



CITY OF FAIRVIEW PARK  
CITY COUNCIL MEETING  
**AGENDA**

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**MONDAY, AUGUST 5, 2019**

6:45 pm - SWEARING-IN OF OFFICER JARED LINDEN

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**SPECIAL COMMITTEE MEETING**

**7:00 pm**

Council Chambers

**MEETING CALLED TO ORDER**

**LOCAL GOVERNMENT AND COMMUNITY SERVICES** – Councilman McDonough, Chair

Issue: Charter and Codified Ordinances Review

**BOARD & COMMISSIONS REPORTS**

**ROUNDTABLE**

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**REGULAR COUNCIL MEETING**

*Immediately following Committee meeting*

**Meeting Called to Order**

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

**Roll Call**

**Disposition of Minutes**

Regular Meeting of Council July 1, 2019

**Committee Reports**

Environment, Public Works, Planning, Zoning and Development Committee, Councilman Minek, Chair

Local Government and Community Services, Councilwoman Wering, Vice Chair

Finance, Councilman Wojnar, Chair

*Agenda continued on back →*

~ **LEGISLATIVE AGENDA** ~

**Legislation on First Reading**

COUNCILMAN MCDONOUGH

Ord. 19-\_\_ | Amending Charter to Change Public Bidding Language

Ord. 19-\_\_ | Amending Chapter 923 Bain Park Rental

COUNCILMAN WOJNAR

Ord. 19-\_\_ | Application for Cuyahoga Co Healthy Urban Tree Canopy Grant Program

Ord. 19-\_\_ | Establishing City Employee Voluntary Leave Donation Policy

**Legislation on Second Reading**

COUNCILMAN WOJNAR

Ord. 19-38 | Supplemental Appropriations

**Audience Input on Legislation Up for Passage**

**Legislation on Third Reading/Final Passage**

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

**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., AUG 12	Committee Meeting	7:00 p.m.	Council Chambers
MON., AUG 12	Special Council Meeting	<i>Immediately following Committee Meeting</i>	
MON., AUG 19	Council Meeting	7:00 p.m.	Council Chambers
MON., AUG 26	Special Council Meeting	7:00 p.m.	Council Chambers
<u>TUES.</u> , SEPT 3	Council Meeting	7:00 p.m.	Council Chambers

1  
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**  
3 **MONDAY, JULY 1, 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. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

10 Administration – Director Cingle, Director Leininger, Director Gibbons, Engineer Mackay

11  
12 THE CHAIR made a motion to excuse Councilman B. McDonough from the meeting.

13 Moved and Seconded.

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

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

16  
17 THE CHAIR made a motion to approve the minutes of the regular meeting of June 17, 2019.

18 Moved and Seconded.

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

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

21  
22 **COMMITTEE REPORTS**

23 COUNCILMAN MINEK reported that the Environment, Public Works, Planning, Zoning and Development  
24 Committee met on Monday, June 24, 2019 at 7 PM to discuss two ordinances. Public Service/Development  
25 Director Leininger was present. **Ordinance 19-35**, authorizes agreement with County for resurfacing of W.  
26 210 St. from Mastick to Lorain Rds. Director Leininger stated this is the standard type of legislation between  
27 the city and the county requesting participation in the cost of the resurfacing. Anticipated cost of the project  
28 is \$1,260,000.00. The county portion of the project is \$250,000.00. The remainder of the funds will be from  
29 the street fund and the newly established gas tax fund. This project is scheduled for 2020. Motion to place  
30 on second reading and subsequent third reading was approved 5-0. **Ordinance 19-36**, authorizes an  
31 agreement with ODOT for Lorain Road slide area stabilization. Director Leininger stated this legislation  
32 gives consent to ODOT to construct a retaining wall to repair the slope and stabilize the roadway on the  
33 south side of Lorain Road just east of W. 192 St. City engineer will draw up the plans for the construction.  
34 This project is also scheduled for 2020. Motion to place on second reading and subsequent third reading was  
35 approved 5-0.

36  
37 COUNCILWOMAN WERING reported that the Local Government and Community Services Committee  
38 met on Monday, June 24<sup>th</sup> at 7:21pm to discuss Ordinances 19-28 through 19-34 inclusive and Ordinance  
39 19-37, which are related to amending the City’s charter. In attendance were members of Council, Law  
40 Director Gibbons and Service Director Shawn Leininger. Council discussed and reviewed **Ordinance 19-**  
41 **28**, which would result in the City’s charter addressing positions not by gender-specific terms such as “he”  
42 or “she,” but rather by the official job title. A motion to have the ordinance presented for third reading and  
43 final passage passed 5-0. Council discussed and reviewed **Ordinance 19-29**, an ordinance which would reset  
44 the election terms beginning in 2023, upon which the Mayor, Council President, and Council At-Large would  
45 serve 4-year terms indefinitely and each Ward representative would serve 1 2-year term followed by 4-year  
46 terms to begin a staggered election cycle beginning in the year of 2025. A motion to have the ordinance  
47 presented for third reading and final passage passed 5-0. Council discussed and reviewed **Ordinance 19-30**,  
48 which would amend the Charter to change the zoning notice area and the mandatory referral and voter  
49 approval requirements. This ordinance removes the provision of voter approval of zoning changes, but adds  
50 provisions to enlarge the notice area from adjacent property owners to those who are within 500 feet and  
51 would also require a mandatory referral to the Planning and Design Commission. A motion to have the

