



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

**MONDAY, JUNE 17, 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 June 3, 2019

Committee Reports

Local Government and Community Services, Councilman McDonough, Chair

~ LEGISLATIVE AGENDA ~

Legislation on First Reading

COUNCILMAN MINEK

Ord. 19-__ | Authorizing Agreement with County for Resurfacing of West 210 St from Mastick to Lorain Rds

Ord. 19-__ | Authorizing Agreement with ODOT for Lorain Road Slide Area Stabilization

COUNCILMAN MCDONOUGH

Ord. 19-__ | Amending Charter to Change Election Timelines for Vacancy in Office of the Mayor

Legislation on Second Reading

COUNCILMAN MCDONOUGH

Ord. 19-28 | Amending Charter to Make Language Gender Neutral

Ord. 19-29 | Amending Charter to Stagger Elected Office Terms

Ord. 19-30 | Amending Charter to Change Zoning Notice Area, Mandatory Referral and Voter Approval Requirements

Ord. 19-31 | Amending Charter to Change Submission of Zoning Changes and Voter Approval from 60 to 90 Days

Ord. 19-32 | Amending Charter to Change Publishing and Posting Requirements

Ord. 19-33 | Amending Charter to Change Number of At-Large Candidates and Primary Election Date

Ord. 19-34 | Amending Charter to Change Recall Election Date

Audience Input on Legislation Up for Passage

Legislation on Third Reading/Final Passage

COUNCILMAN WOJNAR

Res. 19-10 | Alternative Tax Budget 2020

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 24

Committee Meeting

7:00 p.m.

Council Caucus Room

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

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

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL | PRESENT:

9 Council - B. McDonough, B. Minek, 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 excuse Council President Kilbane from the meeting.

13 Moved and Seconded.

14 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

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

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

18 Moved and Seconded.

19 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

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

22 THE CHAIR made a motion to approve the minutes of the regular meeting of May 20, 2019.

23 Moved and Seconded.

24 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

25 YES: B. McDonough, B. Minek, S. Wering, A. Russo and T. Smith
26

27 THE CHAIR made a motion to approve the minutes of the special meeting of May 22, 2019.

28 Moved and Seconded.

29 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

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

32 **COMMITTEE REPORTS**

33 COUNCILMAN MCDONOUGH reported that the Local Government and Community Services
34 Committee met on Tuesday, May 28 at 7:15pm to discuss the **issue of Review of Charter and Codified**
35 **Ordinances**. In attendance were members of council, Law Director Gibbons, and members of the Charter
36 Review Commission, John Mandula, Michelle Sayer and J. Patrick Lang. Council discussed and reviewed
37 the draft ordinances provided by Law Director Gibbons for the following: Gender Neutrality – This
38 ordinance would cause the Charter to have gender neutral language. This change would result in an
39 approximate charge of \$240 for publishing print and online changes. A motion to have the ordinance
40 presented for first reading passed 7-0. Staggering Election Terms- This ordinance would reset the election
41 terms beginning in the 2023 election, where there would be for 4 year terms for the Mayor, President and
42 Council At-Large and two year terms for Ward representatives, which would begin a staggered election
43 cycle beginning in the 2025 of four year terms for the Ward representatives. A motion to have the
44 ordinance presented for first reading passed 6-0. Zoning Notice 500 feet and voter approval of zoning
45 changes - This ordinance would remove the provision of voter approval of zoning changes, but adds
46 provisions to enlarge the notice area from adjacent property owners to those owners that are within 500
47 feet and would also require a mandatory referral to Planning and Design Commission. A motion to have
48 the ordinance presented for first reading passed 6-0. Publishing and Posting – This ordinance would
49 require that legislation and other items required to be posted, be posted in broadly accessible places as
50 prescribed by Council, including the official City website. A motion to have the ordinance presented for

