



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

**MONDAY, JULY 1, 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 17, 2019

Committee Reports

Environment, Public Works, Planning, Zoning and Development Committee, Councilman Minek, Chair
Local Government and Community Services, Councilman McDonough, Chair

~ LEGISLATIVE AGENDA ~

Legislation on First Reading

COUNCILMAN WOJNAR

Ord. 19-__ Supplemental Appropriations

Legislation on Second Reading

COUNCILMAN MINEK

Ord. 19-35 | Authorizing Agreement with County for Resurfacing of West 210 St from Mastick to Lorain Rds

Ord. 19-36 | Authorizing Agreement with ODOT for Lorain Road Slide Area Stabilization

COUNCILMAN MCDONOUGH

Ord. 19-37 | Amending Charter to Change Election Timelines for Vacancy in Office of the Mayor

Audience Input on Legislation Up for Passage

Legislation on foe Passage Without Three Readings

COUNCIL PRESIDENT KILBANE

Res. 19-__ | Resolution Urging Local Government Fund Restoration

Legislation on Third Reading/Final Passage

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

Agenda continued on back →

Michael Kilbane, President of Council
Brian McDonough, Ward 1

Bill Minek, Ward 2
Paul Wojnar, Ward 3

Sarah Wering, Ward 4
Angelo Russo, Ward 5

Todd Smith, Council at Large
Liz Westbrooks, Clerk of Council

Legislation on Third Reading/Final Passage (continued)

- 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

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, JULY 8	Committee Meeting	7:00 p.m.	Council Caucus Room
MON, JULY 15	Council Meeting	7:00 p.m.	Council Chambers
MON, JULY 22	Committee Meeting	7:00 p.m.	Council Caucus Room

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, JUNE 17, 2019**
4

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

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL | PRESENT:

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

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

11
12 THE CHAIR made a motion to approve the minutes of the regular meeting of June 3, 2019.

13 Moved and Seconded.

14 ROLL ON MOTION: Vote: YES-5, NO-0, ABSTAIN-2 | Motion carried.

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

16 THE CHAIR asked Councilman WOJNAR THE REASON FOR HIS ABSTENTION.

17 COUNCILMAN WOJNAR said he was out of town for work.

18 THE CHAIR said he abstained because he was out of the country and not at the meeting.

19
20 **COMMITTEE REPORTS**

21 COUNCILMAN MCDONOUGH reported that the Local Government and Community Services Committee
22 The Local Government and Community Services Committee met on Monday, June 10 at 7:00pm to discuss
23 the **issue of Review of Charter and Codified Ordinances**. In attendance were members of council, Mayor
24 Patton, Law Director Gibbons and Director Leininger. Council discussed and reviewed the draft ordinances
25 provided by Law Director Gibbons for the following: Vacancy in the Office of Mayor - Law Director Gibbons
26 to Contact the Board of Elections to clarify the definition of “regular municipal election” and prepare draft
27 ordinance. A motion to have the ordinance presented for first reading passed by a 4-0 vote. Board of Control
28 Request to review how other cities without Board s of Control comport with the 60-day deadline for bids to
29 expire after opening with 3 reading preference. Law Director Gibbons to research alternatives to Board of
30 Control does not exist and how the bidding process would operate. A motion to have the ordinance remain in
31 committee passed by a 4-0 vote. Public Bidding - This ordinance proposes an increase of the threshold of
32 public bidding to state thresholds, which is currently \$50,000. A request for a list of projects that have
33 increased from \$15,000 to \$20,000. Law Director Gibbons to review if Charter needs to be aligned with state
34 code for emergency language and codified ordinances with responsive bidder language. A motion to have the
35 ordinance remain in committee passed by a 4-0 vote. The committee ended at 8:45 pm
36

37 **LEGISLATION ON FIRST READING**

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

39 ORDINANCE NO. 19-35

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

41 SPONSORED BY: COUNCILMAN MINEK

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

47 ACTION: Ordinance 19-35 was placed on first read and referred to the Environment, Public Works,
48 Planning, Zoning and Development Committee

