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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, AUGUST 5, 2019**
4

5 The regular meeting of Council was called to order by Council President Kilbane at 7:33 p.m.

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL | PRESENT:

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

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

11
12 THE CHAIR made a motion to excuse Councilman P. Wojnar from the meeting.

13 Moved and Seconded.

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

15 YES: B. McDonough, B. Minek, 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 July 1, 2019.

18 Moved and Seconded.

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

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

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22 **COMMITTEE REPORTS**

23 COUNCILMAN MINEK reported that the Environment, Public Works, Planning, Zoning and Development
24 Committee met on Monday, July 8, 2019 at 7 PM to discuss the **issue of Airport Noise & Construction**.
25 Representing Cleveland Airport System were Airport Director Robert Kennedy, Edward Kamposek, Noise
26 Compatibility Officer and Ms. Phyllis Jackson, Manager Office of Community Relations. Finance Director
27 Cingle and five residents were also present. A brochure of aircraft noise impact on Fairview Park from recent
28 airport operations was presented to all in attendance. Director Kennedy & Noise Compatibility Officer
29 Kamposek gave a presentation of the contents of the brochure. An aerial photo of the airport and surrounding
30 area was the topic of concern. Discussion of the noise from the aircrafts was the major concern and the
31 representatives stated to continue to call the Airport Noise Hot Line 216-898- 5220. The call is recorded and
32 all information is forwarded to FAA. Of the 110,000 flights, 600 complaints have been received. The
33 representatives stated airport noise is the responsibility of our airport and FAA is only concerned when
34 studies are conducted relative to any future developments at the airport. A FAA master plan is scheduled to
35 begin in September. All individuals present asked many questions. A motion that representatives from FAA
36 be contacted and requested to a make a presentation. Motion this issue remain in committee was approved
37 5-0. This completes my report.

38
39 COUNCILWOMAN WERING reported that the Local Government and Community Services Committee
40 met on Monday, July 8, 2019 at 8:22 pm. Discussed were several items including the lowest responsive and
41 responsible bidder language which is being proposed by the Charter Review Commission to be put on the
42 ballot in November and Council voted to agree to that language for first reading in ordinance form. Also
43 discussed was the statutory limit and emergency authority recommendation from the Charter Review
44 Commission, and Council ultimately decided to remove it from committee and voted against the
45 recommendation. Council also discussed the Board of Control and voted 5-0 to continue the discussion in
46 committee. The committee ended at 9:17pm.

47
48 COUNCILMAN SMITH reported that the Finance Committee met on Monday, July 8 at 9:18 pm. In
49 attendance with Council was Finance Director, Greg Cingle to discuss the following:
50 **Ordinance 19-38**, amends the Ordinance 19-10 Amended, which was approved on March 5, 2019
51 appropriating funds for the current expenses and other expenditures of the City of Fairview Park, Ohio for

52 the period commencing January 1, 2019 and ending December 31, 2019. Director Cingle explained the
53 additional changes in appropriations for 2019. A motion to place on 2nd reading and return to Committee
54 passed by a vote of 4-0. The Finance Committee ended at 9:29 pm

55

56 **LEGISLATION ON FIRST READING**

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

58 ORDINANCE NO. 19-39

59 REQUESTED BY: MAYOR EILEEN PATTON

60 SPONSORED BY: COUNCILMAN MCDONOUGH

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

65 ACTION: Ordinance 19-39 is placed on first reading and referred to the Local Government & Community
66 Services Committee.

67

68 ORDINANCE NO. 19-40

69 REQUESTED BY: STEVEN OWENS, DIRECTOR OF RECREATION

70 SPONSORED BY: COUNCILMAN MCDONOUGH

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

74 ACTION: Ordinance 19-40 is placed on first reading and referred to the Local Government & Community
75 Services Committee.