51 first reading passed 6-0. Primary Election At-Large and May Primary – This ordinance would cause the
52 city’s primary election be moved from September to May to align with other communities in Cuyahoga
53 County and State of Ohio and would also reduce the number of individuals filing petitions for the office of
54 Council-at-Large be changed from not more than 6 to not more than 2. A motion to have the ordinance
55 presented for first reading passed 5-0. Recall – This ordinance would changes the time period for holding
56 recall election be changed from not less than 30 - 45 days from delivery of notice to not less than 90 - 120
57 days at the suggestion of the County Board of Elections. A motion to have the ordinance presented for
58 first reading passed 5-0. Zoning Changes (60 to 90 days) – This ordinance extends the time period for
59 submission to an election occurring more than 90 days instead of 60 days after passage of ordinance. This
60 change was also suggested by the County Board of Elections. A motion to have the ordinance presented
61 for first reading passed 5-0. Council also discussed the draft ordinances for the following: Public Bidding-
62 this ordinance proposes an increase of the threshold of public bidding to state thresholds, which is
63 currently \$50,000. More discussion and input was requested from the Administration regarding this. A
64 motion to have the ordinance remain in committee passed by a 6-0 vote. **Board of Control - This**
65 ordinance proposes removing the Board of Control in the city. Additional discussion and input was
66 requested from the Administration on this. A motion to have the ordinance remain in committee passed by
67 a 6-0 vote. Vacancy in the Office of Mayor - This change was proposed by the County Board of Elections,
68 regarding date changes for elections and extension of time for counting of ballots. More input was
69 requested regarding this from Law Director. A motion to have the ordinance remain in committee passed
70 by a 5-0 vote. The committee meeting ended at 8:55 pm

71
72 COUNCILMAN SMITH reported that the Finance Committee met in a special meeting on Wednesday,
73 May 22nd at 7:00 pm. In addition to council members, Finance Director Greg Cingle, Director Shawn
74 Leininger, Law Director Gibbons and Mayor Patton were in attendance to discuss the following:
75 **Resolution 19-10** Adopts the alternative tax budget for the city beginning January 1, 2020 and submitting
76 to the County Fiscal Officer. This budget estimates all revenue collected by County to be paid to the City.
77 Director Cingle explained that this resolution shows the Budget Commission how many mills the city will
78 levy, which is 11.8 mills. They will review and send another piece of legislation later which then sets the
79 tax rates for the city for fiscal year 2020. He reported that there has been has no changes. A motion to
80 place on 2nd, and return to committee carried by a vote of 6-0. Council also discussed the ordinance to be
81 considered for emergency passage that evening raising the contingency from 5 to 10 percent in the
82 additional amount of \$53,009 for the Gemini Center Roof Replacement project due to additional repairs
83 and modifications to the construction. Director Leininger went over the issues and planned construction of
84 the project including gaps in the walls between the competition pool and studio 3, gaps around PoolPak
85 installations, compressor and control board replacements for PoolPaks. An additional vapor barrier is
86 being installed and glued over the existing vapor barrier and taken over the parapet to ensure that it is
87 sealed. Council asked about warranties and liability if there are issues with the construction since there is
88 new construction abutting the old original construction. Director Leininger expressed that he cannot say
89 with certainty that there will be any other issues with the roof, but they do not envision that happening
90 either. Passage of the legislation will keep the schedule moving along. The closure will be longer than
91 expected, and an updated completion schedule will be given when it is known for sure. The additional
92 contingency cost will be paid with the finance notes issued for the project. A motion to place an ordinance
93 for emergency passage was approved by a 6-0 vote. The Finance committee ended at 8:53 pm.

94
95 The Finance Committee also met on Tuesday, May 28 at 7:01 pm. In attendance were to council members,
96 Finance Director Greg Cingle, Law Director Gibbons and Mayor Patton to discuss the following:
97 **Resolution 19-10** Adopts the alternative tax budget for the city beginning January 1, 2020 and submitting
98 to the County Fiscal Officer. This budget estimates all revenue collected by County to be paid to the City.
99 A question about how delinquencies are handled. Director Cingle said that the city has a 98.31%
100 collection rate for property tax collection and delinquencies are handled through third parties with the

101 county, which then pays the city. A motion to place on 2nd, and subsequent third carried by a vote of 7-0.
102 **Ordinances 19-18 and 19-19** set the assessment and charges respectively for the collection of solid waste
103 for the years 2020 and 2021. Council inquired about the possibility of doing one year and then moving
104 back to a two year collection, to see where markets go, study the issue further and will allow the new
105 administration coming in to be part of the discussion for years moving forward. A motion to amend both
106 ordinances to reflect levying and collection dates for only the year of 2020 passed 7-0. A motion to place
107 both on 3rd reading and final passage was approved with a 7-0 vote. The finance committee ended at
108 7:15pm