49
50 ORDINANCE NO. 19-36

51 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE &
52 DEVELOPMENT
53 SPONSORED BY: COUNCILMAN MINEK
54 *AN ORDINANCE ENACTED BY THE CITY OF FAIRVIEW PARK, CUYAHOGA COUNTY, OHIO,*
55 *HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA) AND DECLARING AN*
56 *EMERGENCY.*
57 ACTION: Ordinance 19-36 was placed on first read and referred to the Environment, Public Works,
58 Planning, Zoning and Development Committee
59
60 COUNCILMAN MCDONOUGH placed the following legislation up for first reading and introduction:
61 ORDINANCE NO. 19-37
62 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH
63 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*
64 *PARK THE PROPOSAL TO AMEND ARTICLE III, SECTION 4. (d) OF THE CHARTER OF THE CITY OF*
65 *FAIRVIEW PARK TO PROVIDE THAT IN THE EVENT THE OFFICE OF MAYOR SHALL BECOME*
66 *VACANT, A SUCCESSOR FOR THE UNEXPIRED TERM SHALL BE ELECTED AS MAYOR AT THE*
67 *NEXT REGULAR MUNICIPAL ELECTION, PROVIDED THAT SUCH ELECTION SHALL OCCUR MORE*
68 *THAN TWO (2) YEARS PRIOR TO THE EXPIRATION OF THE UNEXPIRED TERM ONLY AND DELETE*
69 *THE REQUIREMENT THAT THE VACANCY SHALL HAVE OCCURRED MORE THAN ONE HUNDRED*
70 *TWENTY (120) DAYS PRIOR TO SUCH ELECTION AND DECLARING AN EMERGENCY*
71 ACTION: Ordinance 19-37 was placed on first read and referred to the Local Government and Community
72 Service Committee
73
74 **LEGISLATION ON SECOND READING**
75 ORDINANCE NO. 19-28
76 REQUESTED BY: MAYOR EILEEN ANN PATTON
77 SPONSORED BY: COUNCILMAN MCDONOUGH
78 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*
79 *PARK THE PROPOSAL TO AMEND VARIOUS SECTIONS OF THE CHARTER OF THE CITY OF*
80 *FAIRVIEW PARK TO REPLACE ALL PERSONAL PRONOUNS WITH THE OFFICIAL TITLE OF THE*
81 *SINGLE CITY POSITION BEING REFERRED TO BY THESE PRONOUNS IN EACH OF THESE*
82 *SECTIONS AND DECLARING AN EMERGENCY*
83 ACTION: Ordinance 19-28 was placed on second read and referred to the Local Government and
84 Community Service Committee.
85
86 ORDINANCE NO. 19-29
87 REQUESTED BY: MAYOR EILEEN ANN PATTON
88 SPONSORED BY: COUNCILMAN MCDONOUGH
89 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*
90 *PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 1 OF THE CHARTER OF THE CITY OF*
91 *FAIRVIEW PARK TO PROVIDE THAT THE POSITIONS OF PRESIDENT OF COUNCIL AND THE AT-*
92 *LARGE MEMBER OF COUNCIL SHALL BE ELECTED IN THE REGULAR MUNICIPAL ELECTION*
93 *SCHEDULED IN NOVEMBER 2023, FOR A TERM OF FOUR (4) YEARS BEGINNING IN JANUARY*
94 *2024, AND EVERY FOUR (4) YEARS THEREAFTER; AND THAT POSITIONS OF THE FIVE (5) WARD*
95 *MEMBERS OF COUNCIL SHALL BE ELECTED IN THE REGULAR MUNICIPAL ELECTION*
96 *SCHEDULED IN NOVEMBER 2023, FOR A TERM OF TWO (2) YEARS, FOR TERMS BEGINNING*
97 *JANUARY 1, 2024, AND SUCH WARD COUNCIL MEMBER POSITIONS SHALL STAND FOR ELECTION*
98 *IN NOVEMBER 2025, FOR FOUR (4) YEAR TERMS BEGINNING JANUARY 1, 2026, AND EVERY FOUR*
99 *(4) YEARS THEREAFTER, AND DECLARING AN EMERGENCY*
100 ACTION: Ordinance 19-29 was placed on second read and referred to the Local Government and
101 Community Service Committee.

102
103 ORDINANCE NO. 19-30
104 REQUESTED BY: MAYOR EILEEN ANN PATTON
105 SPONSORED BY: COUNCILMAN MCDONOUGH
106 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*
107 *PARK THE PROPOSAL TO AMEND ARTICLE IV OF THE CHARTER OF THE CITY OF FAIRVIEW*
108 *PARK TO PROVIDE THAT SECTION 14 REQUIRE THAT NOTICE OF A PUBLIC HEARING BE*
109 *PROVIDED TO RECORD TITLE HOLDERS OF THE PROPERTY WITHIN AN AREA OF FIVE*
110 *HUNDRED (500) FEET, OR GREATER AS MAY BE PROVIDED BY ORDINANCE OF COUNCIL AS*
111 *DISCLOSED BY RECORDS OF THE CUYAHOGA COUNTY OFFICE OF FISCAL OFFICER AND TO*
112 *REQUIRE THAT ANY SUCH ZONING ACTION SHALL BE REFERRED TO THE PLANNING AND*
113 *DESIGN COMMISSION AS PROVIDED IN ARTICLE VII, SECTION 2 (d) OF THE CHARTER; AND THAT*
114 *SECTION 16. VOTER APPROVAL OF ZONING CHANGES BE DELETED AND DECLARING AN*
115 *EMERGENCY*
116 ACTION: Ordinance 19-30 was placed on second read and referred to the Local Government and
117 Community Service Committee.