52 ordinance presented for third reading and final passage passed 5-0. Council discussed and reviewed  
53 **Ordinance 19-31**, which extends the time period for submission to an election occurring more than 90 days  
54 instead of 60 days after passage of ordinance. This change was suggested by the County Board of Elections.  
55 A motion to have the ordinance presented for third reading and final passage passed 5-0. Council discussed  
56 and reviewed **Ordinance 19-32**, which requires that legislation and other items required to be posted be  
57 posted in broadly accessible places as prescribed by Council, including the official City website. A motion  
58 to have the ordinance presented for third reading and final passage passed 5-0. Council discussed and  
59 reviewed **Ordinance 19-33**, which would cause the City’s primary election to be moved from September to  
60 May to align with other communities in Cuyahoga County and throughout the state of Ohio and would also  
61 reduce the number of individuals filing petitions for the office of Council-at-Large be changed from not  
62 more than 6 to not more than 2. A motion to have the ordinance presented for third reading and final passage  
63 passed 5-0. Council discussed and reviewed **Ordinance 19-34**, which changes the time period for holding a  
64 recall election from not less than 30-45 days from delivery of notice to not less than 90-120 days at the  
65 suggestion of the County Board of Elections. A motion to have the ordinance presented for third reading and  
66 final passage passed 5-0. Council discussed and reviewed **Ordinance 19-37**, an ordinance suggested by the  
67 County Board of Elections relative to a vacancy in the office of Mayor and regarding date changes for  
68 elections and extension of time for counting of ballots. A motion to place on second reading and subsequent  
69 third passed 5-0. Additional deliberation was made on the **issue of Charter and Codified Ordinance**  
70 **Review**, dedicated to the issue of the removal of the City’s Board of Control and to the issue of increasing  
71 the limit for expenditures requiring Council approval from \$15,000 to the proposed current statutory limit  
72 prescribed by the State of Ohio, which is currently \$50,000. Law Director Gibbons was asked to present a  
73 draft ordinance with language changing the language of Section 6 in the Charter to say “lowest responsive  
74 and most responsive bidder” vs current language of “best bidder”. These issues were voted to remain in  
75 committee for further deliberation by a vote of 5-0. The Local Government and Community Services  
76 committee meeting ended at 8:31pm.  
77

78 **LEGISLATION ON FIRST READING**

79 COUNCILMAN WOJNAR placed the following legislation up for first reading and introduction:

80 ORIGINATED BY: THE FINANCE DEPARTMENT

81 REQUESTED BY: MAYOR EILEEN ANN PATTON

82 SPONSORED BY: COUNCILMAN WOJNAR

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

86 Ordinance 19-38 is placed on first reading and referred to the Finance Committee.  
87

88 **LEGISLATION ON SECOND READING**

89 COUNCILMAN MINEK placed the following legislation up for second reading:

90 ORDINANCE NO. 19-35

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

92 SPONSORED BY: COUNCILMAN MINEK

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

98 ACTION: Ordinance 19-35 was placed on second reading and subsequent third.  
99

100 ORDINANCE NO. 19-36

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

102 DEVELOPMENT

103 SPONSORED BY: COUNCILMAN MINEK  
104 *AN ORDINANCE ENACTED BY THE CITY OF FAIRVIEW PARK, CUYAHOGA COUNTY, OHIO,*  
105 *HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA) AND DECLARING AN*  
106 *EMERGENCY.*

107 ACTION: Ordinance 19-36 was placed on second reading and subsequent third.

108  
109 COUNCILWOMAN WERING placed the following legislation up for second reading:  
110 ORDINANCE NO. 19-37

111 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH  
112 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*  
113 *PARK THE PROPOSAL TO AMEND ARTICLE III, SECTION 4. (d) OF THE CHARTER OF THE CITY OF*  
114 *FAIRVIEW PARK TO PROVIDE THAT IN THE EVENT THE OFFICE OF MAYOR SHALL BECOME*  
115 *VACANT, A SUCCESSOR FOR THE UNEXPIRED TERM SHALL BE ELECTED AS MAYOR AT THE*  
116 *NEXT REGULAR MUNICIPAL ELECTION, PROVIDED THAT SUCH ELECTION SHALL OCCUR MORE*  
117 *THAN TWO (2) YEARS PRIOR TO THE EXPIRATION OF THE UNEXPIRED TERM ONLY AND DELETE*  
118 *THE REQUIREMENT THAT THE VACANCY SHALL HAVE OCCURRED MORE THAN ONE HUNDRED*  
119 *TWENTY (120) DAYS PRIOR TO SUCH ELECTION AND DECLARING AN EMERGENCY*

