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall fix a day for holding a recall election not less than thirty (30) days, nor more than forty-five (45) days from the date of delivery; and

WHEREAS, the requirement that the Council shall fix a day for holding the recall election not less than thirty (30) days, nor more than forty-five (45) days from the date of delivery does not provide sufficient time for the Board of Elections to provide ballots to all eligible electors and additional time is required.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

SECTION 1. It shall be proposed to the electors of the City of Fairview Park to amend Article X, Section 3 of the Charter of the City of Fairview Park to provide in the event a recall petition has been found sufficient and has been delivered to the official whose recall is sought and a record is made of such delivery, if such official shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall fix a day for holding a recall election not less than ninety (90) days, nor more than one hundred twenty (120) days from the date of delivery.

SECTION 2. That the proposed amendment to Article X read as follows:

## ARTICLE X

### INITIATIVE, REFERENDUM, RECALL

#### SECTION 3. RECALL

Electors shall have the power to remove from office by recall election, any elected official of the City. After an elected official has served six months of his term, a petition demanding his recall and removal, may be filed with the Clerk of Council. Such petition shall be signed by at least twenty-five percent (25%) of the total electors voting at the last preceding Regular Municipal Election, provided, however, the petition for recall of a councilperson from a ward shall be signed by at least that number of electors of the councilperson's ward equal to twenty-five percent (25%) in number of the electors of such ward who voted at the last preceding regular Municipal Election. If the Clerk shall find the petition sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the official whose removal is sought and make a record of such delivery. If such official shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall fix a day for holding a recall election not less than ~~thirty~~ **NINETY (90)** days, nor more than ~~forty-five~~ **ONE HUNDRED TWENTY (120)** days from the date of delivery. If a majority of the votes cast shall be voted affirmatively, such official shall remain in office. If a majority of the votes cast shall be voted negatively, such official shall be considered as removed, his office shall be deemed vacant and such vacancy shall be filled as provided in this Charter. The official removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

SECTION 3. That this amendment to the Charter of the City of Fairview Park shall be submitted to the electors pursuant to Articles XII and XIV of the Charter of the City of Fairview Park and in accordance with all other laws.

SECTION 4. That the forgoing proposed amendment to the Charter of the City of Fairview Park, on receiving at least a majority of the votes cast at the November 5, 2019 General Election, shall become effective immediately upon passage.

SECTION 5. That the Clerk of Council is authorized to promptly forward a certified copy of this Ordinance to the Cuyahoga County Board of Elections so that the Board of Elections shall cause an appropriate notice to be given of the election to be held on November 5, 2019 of the foregoing amendment to the Charter of the City of Fairview Park and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

SECTION 6. That the Clerk of Council shall cause the full text of the proposed amendment to the Charter to be published once a week for two (2) consecutive weeks in a newspaper published in the City of Fairview Park, with the first publication being made at least fifteen (15) days prior to the General Election to be held November 5, 2019 as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, and Section 731.211 of the Ohio Revised Code.

SECTION 7. Spaces shall be provided on the ballot where the electors of the City of Fairview Park can indicate a “yes” or a “no” to the question submitted and that the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT  
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

“Shall Article X, Section 3 of the Charter of the City of Fairview Park be amended to provide that in the event a recall petition has been found sufficient and has been delivered to the official whose recall is sought and a record is made of such delivery, if such official shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall fix a day for holding a recall election not less than ninety (90) days, nor more than one hundred twenty (120) days from the date of delivery?”

SECTION 8. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 9. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and so that this amendment can be place on the ballot at General Election of November 5, 2019; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 19-10  
ORIGINATED BY: THE FINANCE DEPARTMENT  
REQUESTED BY: MAYOR EILEEN ANN PATTON  
SPONSORED BY: COUNCILMAN WOJNAR

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE CITY OF FAIRVIEW PARK, STATE OF OHIO, FOR FISCAL YEAR BEGINNING JANUARY 1, 2020, AND SUBMITTING THE SAME TO THE CUYAHOGA COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY

WHEREAS, the Mayor has heretofore prepared a tentative budget for the City of Fairview Park, State of Ohio, for the fiscal year beginning January 1, 2020 showing estimates of all balances that will be available at the beginning of the year 2020 for the purpose of such year, and all revenues to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites and all other types of classes of revenue; also estimates of all expenditures of changes in or for the purpose of such fiscal year to be paid or met from said revenues or balances; and otherwise conforming with the requirements of law; and

WHEREAS, said budget has been made conveniently available to public inspection for at least ten (10) days by having at least two (2) copies thereof on file in the Office of the Director of Finance.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

SECTION 1. That the budget of the City of Fairview Park, Ohio, for the fiscal year beginning January 1, 2020, heretofore prepared by the Mayor, and submitted to this Council, copies of which have been and are on file in the office of the Director of Finance be and it is hereby adopted as the official budget of the City of Fairview Park, Ohio for the fiscal year beginning January 1, 2020.

SECTION 2. That the Clerk be, and is hereby authorized and directed to certify a copy of said budget, and a copy of this resolution, and to submit the same to the Cuyahoga County Fiscal Officer.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the, further reason that it may be certified to the Cuyahoga County Fiscal Officer by date prescribed by law; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force from immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading: 05.20.19  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

# ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit FAIRVIEW PARK CITY

For the Fiscal Year Commencing JANUARY 1, 2020

Fiscal Officer Signature \_\_\_\_\_ Date \_\_\_\_\_

## COUNTY OF CUYAHOGA

### **Background**

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

### **Ohio Revised Code Section 5705.281**

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

### **County Budget Commission Duties**

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

### **County Budget Commission Action**

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

### **Alternative Tax Budget Information Filing Deadline**

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

### 2020 BUDGET TRANSFERS

FROM	TO	AMOUNT
100 General Fund	240 Police & Fire Pension Fund	\$800,000.00
231 Recreation Capital Fund	300 Bond Retirement Fund	\$150,000.00

## DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)  
(List All Levies Of The Taxing Authority)

### SCHEDULE 1

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authorized	\$ AMOUNT Requested Of Budget Commission
GENERAL	CHARTER	00/00/1959		CONT	1/19-12/19	1/20-12/20	8.33 MILLS	\$4,072,202
PERMANENT IMP	CHARTER	5/31/1994		CONT	1/19-12/19	1/20-12/20	0.87 MILLS	\$425,308
FIRE OPERATING LEVY	SPECIAL	11/8/2016		5 YEARS	1/19-12/19	1/20-12/20	1.00 MILLS	\$351,010
RECREATION	CHARTER	11/5/1996		CONT	1/19-12/19	1/20-12/20	1.00 MILLS	\$488,860
POLICE PENSION	INSIDE				1/19-12/19	1/20-12/20	0.30 MILLS	\$146,658
FIRE PENSION	INSIDE				1/19-12/19	1/20-12/20	0.30 MILLS	\$146,658
Totals							11.80 MILLS	\$5,630,696.00

## STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

I Fund BY Type	SCHEDULE 2					
	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
100 GENERAL	\$2,510,000.00	\$4,416,464.00	\$6,774,000.00	\$13,700,464.00	\$11,270,000.00	\$2,430,464.00
101 Contingent Reserve	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
210 S.C.M.& R.	\$73,000.00	\$0.00	\$1,009,000.00	\$1,082,000.00	\$1,032,000.00	\$50,000.00
220 STATE HIGHWAY	\$9,000.00	\$0.00	\$82,400.00	\$91,400.00	\$81,400.00	\$10,000.00
230 RECREATION	\$1,380,000.00	\$488,860.00	\$3,859,808.00	\$5,728,668.00	\$4,440,616.00	\$1,288,052.00
231 RECREATION CAPITAL	\$650,000.00	\$0.00	\$0.00	\$650,000.00	\$150,000.00	\$500,000.00
240 POLICE/FIRE PENSION	\$3,000.00	\$293,316.00	\$800,000.00	\$1,096,316.00	\$1,057,500.00	\$38,816.00
250 STREET LIGHTING	\$145,000.00	\$0.00	\$300,000.00	\$445,000.00	\$275,000.00	\$170,000.00
255 SOLID WASTE	\$4,000.00	\$0.00	\$720,000.00	\$724,000.00	\$720,000.00	\$4,000.00
260 PERMANENT IMPROVEMENT	\$335,000.00	\$425,308.00	\$0.00	\$760,308.00	\$710,308.00	\$50,000.00
270 FIRE OPERATING	\$100,000.00	\$351,010.00	\$100.00	\$451,110.00	\$350,000.00	\$101,110.00
285 FEMA GRANT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
290 FEDERAL GRANTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
295 STATE GRANTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
300 BOND RETIREMENT	\$864.29	\$0.00	\$1,300,000.00	\$1,300,864.29	\$1,287,395.83	\$13,468.46
500 WATER REIMBURSEMENT	\$15,000.00	\$0.00	\$20,000.00	\$35,000.00	\$25,000.00	\$10,000.00
510 F.P. SANITARY SEWER	\$2,900,000.00	\$0.00	\$2,281,550.00	\$5,181,550.00	\$2,750,000.00	\$2,431,550.00
550 WATER LINE RECONDITIONING	\$40,000.00	\$0.00	\$0.00	\$40,000.00	\$0.00	\$40,000.00
611 SPECIAL HOLDING ACCOUNT	\$375,000.00	\$0.00	\$67,500.00	\$442,500.00	\$75,000.00	\$367,500.00
700 TRUST & AGENCY FUNDS	\$10,000.00	\$0.00	\$30,000.00	\$40,000.00	\$30,000.00	\$10,000.00
709 REDEVELOPMENT FUND	\$316,487.94	\$0.00	\$40,000.00	\$356,487.94	\$0.00	\$356,487.94
710 SENIOR CENTER CONSTRUCTION	\$2,081.07	\$0.00	\$0.00	\$2,081.07	\$0.00	\$2,081.07
711 BAIN PARK RESTORATION	\$100,000.00	\$0.00	\$16,000.00	\$116,000.00	\$20,000.00	\$96,000.00
713 STATE BLDG ASSESSMENT	\$1,850.00	\$0.00	\$3,000.00	\$4,850.00	\$3,250.00	\$1,600.00
714 LAW ENFORCEMENT TRUST	\$30,000.00	\$0.00	\$2,000.00	\$32,000.00	\$8,000.00	\$24,000.00
715 D.U.I. EDUCATION	\$8,000.00	\$0.00	\$2,400.00	\$10,400.00	\$3,000.00	\$7,400.00
716 P.O.P.A.S.	\$32,500.00	\$0.00	\$75,000.00	\$107,500.00	\$75,000.00	\$32,500.00
731 HEALTH INSURANCE	\$211,574.31	\$0.00	\$1,550,000.00	\$1,761,574.31	\$1,550,000.00	\$211,574.31
732 EMPLOYEE SECTION 125	\$3,000.00	\$0.00	\$12,000.00	\$15,000.00	\$12,500.00	\$2,500.00
733 RETIREE ACCRUED BENEFITS	\$200,000.00	\$0.00	\$0.00	\$200,000.00	\$167,591.00	\$32,409.00
741 CABLE FRANCHISE FEE	\$694,515.84	\$0.00	\$280,000.00	\$974,515.84	\$0.00	\$974,515.84
750 JUVENILE DIVERSION	\$20,000.00	\$0.00	\$8,400.00	\$28,400.00	\$8,000.00	\$20,400.00
751 DARE	\$250.00	\$0.00	\$0.00	\$250.00	\$250.00	\$0.00
761 SENIOR LIFE DONATIONS	\$9,500.00	\$0.00	\$3,000.00	\$12,500.00	\$5,000.00	\$7,500.00
781 EMS COLLECTIONS	\$60,000.00	\$0.00	\$350,000.00	\$410,000.00	\$390,000.00	\$20,000.00
811 CAPITAL PROJECTS	\$350,000.00	\$0.00	\$2,610,000.00	\$2,960,000.00	\$2,660,000.00	\$100,000.00
Total	\$10,589,623.45	\$5,974,958.00	\$22,196,158.00	\$38,760,739.45	\$29,356,810.83	\$9,403,928.62

# UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)

(Do Not Include General Obligation Debt Being Paid By Other Sources)