109

110 **LEGISLATION ON FIRST READING**

111 COUNCILMAN MCDONOUGH placed the following legislation up for first reading and introduction:

112 ORDINANCE NO. 19-28

113 REQUESTED BY: MAYOR EILEEN ANN PATTON

114 SPONSORED BY: COUNCILMAN MCDONOUGH

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

120 ACTION: Ordinance 19-28 was placed on first read and referred to the Local Government and
121 Community Service Committee.

122

123 ORDINANCE NO. 19-29

124 REQUESTED BY: MAYOR EILEEN ANN PATTON

125 SPONSORED BY: COUNCILMAN MCDONOUGH

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

137 ACTION: Ordinance 19-29 was placed on first read and referred to the Local Government and
138 Community Service Committee.

139

140 ORDINANCE NO. 19-30

141 REQUESTED BY: MAYOR EILEEN ANN PATTON

142 SPONSORED BY: COUNCILMAN MCDONOUGH

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

151 *THAT SECTION 16. VOTER APPROVAL OF ZONING CHANGES BE DELETED AND DECLARING AN*
152 *EMERGENCY*

153 ACTION: Ordinance 19-30 was placed on first read and referred to the Local Government and
154 Community Service Committee.

155

156 ORDINANCE NO. 19-31

157 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

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

167 ACTION: Ordinance 19-31 was placed on first read and referred to the Local Government and
168 Community Service Committee.

169

170 ORDINANCE NO. 19-32

171 REQUESTED BY: MAYOR EILEEN ANN PATTON

172 SPONSORED BY: COUNCILMAN MCDONOUGH

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

180 ACTION: Ordinance 19-32 was placed on first read and referred to the Local Government and
181 Community Service Committee.

182

183 ORDINANCE NO. 19-33

184 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

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

193 ACTION: Ordinance 19-33 was placed on first read and referred to the Local Government and
194 Community Service Committee

195

196 ORDINANCE NO. 19-34

197 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

198 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF*
199 *FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE X, SECTION 3, OF THE CHARTER OF THE*
200 *CITY OF FAIRVIEW PARK TO PROVIDE THAT IN THE EVENT A RECALL PETITION HAS BEEN*

201 *FOUND SUFFICIENT AND HAS BEEN DELIVERED TO THE OFFICIAL WHOSE RECALL IS*
202 *SOUGHT AND A RECORD IS MADE OF SUCH DELIVERY, IF SUCH OFFICIAL SHALL NOT RESIGN*
203 *WITHIN FIVE (5) DAYS AFTER THE DAY ON WHICH SUCH DELIVERY SHALL HAVE BEEN MADE,*
204 *THE COUNCIL SHALL FIX A DAY FOR HOLDING A RECALL ELECTION NOT LESS THAN NINETY*
205 *(90) DAYS, NOR MORE THAN ONE HUNDRED TWENTY (120) DAYS FROM THE DATE OF*
206 *DELIVERY AND DECLARING AN EMERGENCY.*

207 ACTION: Ordinance 19-34 was placed on first read and referred to the Local Government and
208 Community Service Committee.

209

210 **LEGISLATION ON SECOND READING**

211 RESOLUTION NO. 19-10

212 ORIGINATED BY: THE FINANCE DEPARTMENT

213 REQUESTED BY: MAYOR EILEEN ANN PATTON

214 SPONSORED BY: COUNCILMAN WOJNAR

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

218 ACTION: Resolution 19-10 was placed on second reading and subsequent third.

219

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

221

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

223 COUNCILMAN SMITH placed the following legislation up for third reading and final passage:

224 ORDINANCE NO. 19-18

225 ORIGINATED BY: THE FINANCE DEPARTMENT

226 REQUESTED BY: MAYOR EILEEN ANN PATTON

227 SPONSORED BY: COUNCILMAN WOJNAR

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

231 Moved and Seconded.

232 THE CHAIR asked for any discussion before passage.

233 COUNCILMAN SMITH made a motion to amend Ordinance 19-18 to reflect levying of solid waste
234 assessment charges for the year of 2020 only, as agreed to in committee.