120 ACTION: Ordinance 19-37 was placed on second reading and subsequent third.

121

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

123 MR. MARK HOMYAK - 20557 Belvidere Ave – MR. HOMYAK spoke about Ordinance 19-28, which is  
124 the charter amendment recommendation to make the Charter gender neutral. He recounted the deliberations  
125 of the Charter Review Commission and Council, and thanked Law Director Gibbons for looking into further  
126 clarifying the ordinance by amending ordinance. MR. HOMYAK asked for favorable consideration of the  
127 ordinance.

128

129 **LEGISLATION ON FOR PASSAGE WITHOUT THREE READINGS**

130 THE CHAIR placed the following legislation up for emergency passage.

131 RESOLUTION NO. 19-11

132 REQUESTED BY: COUNCIL PRESIDENT KILBANE

133 SPONSORED BY: CITY COUNCIL

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

136 THE CHAIR made a motion to suspend the Charter Provision and Rule 49 requiring three readings.

137 Moved and Seconded.

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

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

140 THE CHAIR asked for any further discussion before passage.

141 THE CHAIR made a motion to dispense Rule 53 requiring reference to Committee.

142 Moved and Seconded.

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

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

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

146 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Resolution 19-11 passes.

147

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

149 COUNCILWOMAN WERING placed the following legislation up for third reading and final passage:

150 ORDINANCE NO. 19-28

151 REQUESTED BY: MAYOR EILEEN ANN PATTON

152 SPONSORED BY: COUNCILMAN MCDONOUGH

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

158 Moved and Seconded.

159 THE CHAIR asked for any discussion before passage.

160 COUNCILWOMAN WERING made a motion to amend Ordinance 19-28 to add the language of “and that  
161 Article XIII, Section 5. GENDER NEUTRAL be deleted as no longer necessary” in the 5th Whereas clause,  
162 and “as no longer necessary” in Sections 2 and 7.

163 Moved and Seconded.

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

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

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

167 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-28 Amended passes.

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

169

170 ORDINANCE NO. 19-29

171 REQUESTED BY: MAYOR EILEEN ANN PATTON

172 SPONSORED BY: COUNCILMAN MCDONOUGH

173 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*  
174 *PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 1 OF THE CHARTER OF THE CITY OF*  
175 *FAIRVIEW PARK TO PROVIDE THAT THE POSITIONS OF PRESIDENT OF COUNCIL AND THE AT-*  
176 *LARGE MEMBER OF COUNCIL SHALL BE ELECTED IN THE REGULAR MUNICIPAL ELECTION*  
177 *SCHEDULED IN NOVEMBER 2023, FOR A TERM OF FOUR (4) YEARS BEGINNING IN JANUARY*  
178 *2024, AND EVERY FOUR (4) YEARS THEREAFTER; AND THAT POSITIONS OF THE FIVE (5) WARD*  
179 *MEMBERS OF COUNCIL SHALL BE ELECTED IN THE REGULAR MUNICIPAL ELECTION*  
180 *SCHEDULED IN NOVEMBER 2023, FOR A TERM OF TWO (2) YEARS, FOR TERMS BEGINNING*  
181 *JANUARY 1, 2024, AND SUCH WARD COUNCIL MEMBER POSITIONS SHALL STAND FOR ELECTION*  
182 *IN NOVEMBER 2025, FOR FOUR (4) YEAR TERMS BEGINNING JANUARY 1, 2026, AND EVERY FOUR*  
183 *(4) YEARS THEREAFTER, AND DECLARING AN EMERGENCY*

184 Moved and Seconded.

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

186 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-29 passes.

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

188

189 ORDINANCE NO. 19-30

190 REQUESTED BY: MAYOR EILEEN ANN PATTON

191 SPONSORED BY: COUNCILMAN MCDONOUGH

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

202 Moved and Seconded.

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

204 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-30 passes.  
205 YES: B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

206  
207 ORDINANCE NO. 19-31  
208 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH  
209 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*  
210 *PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 16, SUBSECTIONS (a) AND (b) OF THE*  
211 *CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT COUNCIL SUBMIT AN*  
212 *ORDINANCE, RESOLUTION OR OTHER ACTION EFFECTING A CHANGE IN THE ZONING*  
213 *CLASSIFICATION OR DISTRICT OR EFFECTING CHANGE IN THE USES PERMITTED OF ANY*  
214 *PROPERTY TO THE ELECTORATE AT A REGULARLY SCHEDULED ELECTION IN NOVEMBER OR*  
215 *A REGULARLY SCHEDULED PRIMARY ELECTION MORE THAN NINETY (90) DAYS AFTER THE*  
216 *PASSAGE OF SUCH ORDINANCE, RESOLUTION OR OTHER ACTION AND DECLARING AN*  
217 *EMERGENCY*