118
119 ORDINANCE NO. 19-31
120 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH
121 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*
122 *PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 16, SUBSECTIONS (a) AND (b) OF THE*
123 *CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT COUNCIL SUBMIT AN*
124 *ORDINANCE, RESOLUTION OR OTHER ACTION EFFECTING A CHANGE IN THE ZONING*
125 *CLASSIFICATION OR DISTRICT OR EFFECTING CHANGE IN THE USES PERMITTED OF ANY*
126 *PROPERTY TO THE ELECTORATE AT A REGULARLY SCHEDULED ELECTION IN NOVEMBER OR*
127 *A REGULARLY SCHEDULED PRIMARY ELECTION MORE THAN NINETY (90) DAYS AFTER THE*
128 *PASSAGE OF SUCH ORDINANCE, RESOLUTION OR OTHER ACTION AND DECLARING AN*
129 *EMERGENCY*
130 ACTION: Ordinance 19-31 was placed on second read and referred to the Local Government and
131 Community Service Committee.

132
133 ORDINANCE NO. 19-32
134 REQUESTED BY: MAYOR EILEEN ANN PATTON
135 SPONSORED BY: COUNCILMAN MCDONOUGH
136 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*
137 *PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 11 OF THE CHARTER OF THE CITY OF*
138 *FAIRVIEW PARK TO PROVIDE THAT ALL ORDINANCES, RESOLUTIONS, STATEMENTS, ORDERS,*
139 *PROCLAMATIONS AND REPORTS REQUIRED BY LAW OR BY THIS CHARTER, SHALL BE POSTED*
140 *IN A BROADLY ACCESSIBLE PLACE AS PRESCRIBED BY COUNCIL AND INCLUDE POSTING ON*
141 *THE OFFICIAL CITY WEBSITE OR OTHER ELECTRONIC MEANS AND DECLARING AN*
142 *EMERGENCY*
143 ACTION: Ordinance 19-32 was placed on second read and referred to the Local Government and
144 Community Service Committee.

145
146 ORDINANCE NO. 19-33
147 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH
148 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*
149 *PARK THE PROPOSAL TO AMEND ARTICLE IX, SECTION 3 OF THE CHARTER OF THE CITY OF*
150 *FAIRVIEW PARK TO MOVE PRIMARY ELECTIONS FROM SEPTEMBER TO MAY AND TO CORRECT*
151 *SAID SECTION TO PROVIDE THAT IN CASE THERE SHALL NOT BE MORE THAN TWO (2) PERSONS*
152 *WHO SHALL HAVE FILED PETITIONS FOR THE OFFICE OF COUNCIL AT LARGE AS PROVIDED*

153 *FOR IN THIS CHARTER, THEN SAID PERSONS SHALL BE THE CANDIDATES AT THE REGULAR*
154 *MUNICIPAL ELECTION AND THE PRIMARY FOR THE PARTICULAR OFFICE SHALL NOT BE HELD*
155 *AND DECLARING AN EMERGENCY*

156 ACTION: Ordinance 19-33 was placed on second read and referred to the Local Government and
157 Community Service Committee

158
159 ORDINANCE NO. 19-34

160 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

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

170 ACTION: Ordinance 19-34 was placed on second read and referred to the Local Government and
171 Community Service Committee.

172

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

174

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

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

177 RESOLUTION NO. 19-10

178 ORIGINATED BY: THE FINANCE DEPARTMENT

179 REQUESTED BY: MAYOR EILEEN ANN PATTON

180 SPONSORED BY: COUNCILMAN WOJNAR

181 *A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE CITY OF FAIRVIEW PARK,*
182 *STATE OF OHIO, FOR FISCAL YEAR BEGINNING JANUARY 1, 2020, AND SUBMITTING THE SAME*
183 Moved and Seconded.

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

185 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Resolution 19-10 passes.

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

187

188 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
189 **OFFICIALS**

190 MAYOR PATTON reminded everyone that the first outside summer movie will be this Friday at Fairview
191 High school stadium at dusk. She also reported that work for the water line project on Campus Drive began
192 today and that the Lorain Road Bridge fencing work resumed last week and will continue throughout the
193 summer until completed.

194

195 DIRECTOR CINGLE thanked Council for the passage of Resolution 19-10 and reported that auditors are
196 working to finish up the 2018 audit.

197

198 ENGINEER MACKAY reported that plans are completed for the 2019 street repair continue and plan to bid
199 in the next week. plans for the Lorain Road slide project are complete and ODOT will be announcing when
200 the work will start.

201

202 **PUBLIC SESSION**

203

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

205 COUNCILMAN MCDONOUGH thanked Mayor Patton and Director Leininger for working to get the swim
206 team an alternate location to practice with the Gemini pools not available. The team was able to secure lanes
207 to practice at Estabrook and almost half the team will be practicing there as they prepare for meets in
208 Westlake and Rock River.