(Do Not Include Special Obligation Bonds & Revenue Bonds)

## SCHEDULE 3

I Purpose Of Bonds Or Notes	II Date Of Issue	III Final Maturity Date	IV Principal Amount Outstanding At The Beginning Of The Calendar Year	V Amount Required To Meet Calendar Year Principal & Interest Payments	VI Amount Receivable From Other Sources To Meet Debt Payments
2012 G.O. BONDS (Gemini)	12/01/12	12/01/30	\$17,125,000.00	\$1,545,062.50	
<b>Totals</b>			\$17,125,000.00	\$1,545,062.50	



CITY OF FAIRVIEW PARK  
ORDINANCE NO.: 19-18 AMENDED (*proposed amendments from 05.28.19 committee*)  
ORIGINATED BY: THE FINANCE DEPARTMENT  
REQUESTED BY: MAYOR EILEEN ANN PATTON  
SPONSORED BY: COUNCILMAN WOJNAR

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR COLLECTION OF THE MONTHLY CHARGE FOR COLLECTION OF SOLID WASTE IN THE CITY OF FAIRVIEW PARK, OHIO FOR THE TAX YEARS 2020 ~~AND 2021~~, AND DECLARING AN EMERGENCY

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

SECTION 1. That the assessment of the cost and expense of solid waste collection for the tax years 2020 ~~and 2021~~, in the amount of \$120 per year per residential parcel for each ~~the~~ tax year, as reported to the Finance Director and now on file in the office of the Finance Director; be and the same is hereby adopted and confirmed, and that for the tax years 2020 ~~and 2021~~, there be and are hereby levied and assessed upon each residential parcel that is subject to collection of solid waste by the City's vendor, the amount reported as aforesaid, which are not in excess of any statutory limitation; and said properties are hereby determined to be specially benefited by said improvement.

SECTION 2. That the remainder of the entire cost of said improvement shall be paid out of the General Fund of the City of Fairview Park, Ohio.

SECTION 3. That this Council hereby finds and determines that the assessments now on file in the office of said Director are in the same proportion to the estimated assessments as originally filed as the actual cost of the above described improvement is to the estimated cost of the improvement as originally filed.

SECTION 4. That the assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after the passage of this Ordinance, or at the option of the owner, in two (2) annual installments. All cash payments shall be made to the Director of Finance of the City. All assessments remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of Council to the County Fiscal Officer as provided by law, to be placed on the tax duplicate and collected as other taxed are collected.

SECTION 5. That the Clerk of this Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City, and to continue on file in this office said assessments.

SECTION 6. That the Clerk of this Council is hereby directed to deliver a certified copy of this Ordinance to the County Fiscal Officer no later than September 9, 2019.

SECTION 7. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 8. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare; and for the further reason that it is necessary to provide funds for solid waste collection to protect the health, convenience, and welfare of the inhabitants of the City of Fairview Park and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading: 04.01.19  
2<sup>nd</sup> reading: 04.15.19  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO.: 19-19 AMENDED (*proposed amendments from 05.28.19 committee*)  
REQUESTED BY: THE FINANCE DEPARTMENT  
SPONSORED BY: COUNCILMAN WOJNAR

AN ORDINANCE AMENDING SECTION 929.06 OF CHAPTER 929 ENTITLED, "SOLID WASTE COLLECTION CHARGES" OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK AND DECLARING AN EMERGENCY

WHEREAS, Section 929.06 of the Codified Ordinances of the City of Fairview Park was amended by Ordinance No. 17-39 to provide that the solid waste collection charges established by Chapter 929 shall expire December 31, 2019; and

WHEREAS, it is in the best interest of the City of Fairview Park to extend the charges established by Chapter 929 until December 31, 20210.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

SECTION 1. That Section 929.06 of the Codified Ordinances of the City of Fairview Park shall be and is hereby amended as follows:

**“ 929.06      EXPIRATION**

The charges established under this Chapter shall expire on December 31, 2019~~21~~ 20.”

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and timely provide for the continuation of the charges under this ordinance, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading: 04.01.19  
2<sup>nd</sup> reading: 04.15.19  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council