218 Moved and Seconded.  
219 THE CHAIR asked for any discussion before passage. No Discussion.  
220 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-31 passes.  
221 YES: B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

222  
223 ORDINANCE NO. 19-32  
224 REQUESTED BY: MAYOR EILEEN ANN PATTON  
225 SPONSORED BY: COUNCILMAN MCDONOUGH  
226 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*  
227 *PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 11 OF THE CHARTER OF THE CITY OF*  
228 *FAIRVIEW PARK TO PROVIDE THAT ALL ORDINANCES, RESOLUTIONS, STATEMENTS, ORDERS,*  
229 *PROCLAMATIONS AND REPORTS REQUIRED BY LAW OR BY THIS CHARTER, SHALL BE POSTED*  
230 *IN A BROADLY ACCESSIBLE PLACE AS PRESCRIBED BY COUNCIL AND INCLUDE POSTING ON*  
231 *THE OFFICIAL CITY WEBSITE OR OTHER ELECTRONIC MEANS AND DECLARING AN*  
232 *EMERGENCY*

233 Moved and Seconded.  
234 THE CHAIR asked for any discussion before passage. No Discussion.  
235 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-32 passes.  
236 YES: B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

237  
238 ORDINANCE NO. 19-33  
239 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH  
240 *AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW*  
241 *PARK THE PROPOSAL TO AMEND ARTICLE IX, SECTION 3 OF THE CHARTER OF THE CITY OF*  
242 *FAIRVIEW PARK TO MOVE PRIMARY ELECTIONS FROM SEPTEMBER TO MAY AND TO CORRECT*  
243 *SAID SECTION TO PROVIDE THAT IN CASE THERE SHALL NOT BE MORE THAN TWO (2) PERSONS*  
244 *WHO SHALL HAVE FILED PETITIONS FOR THE OFFICE OF COUNCIL AT LARGE AS PROVIDED*  
245 *FOR IN THIS CHARTER, THEN SAID PERSONS SHALL BE THE CANDIDATES AT THE REGULAR*  
246 *MUNICIPAL ELECTION AND THE PRIMARY FOR THE PARTICULAR OFFICE SHALL NOT BE HELD*  
247 *AND DECLARING AN EMERGENCY*

248 Moved and Seconded.  
249 THE CHAIR asked for any discussion before passage. No Discussion.  
250 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-33 passes.  
251 YES: B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

252  
253 ORDINANCE NO. 19-34  
254 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

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

264 Moved and Seconded.

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

266 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-34 passes.

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

268

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

271 DIRECTOR LEININGER reported that the splash pad at Morton is now open and that the roof repairs on at  
272 the Gemini are complete other than some punch list items. The leisure pool is on track to open on July 8. He  
273 advised all to be patient and cautious with the large amount of construction happening throughout the city.  
274 Construction on Mastick Road is scheduled to begin on July 15<sup>th</sup> and notifications are being made to  
275 impacted residents. The work will take place in three phases tentatively from North Olmsted to West 220<sup>th</sup>,  
276 West 220<sup>th</sup> to West 210<sup>th</sup> and West 210<sup>th</sup> to top of bridge on Mastick Hill Road. There will be lane closures  
277 during the course of the project, which will be posed.

278

279 DIRECTOR CINGLE reported that the 2018 audit was completed on June 27, with the city receiving a clean  
280 audit opinion. He thanked Finance Department employees Deanna and Carlene, the Administration, Council  
281 and department Heads for their assistance during the audit process. He asked that is there are any questions  
282 regarding Ordinance 19-38 to please let him know.

283

284 DIRECTOR GIBBONS, thanked Mark Homyak for his input during the Charter Review process,  
285 particularly for the gender neutrality discussion. He said that it was beneficial and helpful to the governing  
286 process.

287

288 ENGINEER MACKAY reported that plans are completed for Lorain Road slide project are complete and  
289 after bidding, ODOT will be awarding the contract sometime in September, with work beginning in the fall.  
290 He also reported that Fabrizi is working on both the Campus waterline and Clifford Road sewer line projects.  
291 The waterline project is planned to be completed by the middle of August, and the Clifford Road project  
292 should be completed by the end of July.

293

294 **PUBLIC SESSION**

295 MR. CHUCK SOTU – 20867 Fairpark Drive – MR. SOTU stated that traffic and parking is a mess on  
296 Fairpark with construction at insurance building and added to with landscapers who double park. He asked  
297 about enforcement of possibly making other arrangements with churches or businesses while the work is  
298 being done.