209
210 COUNCILMAN MINEK reported that the Board of Control met on Monday, June 10, 2019 at 9:30 a.m. to
211 discuss the Lorain Road Streetscape Project-Construction. Two bids were received, Perk Company, Inc. in
212 the amount of \$1,038,677.76 and R.J. Platten in the amount of \$1,055,695.80. CT Consultants, Inc.
213 Engineer's Estimate was \$1,271,474.50. After discussion a motion was made to award the contract to Perk
214 Company, Inc. of Cleveland, Ohio not to exceed amount of \$1,142,545.54 which includes the 10%
215 contingency. The City share is \$156,701.00 from the Street Fund. This completes my report.

216
217 COUNCILMAN SMITH thanked the Garden Club for all of their flower displays throughout the city and
218 said that they look nice throughout the community.

219
220 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.

221 Moved and Seconded.

222 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 7:19 p.m.

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

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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-
ORIGINATED BY: THE FINANCE DEPARTMENT
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILMAN WOJNAR

AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY

WHEREAS, for the ongoing operation of the municipal government, it is necessary to appropriate funds for the fiscal year 2019.

WHEREAS, Ordinance 19-10 Amended, approved March 5, 2019, needs to be adjusted to reflect budgetary changes.

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

SECTION 1. To provide for the current expenses and other expenditures of the City of Fairview Park, Ohio for the period commencing January 1, 2019 and ending December 31, 2019 as attached in Exhibit "A."

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that it is necessary for the daily operation of municipal departments in 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. Westbrook, Clerk of Council

**APPROPRIATIONS 2019
(dollars changed in bold)
CITY OF FAIRVIEW PARK**

	<u>Temporary Ord #18- 55</u> (12/1/18)	<u>\$ Adjustment</u>	<u>Annual Ord #19-10</u>	<u>\$ Adjustment</u>	<u>Supplemental #1 Ord #19-</u>
<u>GENERAL FUND</u>					
<u>1110 SECURITY OF PERSONS AND PROPERTY</u>					
PERSONNEL SUBTOTAL	\$735,640.58	\$2,348,377.63	\$3,084,018.21		\$3,084,018.21
OTHER SUBTOTAL	\$41,556.40	\$140,628.47	\$182,184.87		\$182,184.87
TOTAL SECURITY PERSONS AND PROPERTY	\$777,196.98	\$2,489,006.10	\$3,266,203.08	\$0.00	\$3,266,203.08
<u>1130 FIRE PREVENTION AND CONTROL</u>					
PERSONNEL SUBTOTAL	\$539,072.06	\$1,563,610.42	\$2,102,682.48		\$2,102,682.48
OTHER SUBTOTAL	\$12,461.57	\$47,512.45	\$59,974.02	\$3,776.44	\$63,750.46
TOTAL FIRE PREVENTION AND CONTROL	\$551,533.63	\$1,611,122.87	\$2,162,656.50	\$3,776.44	\$2,166,432.94
<u>1140 FIRE PROTECTION REGIONAL EMS</u>					
TOTAL FIRE PROTECTION REGIONAL EMS	\$32,880.51	\$143,219.49	\$176,100.00		\$176,100.00
<u>2200 PUBLIC HEALTH</u>					
TOTAL PUBLIC HEALTH	\$368.75	\$1,131.25	\$1,500.00		\$1,500.00
<u>3420 BAIN PARK CABIN</u>					
TOTAL BAIN PARK CABIN	\$5,068.78	\$14,301.22	\$19,370.00	\$3,000.00	\$22,370.00
<u>3810 SENIOR LIFE OFFICE</u>					
PERSONNEL SUBTOTAL	\$52,559.59	\$249,389.77	\$301,949.36		\$301,949.36
OTHER SUBTOTAL	\$9,841.67	\$26,382.37	\$36,224.04		\$36,224.04
TOTAL SENIOR LIFE OFFICE	\$62,401.26	\$275,772.14	\$338,173.40	\$0.00	\$338,173.40

<u>4410 PARKS AND PROPERTY MAINTENANCE</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$41.75	(\$41.75)	\$0.00		\$0.00
TOTAL PARKS AND PROPERTY MAINTENANCE	\$41.75	(\$41.75)	\$0.00	\$0.00	\$0.00
<u>4510 PLANNING & DESIGN COMMISSION</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$890.66	\$2,159.34	\$3,050.00		\$3,050.00
TOTAL PLANNING COMMISSION	\$890.66	\$2,159.34	\$3,050.00	\$0.00	\$3,050.00
<u>4520 BUILDING STANDARDS</u>					
PERSONNEL SUBTOTAL	\$90,355.43	\$284,527.76	\$374,883.19		\$374,883.19
OTHER SUBTOTAL	\$3,392.58	\$9,565.35	\$12,957.93		\$12,957.93
TOTAL BUILDING STANDARDS	\$93,748.01	\$294,093.11	\$387,841.12	\$0.00	\$387,841.12
<u>4530 BOARD OF APPEALS</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$314.24	\$835.76	\$1,150.00		\$1,150.00
TOTAL BOARD OF APPEALS	\$314.24	\$835.76	\$1,150.00	\$0.00	\$1,150.00
<u>5550 RECYCLING & SOLID WASTE DISPOSAL</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$50,578.00	\$239,422.00	\$290,000.00		\$290,000.00
TOTAL REFUSE COLLECTION AND DISPOSAL	\$50,578.00	\$239,422.00	\$290,000.00	\$0.00	\$290,000.00
<u>6120 TRAFFIC SAFETY</u>					
PERSONNEL SUBTOTAL	\$45,565.66	\$136,879.64	\$182,445.30		\$182,445.30
OTHER SUBTOTAL	\$15,197.83	\$66,174.45	\$81,372.28		\$81,372.28
TOTAL TRAFFIC SAFETY	\$60,763.49	\$203,054.09	\$263,817.58	\$0.00	\$263,817.58
<u>6800 MOTOR VEHICLE MAINTENANCE</u>					
PERSONNEL SUBTOTAL	\$45,221.58	\$126,869.25	\$172,090.83		\$172,090.83
OTHER SUBTOTAL	\$62,019.75	\$180,690.66	\$242,710.41		\$242,710.41
TOTAL MOTOR VEHICLE MAINTENANCE	\$107,241.33	\$307,559.91	\$414,801.24	\$0.00	\$414,801.24