235 Moved and Seconded.

236 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

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

238 THE CHAIR asked for any discussion before passage.

239 COUNCILMAN SMITH said that he wanted to let residents know that Council looked at all the
240 alternatives including bringing rubbish removal back into the city, which showed to be cost-prohibitive.
241 They have agreed to change the ordinance to one year instead of two year to explore in a year. The refuse
242 and recycling market is unpredictable right now and what we see from other cities is that it is going up. It
243 is being kept as-is right now, with residents being charged \$10.00 a month. The city actually pays \$13.94
244 per household, making up the difference and next year will raise up to \$14.48 per household and residents
245 will still pay the \$10. He said he hopes this will turn in our favor in the future, but right now the costs
246 keep going up. This will make us look at this in another year, with a new Administration as part of this, to
247 explore options once again.

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

249 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Motion carried, Ordinance 19-18 Amended passes.

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

251
252 ORDINANCE NO. 19-19
253 REQUESTED BY: THE FINANCE DEPARTMENT
254 SPONSORED BY: COUNCILMAN WOJNAR
255 *AN ORDINANCE AMENDING SECTION 929.06 OF CHAPTER 929 ENTITLED, "SOLID WASTE*
256 *COLLECTION CHARGES" OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK*
257 *AND DECLARING AN EMERGENCY*
258 Moved and Seconded.
259 THE CHAIR asked for any discussion before passage.
260 COUNCILMAN SMITH made a motion to amend made a motion to amend Ordinance 19-19 to reflect
261 levying of solid waste assessment charges for the year of 2020 only, as agreed to in committee.
262 Moved and Seconded.
263 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.
264 YES: B. McDonough, B. Minek, S. Wering, A. Russo and T. Smith
265 THE CHAIR asked for any discussion before passage. No Discussion.
266 ROLL ON PASSAGE: Vote: YES-5, NO-0 | Motion carried, Ordinance 19-19 Amended passes.
267 YES: B. McDonough, B. Minek, S. Wering, A. Russo and T. Smith

268
269 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
270 **OFFICIALS**

271 MAYOR PATTON thanked the Recreation Department for all the hard work put in for the upcoming
272 Fairview Flea that will take place on Saturday, June 8 at 9:00 am in the Fairview High School Parking lot.

273
274 DIRECTOR LEININGER announced that the Dominion Energy project that will be replacing gas lines
275 along Lorain Road between West 221st and the North Olmsted border and will take place in curb lanes in
276 both directions. The work is scheduled to begin June 4th and will take place between 25 and 60 days. The
277 scope of the project has changed, and instead of opening the road in trenches, there will be pits to feed the
278 lines underground as they make their way down the road. Lane closures in place around the pits and he
279 advised caution and patience as the project takes place. DIRECTOR LEININGER also reported that there
280 was a pre-construction meeting for the water line project on Campus Drive and a portion of W 210^h St.
281 The lines on Campus will be replaced between W 213th and W 212th Streets, and also between Bain Park
282 Drive and W 210th Street. On West 210th Street lines will be replaced on the section from Campus to North
283 Park Dr. The project is scheduled to begin on June 17th. Campus Drive will be closed for the duration of
284 the project, with the exception of the residents that have driveways there.

285
286 DIRECTOR CINGLE reported that monthly reports for May will be distributed in the next couple days
287 and that auditors will be on-site this week, as they continue to work on the 2018 audit.

288
289 DIRECTOR GIBBONS thanked everyone for their hard work on the Charter amendments being
290 considered. He said it has been a long, complex process that still has work to do, but it has been very
291 thoughtful. He said residents will have some issues to consider in the fall.

292
293 ENGINEER MACKAY reported that plans and bidding documents for the 2019 street repair continue and
294 plan to bid in the next week. The city is also working with ODOT to complete the plans for the Lorain
295 Road slide project, and expects them to bid the project in the near future also.