299 DIRECTOR LEININGER stated that he will reach out to businesses and the Police department on this issue  
300 to see if anything can be done until the work is completed.

301

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

303 COUNCILMAN MINEK thanked Director Leininger, Foreman Bridegum & members of the Service  
304 Division for their help with a Belvidere Drive home owner residing on the West side of the drive to Bohlken  
305 Park reported continuous flooding of the drive compelling visitors to the park to walk on his property

306 creating a liability factor. After many emails, research, suggestions, cleaning up the landscaping, a french  
307 drain was installed and the ponding water disappeared. The homeowner stated neighbors and friends  
308 remarked how great the drive looks and did not think the drive would ever be so dry. Once again everybody  
309 working together solved a major problem. He also thanked the members of our Police Department for their  
310 assistance in trying to locate my cousin Bruce. A police officer stopped at our residence to report Bruce had  
311 left his residence to take a walk and has not returned after several hours. I contacted his care giver and we  
312 both drove to all points of our city and neighboring cities. Received a telephone call from his caregiver who  
313 stated Bruce was located at Walmart in North Olmsted and returned home. My thanks to everybody who  
314 assisted.

315 COUNCILMAN MINEK reported that the Board of Zoning Appeals will meet on July 8 at 7pm in council  
316 chambers with three items on the docket: 21438 Lorain Rd.-Applicant requests to operate a permanent  
317 makeup (tattoo) facility in an existing salon located within 500' of a residential district, church, public library,  
318 day care center, and/or school; 5459 W 228 St.- Applicant proposes erecting a shed that is 12' in height and  
319 10' 6" is permitted therefore requiring a variance of 1' 6"; and 21801 Elizabeth Ave.-Applicants Homeowner  
320 seeking variance to park a recreational vehicle in the driveway in the front extension of the house, and  
321 parking a recreational vehicle in the front of the extension of the rear foundation line of the main dwelling  
322 or structure is not permitted.  
323

324 COUNCILMAN SMITH reported that the outdoor movie night on July 21 was well attended at the High  
325 school stadium and encouraged everyone to come out to remaining films this summer. He thanked  
326 Recreation Director Steve Owens for keeping everyone informed on the stats of the pools and neighboring  
327 cities of Rocky River and Westlake for use of their pools while the Gemini pools were closed. He wished  
328 residents a Happy Fourth of July and to have a safe holiday.  
329

330 THE CHAIR assigned the topic of solid waste fees to the Finance Committee.  
331

332 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.  
333 Moved and Seconded.

334 ROLL ON MOTION: Vote: YES-6, NO-0 | Meeting adjourned at 7:36 p.m.

335 YES: B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
336  
337  
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Michael P. Kilbane, President of Council

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Liz L. Westbrooks, Clerk of Council

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344 Eileen Ann Patton, Mayor  
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CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-  
REQUESTED BY: MAYOR EILEEN PATTON  
SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE VIII, SECTION 6 OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT PUBLIC BIDDING SHALL BE MADE WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER

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 Charter currently provides that a public bid be awarded to the lowest and best bidder; and

WHEREAS, the Charter Review Commission recommends that public bidding be made with the lowest most responsive and responsible bidder.

**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 VIII, Section 6 of the Charter of the City of Fairview Park to provide that Council may authorize expenditure of funds without public bidding in the event of emergency or catastrophe to protect the public health, safety, welfare and property; that public bidding shall be made with the lowest responsive and responsible bidder; and that no expenditure of more than the current statutory limit prescribed by the State of Ohio be made, whether by public or otherwise, unless approved by ordinance of Council..

SECTION 2. 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 3. That the proposed amendments to Article VIII read as follows:

ARTICLE VIII

FINANCES

**SECTION 6. PUBLIC BIDDING.**

The Council may authorize expenditures of the funds of the City in amounts exceeding that amount prescribed in Ohio Revised Code Chapter 735 for public bidding without public biddings, for the acquisition of real estate, for the discharge of non-contractual claims against the City, for personal services, for the joint use of facilities or exercise of powers with other political subdivision, or for the product or services of public utilities (including those municipally operated), but no other expenditures of more than that amount prescribed in Ohio Revised Code Chapter 735 for public bidding shall be made except pursuant to contract made with the lowest **RESPONSIVE AND RESPONSIBLE** ~~and best~~ bidder after public advertising and receipt of bids in the manner provided by ordinance.

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 VIII, Section 6 of the Charter of the City of Fairview Park be amended to provide that public bidding shall be made with the lowest responsive and responsible bidder?”