<u>7710 MAYOR'S OFFICE</u>					
PERSONNEL SUBTOTAL	\$47,698.01	\$142,959.35	\$190,657.36		\$190,657.36
OTHER SUBTOTAL	\$3,684.75	\$10,623.25	\$14,308.00		\$14,308.00
TOTAL MAYOR'S OFFICE	\$51,382.76	\$153,582.60	\$204,965.36	\$0.00	\$204,965.36
<u>7711 SERVICE & DEVELOPMENT DIRECTOR'S</u>					
PERSONNEL SUBTOTAL	\$101,663.11	\$380,585.70	\$482,248.81		\$482,248.81
OTHER SUBTOTAL	\$7,473.83	\$21,185.47	\$28,659.30		\$28,659.30
TOTAL SERVICE DIRECTOR'S OFFICE	\$109,136.94	\$401,771.17	\$510,908.11	\$0.00	\$510,908.11
<u>7720 FINANCE DEPARTMENT</u>					
PERSONNEL SUBTOTAL	\$59,756.73	\$173,451.63	\$233,208.36		\$233,208.36
OTHER SUBTOTAL	\$62,170.00	(\$28,449.00)	\$33,721.00		\$33,721.00
TOTAL FINANCE DEPARTMENT	\$121,926.73	\$145,002.63	\$266,929.36	\$0.00	\$266,929.36
<u>7730 LEGAL ADMINISTRATION</u>					
PERSONNEL SUBTOTAL	\$37,387.97	\$110,494.67	\$147,882.64		\$147,882.64
OTHER SUBTOTAL	\$1,731.25	\$4,291.25	\$6,022.50		\$6,022.50
TOTAL LEGAL ADMINISTRATION	\$39,119.22	\$114,785.92	\$153,905.14	\$0.00	\$153,905.14
<u>7740 ENGINEER</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$9,960.05	\$29,877.55	\$39,837.60		\$39,837.60
TOTAL ENGINEER	\$9,960.05	\$29,877.55	\$39,837.60	\$0.00	\$39,837.60
<u>7750 MUNICIPAL LANDS AND BUILDING</u>					
PERSONNEL SUBTOTAL	\$64,289.05	\$275,041.58	\$339,330.63		\$339,330.63
OTHER SUBTOTAL	\$58,423.33	\$171,772.90	\$230,196.23		\$230,196.23
TOTAL MUNICIPAL LANDS AND BUILDING	\$122,712.38	\$446,814.48	\$569,526.86	\$0.00	\$569,526.86
<u>7760 CIVIL SERVICE</u>					
PERSONNEL SUBTOTAL	\$355.10	\$1,065.28	\$1,420.38	\$450.00	\$1,870.38
OTHER SUBTOTAL	\$550.00	\$1,263.00	\$1,813.00	\$662.00	\$2,475.00