296
297 **PUBLIC SESSION**
298 MR. JOHN TAYLOR – 22405 Macbeth Ave – MR. TAYLOR asked about updates on the lighting for
299 Nelson Russ Park and if it was ever going to happen.

300 DIRECTOR LEINIGNER said that the city has a request in to First Energy, but has not heard anything
301 back.

302 MR. TAYLOR asked if the lighting system on Brookpark Road will be done by the fall.

303 DIRECTOR LEININGER reported that the tower that was leaning that had to be removed. He said it
304 could not be replaced because the support deck is a structural part to the bridge and is completely deficient
305 and cannot be relied upon to replace the support needed and would be costly to replace. They are
306 comfortable that the lighting currently provided on the bridge is sufficient enough and also requested that
307 any with any upgrades in the future that they replace that support.

308 MR. TAYLOR said that at the last meeting there were comments giving accolades regarding the care of
309 Bohlken Park. He said he was saddened to see the moving job done at Nelson Russ Park. He said he
310 understands the weather has been causing lawn care to be constant, but asked that maybe there be a little
311 more pride next time.

312

313 MS. MARIANNE DILORETO - 4628 W. 227 St - MS. DILORETO said that she has lived here for 20
314 years and has flooded at least 5 times. She questioned whether anything was going to be done. She said
315 that it may help to have the gutters cleaned more frequently in the area, at least 4 times a year.

316 DIRECTOR LEININGER apologized for her experience and replied that the city is doing different
317 projects around the city and drains that come into our sewers in and around the city. He reported that
318 despite the project to line sewers recently done on West 229th St, flooding is still being experienced. They
319 asked the County to come and see what may be going on specifically at the West 227th and West 229th
320 sewers, especially since this was just done. He said that sandbags have been placed purposely to try and
321 keep the water on the street, and to let it back into the storm sewer slowly. He said on West 227th and
322 West 229th there is a tight sewer main and there wasn't a lot of water coming into the sewer itself, but 12
323 hours later they were still seeing clear rainwater coming into the sewer, which is typically not the type of
324 water seen in something like that. DIRECTOR LEININGER said that the city is discovering that no matter
325 how many improvements we make to our system, there needs to be consideration of the connections
326 outside of our system coming in. He said that improvements on Clifford and the next project is Woodstock
327 and that it is a marathon not a sprint. They are working to make areas that will have the biggest impact
328 priority for projects.

329 MS. MARIANNE DILORETO said that this is a difficult area if you are trying to sell your house and she
330 will not lie about her experience. She said if the city wants to do something about it she would help.

331 ENGINEER MACKAY asked if he had ever been to her house for any assessments and make suggestions.

332 MS. MARIANNE DILORETO said that she would be willing to have him come out and would speak to
333 him after the meeting.

334

335 BRIAN GIBBONS - 19510 Lorain Road – MR. GIBBONS spoke about the system redesign with the
336 Regional Transit Authority and asked everyone to fill out the questionnaire on the website regarding
337 ridership which will affect all communities. He said that due to lack of responses, the deadline has been
338 extended and that they are attempting to make more people aware of the critical need for input.

339

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

341 COUNCILMAN MCDONOUGH thanked Director Leininger for his responses to several inquiries he had
342 last week. He also thanked the Charter Review Commission and Council for their hard work on the in the
343 review of the proposed Charter review ordinances. He said he is honored to chair and help to move the
344 city forward with that.

345

346 COUNCILWOMAN WERING thanked council for the amendment to the solid waste ordinances to make
347 them one year, rather than tow, which will provide the opportunity for additional discussion in one year
348 with a new Administration, with further insight into garbage collection and the recycling marketplace.
349 COUNCILWOMAN WERING also said gave the following statement regarding recent flooding: As we

