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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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