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

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

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-  
REQUESTED BY: STEVEN OWENS, DIRECTOR OF RECREATION  
SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AMENDING THE RENTAL REGULATIONS AND RATES FOR THE BAIN PARK PAVILION IN CHAPTER 923 OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK AND DECLARING AN EMERGENCY

WHEREAS, Chapter 923 of the Codified Ordinances of the City of Fairview Park (“City”) establish the management, operation, rules, and regulations for use of the Bain Park Cabin, Bain Park Pavilion, and the Dunson Community Room, pursuant to Ordinance 04-34, and as amended by Ordinance 11-41 and Ordinance 14-47; and

WHEREAS, per Chapter 923.08, only residents of the City of Fairview Park are permitted to rent the Bain Park Pavilion for use; and

WHEREAS, the City has been awarded Eighty-Nine Thousand Eight Hundred Eight Dollars (\$89,808) in Land and Water Conservation Fund (“LWCF”) monies for the construction of a new restroom at Bain Park to replace the existing restroom that is permanently closed due to its poor condition; and

WHEREAS, such funding is administered by the Ohio Department of Natural Resources and National Park Service, and is provided through the federal LWCF Act, which requires that political subdivisions maintain the entirety of parks for which LWCF funding is utilized as public recreation facilities in perpetuity; and

WHEREAS, to ensure compliance with the federal requirements of the LWCF grant, Chapter 923.08 must be modified to enable non-residents to rent Bain Park Pavilion.

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

SECTION 1. That Chapter 923.08 of the Codified Ordinances of the City of Fairview Park be amended to read in its entirety as follows:

"923.08 BAIN PARK PAVILION.

The Bain Park Pavilion is available for reservation ~~for Fairview Park residents only~~. Permits are to be issued by the Director of Recreation, or his designee, ~~to qualified residents~~ on a first come, first serve basis. For residents, a nonrefundable application fee of fifty dollars (\$50.00) is part of the permit process. For non-residents, a nonrefundable application fee of eighty five dollars (\$85.00) is part of the permit process."

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

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

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 19-

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

SPONSORED BY: COUNCILMAN WOJNAR

AN ORDINANCE SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY PLANNING COMMISSION FOR THE 2019 CUYAHOGA COUNTY HEALTHY URBAN TREE CANOPY GRANT PROGRAM AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY

WHEREAS, on July 1, 2019 the Cuyahoga County Planning Commission (“Cuyahoga County”) released applications for the Healthy Urban Tree Canopy Grant Program (“Program”), a competitive grant program that has been established to complement the efforts of the Cuyahoga County Department of Sustainability and the strategies published in the Cuyahoga County Climate Change Action Plan to combat the harmful effects of climate change and its impacts to residents; and

WHEREAS, the purpose of this grant program is to increase tree canopy and reduce the impacts of climate change in Cuyahoga County, and the program goals are to protect existing tree canopy, expand tree canopy in areas that are vulnerable, and establish new tree canopy; and

WHEREAS, the City of Fairview Park intends to submit an application for the Program to maintain and expand tree plantings within the public right-of-way and City parks;

WHEREAS, the Program provides ninety five percent (95%) reimbursement for project costs in an amount not to exceed Fifty Thousand Dollars (\$50,000), requiring the applicant to first expend funds and then request reimbursement from Cuyahoga County; and

WHEREAS, the required five percent (5%) local funding match can be fulfilled by utilizing in-kind labor; and

WHEREAS, applications for assistance must be submitted by Monday, July 29, 2019.

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

SECTION 1. That the Council of the City of Fairview Park hereby authorizes the Mayor and City Administration to submit a grant application for the 2019 Healthy Urban Tree Canopy Program.

SECTION 2. That the requested grant amount shall not exceed Fifty Thousand Dollars (\$50,000).

SECTION 3. That ninety five (95%) of eligible project costs shall be paid for through grant funding on a reimbursement basis out of the General Fund (100).

SECTION 4. That the City's required five percent (5%) local funding match is to be paid out of the General Fund (100) or fulfilled through in-kind labor.

SECTION 5. That the Mayor and City Administration are authorized to file all documents and execute all agreements necessary to accept the award and receive any grant funds; and that the funds are appropriated solely for purposes described in this Ordinance.

SECTION 6. 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 7. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, safety and welfare; and for the further reason that the application must be submitted by the September 9, 2019 deadline; and provided it received an affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

**Project Name:** 2019 Fairview Park – Cuyahoga County Urban Forestry Program  
**Grant Name:** Healthy Urban Tree Canopy Grant Program  
**Funding Agency:** Cuyahoga County  
**Total Project Cost:** \$33,537  
**Funding Requested:** \$27,825  
**Proposed Local Match:** \$5,712 (in-kind labor)

**Program Description:**

Cuyahoga County Executive Armond Budish has pledged \$5 million over the next five years to plant thousands of trees across the region and increase Cuyahoga County’s tree canopy from 14 to 30 percent by 2040.

This will be accomplished through the Healthy Urban Tree Canopy Grant Program that will be jointly coordinated by the Cuyahoga County Department of Sustainability, the Cuyahoga County Planning Commission, and the Cuyahoga Soil & Water Conservation District. This is a competitive grant program that will encourage the strategies published in the Cuyahoga County Climate Change Action Plan to combat the deleterious effects of climate change and its impacts to residents.