350 are all acutely aware, last Tuesday evening, May 28th, the City of Fairview Park experienced a rain event
351 during which our City received approximately 1inch of rain in a 15-minute period. More than 50 homes
352 reported that they received water in their basements during this storm, with Ward 4 being
353 disproportionately affected by the storm. After reviewing our Community’s Facebook page and tree lawns
354 across the City, I am confident that the true number affected greatly exceeds the 50 official reports. For
355 those residents who experienced flooding, I feel your frustration, and I am with you. I want to publicly
356 thank Director Leininger and his Service Department, for quickly mobilizing to investigate the possible
357 failures and blockages in the public sewer mains and to connect with the homeowners reporting water. I
358 also want to thank the City for their sewer improvement work over the past several years, including the
359 ongoing Clifford Drive Sewer Replacement that is currently in process in Ward 4. There are several
360 additional projects coming up in the next several years to further mitigate flooding and other sewer issues
361 in our City. I want to acknowledge that storm events like this are not considered common, yet are
362 increasing in frequency. Storms like this overwhelm sanitary sewer systems which were not designed to
363 hold storm water at all, not to mention designed in a time that did not foresee weather events like the one
364 we experienced last Tuesday. However, it should never be an expectation that residents in our City simply
365 “understand” that sewage in their basements is just a part of living in Fairview Park during an extreme
366 weather event. I look forward to seeing the improvements in our collection system from current and future
367 planned infrastructure projects, and it is my expectation that this City, Administration, and Council will
368 continue to keep sewer infrastructure a priority. Thank you.
369

370 COUNCILMAN RUSSO thanked Director Leininger for answering questions and keeping track of all the
371 water and the Charter Review for all the hard work. He said that council has a few more things to review
372 and he is looking forward to finishing.
373

374 COUNCILMAN SMITH apologized to Ms. Diloreto for her flooding and said that he can sympathize with
375 her and has received a number of calls regarding it. He said that he knows it doesn’t make her situation
376 any better, but things are being done in the city and he encouraged her to get with the City Engineer for
377 the assistance he has offered in trying to mitigate. He thanked Director Leininger and the Service
378 Department for all their hard work looking at the homes affected, and making things such as rubbish pick-
379 ups available for 3 days. He congratulated Fairview schools staff, Mary Kurz, who won Employee of the
380 Year and Sarah Eppler who won Teacher of the Year. He thanked everyone that came out and supported
381 the pancake fundraiser breakfast on Memorial Day for the Fairview Park Music and Theatre Association
382 and said he enjoyed working at the event. COUNCILMAN SMITH said he also had a great time at the
383 Recreation Department’s big wheel race and is looking forward to possibly having an adult race added
384 next year. He wished all the Fathers and early Happy Father’s Day next weekend.
385

386 THE CHAIR reported that the Board of Control met Wednesday, May 29 at 9:00 am to discuss two docket
387 items; the Lorain Road Streetscape Construction Administration and Inspection. As he previously reported
388 3 bids were submitted and CTL Engineering Incorporated was deemed the most qualified and information
389 was forwarded to the Ohio Department of Transportation for approval. The meeting this morning was to
390 authorize the Mayor to execute a contract with CTL Engineering Incorporated for construction
391 administration and inspection services in the amount of \$97,804.30. The project will begin in July. The
392 second item was the Campus Drive and West 210th Water Main Replacement Extension Project. Four bids
393 were received ranging from \$376,325 to \$433,981.92. The City would pay the contractor and would be
394 reimbursed by the City of Cleveland Division of Water. The contract was awarded to Fabrizi Trucking &
395 Pavement Company in the amount of \$376,325, and the project should be completed before school
396 resumes. THE CHAIR announced that the Board of Zoning and Building Appeals will meet next Monday,
397 June 10 at 7:00 pm in Council Chambers with two docket items; 22985 Lorain Rd.-Loving Cup Kids
398 Academy, requesting variances for signage and window signage and 20952 Belvidere Ave.,
399 requesting a variance to install an air conditioning unit in the side yard. THE CHAIR thanked

400 Director Leininger and members of the Service division and the County for assistance with recent
401 flooding issue, he said rain came down in a short time and the concerns of residents were well-
402 received and handled. He received many notifications and visited residents from Ward 2. He said he
403 understands their frustrations, having been a victim himself and he was sorry he could not do more.
404

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

406 Moved and Seconded.

407 ROLL ON MOTION: Vote: YES-5, NO-0 | Meeting adjourned at 7:48 p.m.

408 YES: B. McDonough, B. Minek, S. Wering, A. Russo and T. Smith
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412 _____
Michael P. Kilbane, President of Council