TOTAL CIVIL SERVICE	\$905.10	\$2,328.28	\$3,233.38	\$1,112.00	\$4,345.38
<u>7770 COUNTY DEDUCTIONS AND AUDIT EXAMINERS</u>					
PERSONNEL SUBTOTAL	\$72,975.47	\$74,615.27	\$147,590.74		\$147,590.74
OTHER SUBTOTAL	\$43,743.25	\$336,356.75	\$380,100.00		\$380,100.00
TOTAL COUNTY DEDUCTIONS AND AUDIT EXAMINERS	\$116,718.72	\$410,972.02	\$527,690.74	\$0.00	\$527,690.74
<u>7780 LEGISLATIVE</u>					
PERSONNEL SUBTOTAL	\$46,795.88	\$142,239.01	\$189,034.89		\$189,034.89
OTHER SUBTOTAL	\$4,121.11	\$10,546.83	\$14,667.94		\$14,667.94
TOTAL LEGISLATIVE	\$50,916.99	\$152,785.84	\$203,702.83	\$0.00	\$203,702.83
<u>7790 OTHER ADMINISTRATIVE</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$335,567.16	\$770,183.41	\$1,105,750.57		\$1,105,750.57
TOTAL OTHER ADMINISTRATIVE	\$335,567.16	\$770,183.41	\$1,105,750.57	\$0.00	\$1,105,750.57
TOTAL GENERAL FUND	\$2,701,373.44	\$8,209,739.43	\$10,911,112.87	\$7,888.44	\$10,919,001.31
<u>101 CONTINGENCY RESERVE FUND</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
TOTAL CONTINGENCY RESERVE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>210 STREET CONSTRUC MAINT & REPAIRS</u>					
<u>6610 STREET MAINTENANCE</u>					
PERSONNEL SUBTOTAL	\$175,098.27	\$464,188.13	\$639,286.40		\$639,286.40
OTHER SUBTOTAL	\$5,000.00	\$55,000.00	\$60,000.00	\$3,000.00	\$63,000.00
TOTAL STREET MAINTENANCE	\$180,098.27	\$519,188.13	\$699,286.40	\$3,000.00	\$702,286.40
<u>6620 STREET CLEANING</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
TOTAL STREET CLEANING	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

TOTAL STREET CONSTRUC MAINT RP	\$180,098.27	\$519,188.13	\$699,286.40	\$3,000.00	\$702,286.40
<u>220 STATE HIGHWAY FUND</u>					
<u>6610 STREET MAINTENANCE</u>					
TOTAL STREET MAINTENANCE	\$40,000.00	\$35,000.00	\$75,000.00		\$75,000.00
<u>6620 STREET CLEANING</u>					
TOTAL STREET CLEANING	\$0.00	\$0.00	\$0.00		\$0.00
TOTAL STATE HIGHWAY FUND	\$40,000.00	\$35,000.00	\$75,000.00	\$0.00	\$75,000.00
<u>230 RECREATION FUND</u>					
PERSONNEL SUBTOTAL	\$389,866.68	\$1,172,017.22	\$1,561,883.90		\$1,561,883.90
OTHER SUBTOTAL	\$322,148.58	\$2,233,544.35	\$2,555,692.93	\$65,000.00	\$2,620,692.93
TOTAL RECREATION FUND	\$712,015.26	\$3,405,561.57	\$4,117,576.83	\$65,000.00	\$4,182,576.83
<u>231 RECREATION CONSTRUCTION FUND</u>					
TOTAL RECREATION CONSTRUCTION FUND	\$70,083.44	\$1,331,617.82	\$1,401,701.26		\$1,401,701.26
<u>240 POLICE AND FIRE PENSION FUND</u>					
PERSONNEL SUBTOTAL	\$251,685.00	\$774,915.00	\$1,026,600.00		\$1,026,600.00
OTHER SUBTOTAL	\$900.00	\$2,800.00	\$3,700.00		\$3,700.00
TOTAL POLICE AND FIRE PENSION FUND	\$252,585.00	\$777,715.00	\$1,030,300.00	\$0.00	\$1,030,300.00
<u>250 STREET LIGHTING FUND</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$73,275.00	\$186,325.00	\$259,600.00		\$259,600.00
TOTAL STREET LIGHTING FUND	\$73,275.00	\$186,325.00	\$259,600.00	\$0.00	\$259,600.00
<u>255 SOLID WASTE FEE</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$190,375.00	\$527,125.00	\$717,500.00		\$717,500.00
TOTAL SOLID WASTE FEE FUND	\$190,375.00	\$527,125.00	\$717,500.00	\$0.00	\$717,500.00

260 PERMANENT IMPROVEMENT FUND

TOTAL PERMANENT IMPROVEMENT FUND \$400,000.00 \$679,821.81 **\$1,079,821.81** \$1,079,821.81

270 FIRE OPERATING LEVY FUND

PERSONNEL SUBTOTAL \$75,819.45 \$220,050.54 **\$295,869.99** \$295,869.99
OTHER SUBTOTAL \$11,653.21 \$23,016.79 **\$34,670.00** \$34,670.00

TOTAL FIRE OPERATING LEVY FUND \$87,472.66 \$243,067.33 **\$330,539.99** \$0.00 \$330,539.99

285 FEMA GRANT FUND

TOTAL FEMA GRANT FUND \$0.00 \$0.00 \$0.00 \$0.00

290 FEDERAL GRANTS FUND

TOTAL FEDERAL GRANTS FUND \$60,000.00 \$65,200.00 **\$125,200.00** \$125,200.00

295 STATE GRANT FUND

TOTAL STATE GRANT FUND \$0.00 \$0.00 \$0.00 \$0.00

300 BOND RETIREMENT FUND

TOTAL BOND RETIREMENT FUND \$0.00 \$11,274.50 **\$11,274.50** **\$500.00** **\$11,774.50**

500 WATER REIMBURSEMENT FUND

PERSONNEL SUBTOTAL \$0.00 \$0.00 \$0.00 \$0.00
OTHER SUBTOTAL \$5,000.00 \$55,000.00 **\$60,000.00** \$60,000.00

TOTAL WATER REIMBURSEMENT FUND \$5,000.00 \$55,000.00 **\$60,000.00** \$0.00 \$60,000.00

510 FAIRVIEW PARK SANITARY SEWER FUND

PERSONNEL SUBTOTAL \$97,165.38 \$279,450.86 **\$376,616.24** \$376,616.24
OTHER SUBTOTAL \$1,593,343.79 \$4,259,251.04 **\$5,852,594.83** \$5,852,594.83