The program goals are to protect existing tree canopy; expand tree canopy in areas that are vulnerable; and establish new tree canopy.

It is anticipated that award announcements will be made on August 23, 2019.

**Project Description:**

The proposed project includes a planning and implementation component, designed to simultaneously plan for and manage urban forestry within the City of Fairview Park (“City”) while responsibly increasing and maintaining tree canopy in accordance with best practices and the City’s existing Street Tree Inventory and Management Plan (“Plan”).

The City adopted its Plan in 2009, which was compiled by Knowles Municipal Forestry, a provider of professional urban forestry services. This comprehensive Plan includes a detailed summary of the methodology utilized, an inventory of the City’s tree population, an overview of site characteristics, an outline of Emerald Ash Borer management, a street tree maintenance budget, and a cost benefit analysis. While this plan is still regularly utilized, it is critical that it be updated to include a current inventory of trees, reflect existing conditions, feature current best practices, and include new forestry innovations.

The services proposed for the Plan update include a street tree inventory, an urban site index study, and a management plan update. The proposed update is required to maintain existing tree canopy, and to determine proper plant selection in future tree planting endeavors.

In conjunction with the Plan update, and in accordance with the existing Plan, the City is requesting grant funding to responsibly plant and maintain thirty four (34) trees along Lorain Road, the City’s main thoroughfare. There are currently one hundred seventy eight (178) existing tree wells along Lorain Road, of which one hundred forty four (144) contain healthy trees, and thirty four (34) are empty. Since 2014, thirty (30) trees have been removed on Lorain Road due to the presence of the Emerald Ash Borer, an invasive beetle that causes damage, illness, and the ultimate death of Ash trees. The City’s forestry division systematically removed trees across the entire community that were inflicted by the Emerald Ash Borer, resulting in the loss of tree canopy. Funding is requested to purchase thirty four (34) trees, gator bags, and mulch to fill empty tree wells along the Lorain Road corridor.

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

AN ORDINANCE INSTITUTING AN EMPLOYEE VOLUNTARY LEAVE  
DONATION POLICY AND DECLARING AN EMERGENCY

WHEREAS, on occasion, employees wish to voluntarily provide assistance to coworkers by donating sick leave hours to employees in critical need of leave due to a serious health condition of the employee or a member of the employee's immediate family; and

WHEREAS, the City of Fairview Park wishes to establish a policy by which its employees may donate sick hours to their coworkers who are in critical need of leave.

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

SECTION 1. That the City of Fairview Park hereby adopts this "Voluntary Leave Donation Policy:"

**VOLUNTARY LEAVE DONATION POLICY**

Employees of the City of Fairview Park may donate leave to another city employee who is otherwise eligible to accrue and use sick leave. The purpose of the voluntary leave donation program (the "Program") is to allow employees to voluntarily provide assistance to coworkers who are in critical need of leave due to serious illness of the employee or a member of the employee's immediate family.

**Definition of Terms:**

1. Leave is sick hours only. Vacation, Compensatory Time, or Holiday hours cannot be donated.
2. Family Member
  - a. Spouse
  - b. Children/Stepchildren
  - c. Parents
  - d. Brothers and sisters
  - e. Any individual related by blood who resides within the employee's household
3. Leave Donor is an eligible employee who voluntarily submits a request to transfer accumulated unused sick leave to a leave recipient.
4. Leave Recipient is an active employee for whom an application to receive donated sick leave has been approved.

5. Serious Health Condition is a serious medical condition which requires a prolonged absence from work.

### **Leave Share Procedures**

1. Leave Recipient.

An employee or personal representative of the employee shall complete a form seeking shared leave eligibility. The form shall be submitted to his/her Director's office along with a certification from a physician briefly describing the nature, severity and anticipated duration of the Serious Health Condition. The Leave Recipient may be required to provide additional information if requested. The Mayor will review and approve all requests prior to the transfer being processed.

2. Leave Donation.

Employees donating leave ("Leave Donor") must comply with the following:

- 1) Provide name of the intended Leave Recipient.
- 2) Retain minimum sick leave balance of 160 hours after the proposed donation.
- 3) Donate leave in increments of eight (8) hours.
- 4) Maximum hours transferred from Leave Donor to Leave Recipient cannot exceed eighty (80) hours.
- 5) Leave Donor understands and acknowledges that sick leave is donated voluntarily and will not be returned.
- 6) Leave Donor will verify all of the foregoing in writing.

### **Leave Donation Program Administration**

The Program shall be administered by the Finance Department. The Program shall be administered on a pay period basis. The Leave Recipient shall be considered on active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Leave accrued while using donated leave will be applied, if necessary, before additional donated leave may be received. Donated leave will be considered sick leave and shall under no circumstances be converted to a cash benefit.