76

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

78 ORDINANCE NO. 19-41

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

80 SPONSORED BY: COUNCILMAN WOJNAR

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

86 ACTION: Ordinance 19-41 is placed on first reading and referred to the Finance Committee.

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88 ORDINANCE NO. 19-42

89 REQUESTED BY: MAYOR EILEEN ANN PATTON

90 SPONSORED BY: COUNCILMAN WOJNAR

91 *AN ORDINANCE INSTITUTING AN EMPLOYEE VOLUNTARY LEAVE DONATION POLICY AND*
92 *DECLARING AN EMERGENCY*

93 ACTION: Ordinance 19-42 is placed on first reading and referred to the Finance Committee.

94

95 **LEGISLATION ON SECOND READING**

96 COUNCILMAN SMITH placed the following legislation up for second reading:

97 ORDINANCE NO. 19-38

98 ORIGINATED BY: THE FINANCE DEPARTMENT

99 REQUESTED BY: MAYOR EILEEN ANN PATTON

100 SPONSORED BY: COUNCILMAN WOJNAR

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

104 ACTION: Ordinance 19-38 was placed on second reading and returned to Committee.

105

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

107

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

109 COUNCILMAN MINEK placed the following legislation up for emergency passage.

110 ORDINANCE NO. 19-35

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

112 SPONSORED BY: COUNCILMAN MINEK

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

118 Moved and Seconded.

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

120 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-35 passes.

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

122

123 ORDINANCE NO. 19-36

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

125 SPONSORED BY: COUNCILMAN MINEK

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

131 Moved and Seconded.

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

133 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-36 passes.

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

135

136 COUNCILMAN MCDONOUGH placed the following legislation up for third reading and final passage:

137 ORDINANCE NO. 19-37

138 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

139 AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW
140 PARK THE PROPOSAL TO AMEND ARTICLE III, SECTION 4. (d) OF THE CHARTER OF THE CITY OF
141 FAIRVIEW PARK TO PROVIDE THAT IN THE EVENT THE OFFICE OF MAYOR SHALL BECOME
142 VACANT, A SUCCESSOR FOR THE UNEXPIRED TERM SHALL BE ELECTED AS MAYOR AT THE
143 NEXT REGULAR MUNICIPAL ELECTION, PROVIDED THAT SUCH ELECTION SHALL OCCUR MORE
144 THAN TWO (2) YEARS PRIOR TO THE EXPIRATION OF THE UNEXPIRED TERM ONLY AND DELETE
145 THE REQUIREMENT THAT THE VACANCY SHALL HAVE OCCURRED MORE THAN ONE HUNDRED
146 TWENTY (120) DAYS PRIOR TO SUCH ELECTION AND DECLARING AN EMERGENCY

147 Moved and Seconded.

148 THE CHAIR asked for any discussion before passage.

149 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-37 passes.

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

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REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY OFFICIALS

MAYOR PATTON thanked Cathy Yarian, who chaired the Summer Fest committee this year, and the great team and dedication that helped to bring this event together every year. She also thanked the Fire, Police and Service Departments for smooth operations and the Fairview Municipal Foundation for their support. MAYOR PATTON welcomed new officer Jared Linden. Next Wednesday, August 14 there will be ceremony to honor all the great volunteers at the Senior Center who help to make it one of the most popular Senior Centers on the West side. The city offered its prayers for all of the families who suffered loss in El Paso and Dayton this weekend.

DIRECTOR LEININGER thanked everyone for their patience for all of the construction going on in the city. He encouraged everyone to continue to drive safe as workers are making improvements to the community. There are a number of projects that are wrapping up including Clifford Sewer and the Gemini roof replacement, which has a final walkthrough scheduled for this week. The Senior Center roof should be done a week from this Friday. As they wrap up new projects will be starting, including the 2019 Street Program. He said he will keep everyone informed of the progress and encouraged anyone with questions or concerns to give him a call.

DIRECTOR CINGLE asked that if anyone has any questions on Supplemental Appropriations Ordinance 19-38 as it is being considered, to please contact him.

DIRECTOR GIBBONS requested additional time past the Tuesday deadline to prepare the Board of Control Ordinance for first reading at next week's meeting.

THE CHAIR acknowledged and approved his request.

ENGINEER MACKAY reported that the bids are out for the ODOT Lorain Road Slide Area project, and once they are reviewed he will provide the construction schedule. He also reported that Fabrizi is working on completing items for the Campus water line project, which should be complete by Mid-August. Punch list items are being worked on for completion of the Clifford Sewer Project. ENGINEER MACKAY reported that Crossroads Asphalt will be working on the Street Repair project which is scheduled to be complete by the end of October. He asked everyone to bear with the city s there is a lot of construction going on.

PUBLIC SESSION

MR. JOHN TAYLOR – 22405 Macbeth Ave – MR. TAYLOR commented on his recent concerns with Nelson Russ Park and the lighting in the morning as it is getting darker. He asked that the decision to turn off the lighting be reconsidered, especially after also hearing voices in the park after hours during Summer Fest weekend. He said he believes that the lighting would serve as a deterrent and would also be helpful for safety.