TOTAL FAIRVIEW PARK SANITARY SEWER FUND \$1,690,509.17 \$4,538,701.90 **\$6,229,211.07** \$0.00 \$6,229,211.07

550 WATER LINE RECONDITIONING

TOTAL WATER LINE RECONDITIONING FUND \$235,000.00 \$191,313.46 **\$426,313.46** \$426,313.46

611 SPECIAL HOLD ACCOUNT

PERSONNEL SUBTOTAL \$0.00 \$0.00 \$0.00 \$0.00
OTHER SUBTOTAL \$40,749.72 \$129,739.32 **\$170,489.04** **\$20,000.00** **\$190,489.04**

TOTAL SPECIAL HOLD ACCOUNT \$40,749.72 \$129,739.32 **\$170,489.04** **\$20,000.00** **\$190,489.04**

700 TRUST & AGENCY FUND

TOTAL TRUST & AGENCY FUND \$0.00 \$33,500.00 **\$33,500.00** \$33,500.00

709 REDEVELOPMENT FUND

TOTAL REDEVELOPMENT FUND \$50,000.00 \$0.00 \$50,000.00 \$50,000.00

710 SENIOR CENTER CONST FUND

TOTAL SENIOR CENTER CONST FUND \$0.00 \$0.00 \$0.00 \$0.00

711 BAIN PARK RESTORATION

TOTAL BAIN PARK RESTORATION \$4,865.00 \$14,489.00 **\$19,354.00** \$19,354.00

713 STATE BLDG ASSESSMENT

TOTAL STATE BLDG ASSESSMENT \$1,094.20 \$4,749.37 **\$5,843.57** \$5,843.57

714 LAW ENFORCEMENT TRUST FUND

TOTAL LAW ENFORCEMENT TRUST FUND \$2,862.50 \$5,737.50 **\$8,600.00** \$8,600.00

715 D.U.I. EDUCATE FUND

TOTAL D.U.I. EDUCATE FUND \$1,500.00 \$6,500.00 **\$8,000.00** \$8,000.00

<u>716 P.O.P.A.S. FUND</u>					
PERSONNEL SUBTOTAL	\$20,047.46	\$46,477.54	\$66,525.00		\$66,525.00
OTHER SUBTOTAL	\$1,133.22	\$26,825.78	\$27,959.00		\$27,959.00
TOTAL P.O.P.A.S. FUND	\$21,180.68	\$73,303.32	\$94,484.00	\$0.00	\$94,484.00
<u>731 HEALTH INS RESERVE FUND</u>					
PERSONNEL SUBTOTAL	\$339,077.25	\$1,091,399.75	\$1,430,477.00		\$1,430,477.00
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
TOTAL HEALTH INS RESERVE FUND	\$339,077.25	\$1,091,399.75	\$1,430,477.00	\$0.00	\$1,430,477.00
<u>732 EMPLOYEE SECT 125M</u>					
PERSONNEL SUBTOTAL	\$2,830.08	\$12,437.55	\$15,267.63		\$15,267.63
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
TOTAL EMPLOYEE SECT 125M	\$2,830.08	\$12,437.55	\$15,267.63	\$0.00	\$15,267.63
<u>733 RETIREE ACCRUED BENEFITS FUND</u>					
PERSONNEL SUBTOTAL	\$0.00	\$100,000.00	\$100,000.00		\$100,000.00
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
TOTAL RETIREE ACCRUED BENEFITS FUND	\$0.00	\$100,000.00	\$100,000.00	\$0.00	\$100,000.00
<u>741 CABLE TV FRANCHISE FEE</u>					
TOTAL CABLE TV FRANCHISE FEE	\$0.00	\$700,000.00	\$700,000.00		\$700,000.00
<u>750 JUVENILE DIVERSION PROGRAM</u>					
PERSONNEL SUBTOTAL	\$441.60	\$1,290.15	\$1,731.75		\$1,731.75
OTHER SUBTOTAL	\$50.00	\$650.00	\$700.00		\$700.00
TOTAL JUVENILE DIVERSON PROGRAM	\$491.60	\$1,940.15	\$2,431.75	\$0.00	\$2,431.75
<u>751 DARE FUND</u>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$0.00	\$813.73	\$813.73		\$813.73
TOTAL DARE FUND	\$0.00	\$813.73	\$813.73	\$0.00	\$813.73