Liz L. Westbrooks, Clerk of Council

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Eileen Ann Patton, Mayor
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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 III, SECTION 4. (d) OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT IN THE EVENT THE OFFICE OF MAYOR SHALL BECOME VACANT, A SUCCESSOR FOR THE UNEXPIRED TERM SHALL BE ELECTED AS MAYOR AT THE NEXT REGULAR MUNICIPAL ELECTION, PROVIDED THAT SUCH ELECTION SHALL OCCUR MORE THAN TWO (2) YEARS PRIOR TO THE EXPIRATION OF THE UNEXPIRED TERM ONLY AND DELETE THE REQUIREMENT THAT THE VACANCY SHALL HAVE OCCURRED MORE THAN ONE HUNDRED TWENTY (120) DAYS PRIOR TO SUCH ELECTION 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 the office of Mayor shall become vacant, a successor for the unexpired term shall be elected as Mayor at the next regular municipal election, provided that such election shall occur more than two (2) years prior to the expiration of the unexpired term and that the vacancy shall have occurred more than one hundred twenty (120) days prior to such election; and

WHEREAS, the requirement that the vacancy shall have occurred more than one hundred twenty (120) days does not allow sufficient time to meet filing deadlines with the Board of Elections for the primary election for the office of Mayor and additional time is required to allow for candidates to meet such deadlines and Council seeks to delete that requirement as unnecessary.

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 III, Section 4. (d) of the Charter of the City of Fairview Park to provide that in the event the office of Mayor shall become vacant, a successor for the unexpired term shall be elected as Mayor at the next regular municipal election, provided that such election shall occur more than two (2) years prior to the expiration of the unexpired term only and delete the requirement that the vacancy shall have occurred more than one hundred twenty (120) days prior to such election.

SECTION 2. That the proposed amendment to Article III, Section 4. (d) read as follows:

ARTICLE III
THE MAYOR

SECTION 4. VACANCY IN THE OFFICE OF MAYOR

(d) Election of Successor in the Event of Vacancy. In the event the office of Mayor shall become vacant, a successor for the unexpired term shall be elected as Mayor at the next regular municipal election, provided that such election shall occur more than two (2) years prior to the expiration of the unexpired term. A President of Council or a Councilman, who has become Mayor pursuant to subscriptions (b) and (c) of this section, may be a candidate to succeed himself.

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 III, Section 4 of the Charter of the City of Fairview Park that provides that in the event the office of Mayor shall become vacant, a successor for the unexpired term shall be elected as Mayor at the next regular municipal election, be amended to require only that such election occur more than two (2) years prior to the expiration of the unexpired term and delete the requirement that the vacancy shall have occurred more than one hundred twenty (120) days prior to such election?”

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:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 18-
REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE &
DEVELOPMENT
SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE ENACTED BY THE CITY OF FAIRVIEW PARK, CUYAHOGA COUNTY, OHIO HEREINAFTER REFERRED TO AS THE MUNICIPALITY, IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT AND REQUESTS THE COOPERATION OF THE COUNTY OF CUYAHOGA, OHIO, HEREINAFTER REFERRED TO AS THE COUNTY, AND DECLARING AN EMERGENCY.

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows:

The Resurfacing of West 210 Street from Mastick Road to Lorain Road in the City of Fairview Park.

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

SECTION 1.

A. CONSENT

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to participate in the cost of construction of the above described improvement.

SECTION 2.

B. COOPERATION

1. That the COUNTY and the MUNICIPALITY will cooperate in the Resurfacing of West 210 Street from Mastick Road to Lorain Road in the City of Fairview Park.

2. That the MUNICIPALITY will prepare construction plans and specifications, including necessary engineering reports, which shall conform to generally accepted engineering practices and principles.

3. That the MUNICIPALITY will arrange for the supervision and administration of the construction contract.

4. That the COUNTY will review the construction plans for conformance with Section B-2 of this Ordinance. County approval of plans and specifications is required prior to the

advertisement of the construction contract. The COUNTY will make an inspection of the completed project.

5. That the MUNICIPALITY shall agree to provide the COUNTY with a complete set of as-built plans upon the completion of the project.

SECTION 3.

C. **FUNDING**

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.