MR. BRIAN GIBBONS - 19510 Lorain Road – MR. GIBBONS gave a follow-up to his comments regarding RTA redesign a couple months ago. He said that a draft of the redesign should be released soon. He said in the end, they will likely just trim around the edges, since a total redesign one way or the other would require a lot of funding and would be an impasse on existing riders. He said that service for Fairview would likely stay the same, but ultimately it will need to be addressed. He is positive that the new CEO, India Birdsong will be very helpful, as she is a transit person but also a planner. There will be discussion later in the fall regarding redesign and funding and moving forward.

MS. ELIZABETH THADDEUS – 4914 West 220 St – Ms. Thaddeus inquired if a letter that she sent was received by the Council and Mayor regarding issues she has with where she lives and the historical value. . She explained the residency of her family and property issues that began 2 and a half years ago. She stated

203 that timelines, dates and incidences will come into play as the scenario branches out. She said she would like
204 to preserve her relationship with the homes former owners, and does not welcome the intrusion into her life
205 which is happening currently. She said the main objective is to save her home as she plans to continue living
206 there. She welcomed anyone to come and speak with her about the issues and the work she has done to
207 preserve the property. MS. THADDEUS asserted that a member of her family had the wool pulled over her
208 eyes and she would not let that happen again.

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

211 COUNCILMAN MINEK reported that the Board of Control met on Monday, July 15, 2019 at 9 PM to award
212 the 2019 Street Repair Program. Two bids were received. Crossroads Asphalt Recycling, Inc. in the amount
213 of \$582,060.00 and Karvo Companies, Inc. in the amount of \$582,451.55. Both bids were within 10% of the
214 Engineer's estimate of \$534,000.00. Ordinance 19-08 Amended states for Year 30 of the Street Program the
215 expenditure will be \$534,000.00 from the Capital Projects Fund (Fund 811) and from the Street Maintenance
216 & Repair Fund (Fund 210). Both bidders were informed of the dedicated amount of money for the program.
217 Crossroads Asphalt Recycling, Inc. met with City Engineer Mackay and after scope modifications of
218 \$53,050.50 to the 2019 Street Repair Program Year 30, the contract was awarded to Crossroads Asphalt
219 Recycling, Inc. in the amount of \$529,009.50. This completes my report.

220

221 COUNCILWOMAN WERING thanked the Summer Fest volunteers for their fantastic job. It was a very
222 warm weekend, but was also full of family, fun and community. She also thanked the residents in her Ward
223 as they have been a construction zone for some time and appreciates their patience. She welcomed new
224 Officer Linden to the force and acknowledged that they have a dangerous and difficult job, as evidenced by
225 the events over the weekend. She invited everyone to do something to bring a light to the world and make it
226 a better place, whatever contribution that may be, so that at some point the light will start to outshine the
227 darkness in situations like this.

228

229 COUNCILMAN RUSSO thanked everyone who helped to bring Summer Fest to fruition and thanked
230 Councilman Minek for his involvement over the many years he has been on the Committee. He also
231 welcomed Officer Linden to the city.

232

233 COUNCILMAN SMITH welcomed Officer Jared Linden to the city. He said that he was able to attend many
234 events in and for the city including Touch a Truck and the Education Foundation's Golf Outing. He
235 mentioned that he would have hoped to see more people contributing to the Lorain Road Corridor Study and
236 stressed that no decisions have been made, but this is just guidance as options are explored. COUNCILMAN
237 SMITH thanked the tireless organizers and volunteers of Summer Fest and reported that he was happy he
238 was able to finally judge the cupcake contest. He said that they will begin planning again next January and
239 encouraged anyone interested to get involved.

240

241 THE CHAIR reported that he was approached by a resident who was concerned that the city is using Round
242 Up to spray mulch beds around the Recreation Center. He said that this product is banned in most places
243 because it is proved to be toxic. He was concerned because there were residents nearby and said that the city
244 should cease this practice immediately if this is in fact the case.

245

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

248

248 ROLL ON MOTION: Vote: YES-6, NO-0 | Meeting adjourned at 8:10 p.m.

249

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

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255 Michael P. Kilbane, President of Council
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259 Eileen Ann Patton, Mayor
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Liz L. Westbrooks, Clerk of Council