### **Termination of Serious Health Condition**

Upon termination of the Serious Health Condition, no further transfers may be granted. A Serious Health Condition affecting the recipient shall be considered terminated:

1. When the Leave Recipient terminates employment with the City of Fairview Park.
2. At the end of the pay period in which the Finance Department receives written notification from the Leave Recipient that the Leave Recipient is no longer affected by a Serious Health Condition.
3. At the end of the pay period in which the Finance Department determines when the Serious Health Condition has been sufficiently resolved.

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

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

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-38  
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: 07.01.19  
2nd reading:  
3rd reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrook, Clerk of Council

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

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

<b><u>4410 PARKS AND PROPERTY MAINTENANCE</u></b>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$41.75	(\$41.75)	\$0.00		\$0.00
<b>TOTAL PARKS AND PROPERTY MAINTENANCE</b>	\$41.75	(\$41.75)	\$0.00	\$0.00	\$0.00
<b><u>4510 PLANNING &amp; DESIGN COMMISSION</u></b>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$890.66	\$2,159.34	\$3,050.00		\$3,050.00
<b>TOTAL PLANNING COMMISSION</b>	\$890.66	\$2,159.34	\$3,050.00	\$0.00	\$3,050.00
<b><u>4520 BUILDING STANDARDS</u></b>					
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
<b>TOTAL BUILDING STANDARDS</b>	\$93,748.01	\$294,093.11	\$387,841.12	\$0.00	\$387,841.12
<b><u>4530 BOARD OF APPEALS</u></b>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$314.24	\$835.76	\$1,150.00		\$1,150.00
<b>TOTAL BOARD OF APPEALS</b>	\$314.24	\$835.76	\$1,150.00	\$0.00	\$1,150.00
<b><u>5550 RECYCLING &amp; SOLID WASTE DISPOSAL</u></b>					
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00		\$0.00
OTHER SUBTOTAL	\$50,578.00	\$239,422.00	\$290,000.00		\$290,000.00
<b>TOTAL REFUSE COLLECTION AND DISPOSAL</b>	\$50,578.00	\$239,422.00	\$290,000.00	\$0.00	\$290,000.00
<b><u>6120 TRAFFIC SAFETY</u></b>					
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
<b>TOTAL TRAFFIC SAFETY</b>	\$60,763.49	\$203,054.09	\$263,817.58	\$0.00	\$263,817.58
<b><u>6800 MOTOR VEHICLE MAINTENANCE</u></b>					
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
<b>TOTAL MOTOR VEHICLE MAINTENANCE</b>	\$107,241.33	\$307,559.91	\$414,801.24	\$0.00	\$414,801.24

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

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

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

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

**752 GRADE DEPOSITS**

TOTAL GRADE DEPOSITS	\$2,215.49	\$9,826.34	<b>\$12,041.83</b>		\$12,041.83
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**753 STREET CLEANING DEPOSITS**

TOTAL STREET CLEANING DEPOSITS	\$1,187.50	\$3,562.50	<b>\$4,750.00</b>		\$4,750.00
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**754 STREET OPENING DEPOSITS**

TOTAL STREET OPENING DEPOSITS	\$1,000.00	\$3,000.00	<b>\$4,000.00</b>		\$4,000.00
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**757 REZONING-DEPOSITS**

TOTAL REZONING-DEPOSITS	\$281.11	\$843.33	<b>\$1,124.44</b>		\$1,124.44
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**758 ARCHITECT DEPOSITS**

TOTAL ARCHITECT DEPOSITS	\$1,625.00	\$490.60	<b>\$2,115.60</b>		\$2,115.60
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**761 SENIOR LIFE DONATIONS**

TOTAL SENIOR LIFE DONATIONS	\$2,500.00	\$5,949.35	<b>\$8,449.35</b>		\$8,449.35
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**772 CEMETERY RESTORATION FUND**

TOTAL CEMETERY RESTORATION FUND	\$300.00	\$1,225.00	<b>\$1,525.00</b>		\$1,525.00
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**781 EMER MEDICAL SERV COLLECTION**

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

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

<b>TOTAL CAPITAL PROJECTS FUND</b>	\$398,618.78	\$2,668,140.30	<b>\$3,066,759.08</b>		\$3,066,759.08
<b>TOTAL ALL FUNDS</b>	\$7,671,737.31	\$25,933,947.97	<b>\$33,605,685.28</b>	<b>\$96,388.44</b>	<b>\$33,702,073.72</b>

**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:

1<sup>st</sup> reading: 06.17.19  
2<sup>nd</sup> reading: 07.01.19  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrook, Clerk of Council

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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:

1<sup>st</sup> reading: 06.17.19  
2<sup>nd</sup> reading: 07.01.19  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-37  
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:

1<sup>st</sup> reading: 06.17.19

2<sup>nd</sup> reading: 07.01.19

3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council