2. That the COUNTY shall contribute fifty percent (50%) of the cost of construction which is determined to be eligible by the Cuyahoga County Engineer's policies up to a maximum of \$250,000. The anticipated construction cost for this project is \$1,260,000. To determine funding eligibility, the COUNTY shall be notified immediately of any significant changes to the scope of work and/or construction cost.

SECTION 4.

D. **MAINTENANCE**

That upon completion of said improvement, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and

2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.

4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

SECTION 5.

E. **TRAFFIC**

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and
3. Stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a “Four-way Stop” as provided in the aforesaid Manual are met; and
4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and
5. The MUNICIPALITY shall regulate parking in the following manner:

Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

SECTION 6.

F. RIGHT-OF-WAY

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.
2. That the MUNICIPALITY will arrange for the acquisition of any additional right-of-way which may be required for the construction of the improvement.

SECTION 7.

G. UTILITIES

1. That the MUNICIPALITY will make arrangements with and obtain agreements from privately owned public utility companies whose lines or structures will be affected by the said improvement, and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of

said improvement, and said companies have agreed to make such necessary arrangements immediately after notification by said MUNICIPALITY.

2. That the COUNTY will participate in the cost of alterations of governmentally-owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

3. That it is hereby agreed that the MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.

4. That the construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

SECTION 8.

H. MISCELLANEOUS

1. That if the MUNICIPALITY includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Ordinance, the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering and construction supervision.

2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, F-2, G-1, G-3, and G-4, and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certification or obligations made or agreed to in said Sections F-1, F-2, G-1, G-3, and G-4 hereinabove.

3. For matters relating to this improvement, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

4. By enacting this Ordinance, the MUNICIPALITY agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures

may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The MUNICIPALITY also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

SECTION 9.

I. AUTHORITY TO SIGN

1. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement.

2. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the County of Cuyahoga, Ohio, for approval to use County Motor Vehicle License Tax Funds for the improvement.

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.

4. This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvement to promote highway safety, and provide 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, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CERTIFICATE OF COPY

State of Ohio)
County of Cuyahoga)
City of Fairview Park)

I, _____, as Clerk of the City of Fairview Park, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the legislative Authority of the said municipality on the _____ day of _____, 20____, that the publication of such Ordinance has been made certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication thereof are of record in Ordinance Record No. _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____ day of _____, 20____.

Clerk of Council
City of Fairview Park, Ohio

CITY OF FAIRVIEW PARK

ORDINANCE NO. 19-

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

SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE ENACTED BY THE CITY OF FAIRVIEW PARK, CUYAHOGA COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA) AND DECLARING AN EMERGENCY.

WHEREAS, the LPA has determined the need for the described project:

Construct a retaining wall to repair the slope and stabilize the roadway on the south side of Lorain Road just east of West 192nd Street in the City of Fairview Park.

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

SECTION 1. Project Description

Construct a retaining wall to repair the slope and stabilize the roadway on the south side of Lorain Road just east of West 192nd Street in the City of Fairview Park. PID NO.: 102803; CNTY-RTE-SEC: CUY-10-8.50 SLIDE REPAIR; AGREEMENT NO: 33757

SECTION 2. Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA Federal ODOT-Let Agreement entered into between the parties, if applicable.

SECTION 3. Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT-Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation.

The LPA agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the LPA, which is determined by the Director not to be part of or made necessary by the improvement.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other SECTIONs herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION 4. Authority to Sign

The LPA hereby authorizes the Mayor of said City to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION 5. Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 6. Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., SECTION 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 7. Adoption

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. Emergency Measure

That this Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvement to promote highway safety, 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, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-28
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:

1st reading: 06.03.19
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-29
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:

1st reading: 06.03.19
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-30
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:

1st reading: 06.03.19
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-31
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:	1 st reading: 06.03.19
APPROVED:	2 nd reading:
	3 rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-32
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:

1st reading: 06.03.19
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-33
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:

1st reading: 06.03.19
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-34
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:

1st reading: 06.03.19
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

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:

1st reading: 05.20.19
2nd reading: 06.03.19
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

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	\$4,440,816.00	\$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	
Totals			\$17,125,000.00	\$1,545,062.50	