752 GRADE DEPOSITS

TOTAL GRADE DEPOSITS	\$2,215.49	\$9,826.34	\$12,041.83	\$12,041.83
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753 STREET CLEANING DEPOSITS

TOTAL STREET CLEANING DEPOSITS	\$1,187.50	\$3,562.50	\$4,750.00	\$4,750.00
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754 STREET OPENING DEPOSITS

TOTAL STREET OPENING DEPOSITS	\$1,000.00	\$3,000.00	\$4,000.00	\$4,000.00
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757 REZONING-DEPOSITS

TOTAL REZONING-DEPOSITS	\$281.11	\$843.33	\$1,124.44	\$1,124.44
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758 ARCHITECT DEPOSITS

TOTAL ARCHITECT DEPOSITS	\$1,625.00	\$490.60	\$2,115.60	\$2,115.60
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761 SENIOR LIFE DONATIONS

TOTAL SENIOR LIFE DONATIONS	\$2,500.00	\$5,949.35	\$8,449.35	\$8,449.35
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772 CEMETERY RESTORATION FUND

TOTAL CEMETERY RESTORATION FUND	\$300.00	\$1,225.00	\$1,525.00	\$1,525.00
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781 EMER MEDICAL SERV COLLECTION

PERSONNEL SUBTOTAL	\$83,674.49	\$248,532.67	\$332,207.16	\$332,207.16
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OTHER SUBTOTAL	\$17,896.67	\$36,218.33	\$54,115.00	\$54,115.00
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TOTAL EMER MEDICAL SERV COLLECTION	\$101,571.16	\$284,751.00	\$386,322.16	\$0.00	\$386,322.16
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790 SURVEY SAN/STORM SEWER

TOTAL SURVEY SAN/STORM SEWER	\$0.00	\$4,898.91	\$4,898.91	\$4,898.91
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811 CAPITAL PROJECTS FUND

TOTAL CAPITAL PROJECTS FUND

\$398,618.78 \$2,668,140.30 **\$3,066,759.08** \$3,066,759.08

TOTAL ALL FUNDS

\$7,671,737.31 \$25,933,947.97 **\$33,605,685.28** **\$96,388.44** **\$33,702,073.72**

2019 SCHEDULED TRANSFERS TEMPORARY ORDINANCE #18- 55

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
100		240 \$ 187,500.00
		\$ 187,500.00

2019 SCHEDULED TRANSFERS

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
100		240 \$ 730,000.00
741		733 \$ 300,000.00
741		231 \$ 250,000.00
741		260 \$ 150,000.00
		\$ 1,430,000.00

2019 SCHEDULED ADVANCES

<u>FROM</u>	<u>TO</u>
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CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-35
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: 06.17.19

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. 19-36

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: 06.17.19
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. 19-37
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: 06.17.19
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-__
REQUESTED BY: COUNCIL PRESIDENT KILBANE
SPONSORED BY: CITY COUNCIL

STRONGLY URGING THE OHIO GOVERNOR AND MEMBERS OF THE OHIO GENERAL ASSEMBLY TO RESTORE THE LOCAL GOVERNMENT FUND TO PRE-RECESSION LEVELS

WHEREAS, the Local Government Fund was reduced in 2011 by 50% during the Kasich Administration, from 3.68% of General Revenue Funds to its current level of 1.66% of General Revenue Funds; and

WHEREAS, past Ohio General Assemblies have repeatedly decreased funding and revenue sharing in recent years in addition to significantly reducing the Local Government Fund, including eliminating the Estate Tax and phasing out the Tangible Personal Property Tax; and

WHEREAS, these reductions have resulted in a loss of revenue of approximately \$1,135,000 a year; and

WHEREAS, this sudden revenue loss has made it increasingly difficult to provide basic services, rebuild infrastructure, and bolster public safety services to fight the opioid epidemic; and

WHEREAS, when municipalities experience success in fostering safe communities, building sound infrastructure, and increasing economic development, the State of Ohio reaps the benefits as well.

WHEREAS, a reinvestment of Local Government Fund would aid the state in its goal of lowering taxes on the individual by enabling municipalities to decrease the local tax burden.

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

SECTION 1. The Ohio General Assembly should restore the Local Government Fund to pre-recession levels, ensuring that these local communities are able to provide crucial services and improvements in infrastructure and public safety.

SECTION 2. This Council does hereby declare its opposition any further cuts to the Local Government Fund or the future diversion of revenues from the Local Government Fund.

SECTION 3. That the Clerk of Council is directed to forward certified copies of this Resolution to Ohio Governor Mike DeWine, and to the City of Fairview Park's representatives in the Ohio General Assembly.

SECTION 4. 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 5. 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:
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: 06.17.19
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: 06.17.19
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:	1 st reading: 06.03.19
APPROVED:	2 nd reading: 06.17.19
	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. 19-31
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: 06.17.19
	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:

1st reading: 06.03.19

APPROVED:

2nd reading: 06.17.19

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: 06.17.19
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: 06.17.19

3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council