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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, AUGUST 19, 2019**
4

5 The regular meeting of Council was called to order by Council President Kilbane at 8:23 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

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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

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17 THE CHAIR made a motion to amend the agenda to remove Ordinance 14-44 from legislation up for second
18 reading.

19 Moved and Seconded.

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

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

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23 THE CHAIR made a motion to approve the minutes of the regular meeting of August 5, 2019.

24 Moved and Seconded.

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

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

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28 THE CHAIR made a motion to approve the minutes of the special meeting of August 12, 2019.

29 Moved and Seconded.

30 COUNCILMAN SMITH made a motion to amend the minutes between line numbers 65-67 to reflect that
31 Councilman Wojnar placed legislation up for second reading.

32 Moved and Seconded.

33 ROLL ON MOTION TO AMEND: Vote: YES-6, NO-0 | Motion carried.

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

35 ROLL ON MOTION TO APPROVE AMENDED MINUTES: Vote: YES-6, NO-0 | Motion carried.

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

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38 **COMMITTEE REPORTS**

39 COUNCILMAN MINEK reported that The Environment, Public Works, Planning, Zoning & Development
40 Committee met this evening, Monday, August 19, 2019 at 7 PM to discuss **Ordinance 19-43**, Authorizing
41 Agreement for Implementation of Center Ridge Rd. Complete Streets Project. Public Service/Development
42 Director Leininger and Law Director Gibbons participated in the discussion. This legislation is an agreement
43 between our City which received a grant of \$159,000.00 from Northeast Ohio Areawide Coordinating
44 Agency's Transportation for Livable Communities Initiative (TLCI) and the City of Rocky River which
45 received a grant of \$298,000.00 in Congestion Mitigation & Air Quality (CMAQ) funding by NOACA. The
46 two grants were applied for on October 6, 2017, to implement a project for signal upgrades, bus shelter
47 enhancements, intersection reconfiguration for safety, intersection enhancements including new crosswalks,
48 replacement of curb ramps to meet ADA requirements and countdown pedestrians signal heads and
49 landscaping improvements that promote pedestrian activity. City of Rocky River is serving as the lead
50 agency to manage the project and administer CMAQ and TLCI grant funds. Exhibit A attached to the

51 ordinance explains fully the agreement between the cities. Motion to place Ordinance 19-43 on second
52 reading & subsequent 3rd reading was approved 6-0. This completes my report.

53
54 COUNCILWOMAN WERING reported that the Local Government and Community Services Committee
55 met this evening, August 19, 2019 to discuss **Ordinance 19-44**, which amends Charter Article 7, Section 4
56 – Board of Control. Several things were discussed, the ordinance currently before council which would
57 change the Board of Control makeup to include all members of Council. There was discussion about whether
58 that would be something that can be done, to change to just three members, or whether to defunct back to
59 the recommendation of abolishing the Board of Control. This ordinance was decided on a vote of 6-0 to
60 remain in committee

61 The Local Government and Community Services committee met again on Monday August 12th starting at 7
62 PM. The Committee discussed **Ordinance 19-39**, Amending the Charter to change the Public Bidding
63 Language. No new discussion was had regarding the ordinance, and it was placed on 2nd reading, subsequent
64 3rd by a vote of 5-0. The committee also discussed **Ordinance 19-40**, which is amending Chapter 923 Bain
65 Park Pavilion rental. Mayor Patton updated the Committee that currently there is a sign on the pavilion that
66 says, “Fairview Park Residents Only.” However, to qualify Bain Park and the pavilion for federal dollars,
67 the park must be open to all people regardless of residency. This ordinance provides for an update to policy
68 to allow outsiders rental privileges at a higher cost than Fairview Park residents and also allows Fairview
69 Park to accept federal grant dollars for park improvements. Residential rental fee will be \$50. Non-resident
70 rental fees are \$85. Ordinance 19-40 was placed on 2nd reading, subsequent third by a vote of 5-0. The Local
71 Government and Community Services committee ended at 7:07 PM.

72 The Local Government and Community Services Committee also met on Monday August 5th starting at 7:01
73 PM. The committee discussed the **issue of Codified Ordinances and Charter Review** for the discussion of
74 a potential Charter amendment to the Board of Control, discussing three options. The first was to eliminate
75 the Board altogether and award bids through Council passing ordinances. The second was to maintain the
76 Board of Control as-is. And the third was to add all 7 members of Council to the Board of Control. Issues
77 discussed included the speed of decision making by each of these alternatives, the makeup of elected officials
78 vs. appointed officials having the majority of the vote in each of these alternatives, issues of transparency in
79 each of these alternatives, and the size and shape of City government in each of these alternatives. A motion
80 was made to create legislation for the November ballot recommending the alternative of eliminating the
81 Board of Control altogether. The motion failed 2 – 4. A second motion was made to create legislation for
82 the November ballot recommending the alternative of adding all members of Council to the Board of
83 Control, and that motion passed 6-0. The Local Government & Community Services Committee ended at
84 7:26 PM.

85
86 COUNCILMAN SMITH reported that the Finance Committee met on Monday, August 12 at 7:08 pm. In
87 attendance with Council was Finance Director Greg Cingle, Service Director Shawn Leininger, Law Director
88 Joe Gibbons and Mayor Patton. The following items were discussed: **Ordinance 19-38** supplements 2019
89 appropriations for city expenses through December 31, 2019. This ordinance was previously discussed in
90 detail with Director Cingle in committee. Council had no further questions and a motion to place on 3rd
91 reading and final passage passed by a vote of 5-0. **Ordinance 19-41** authorizes the submission of an
92 application to the County for the Healthy Urban Tree Canopy Program. Director Leininger explained that
93 this is a new grant program offered by the County to plant trees throughout the county. Executive Fairview
94 is in the top among the top 17 of the 59 communities for tree canopies, but may prove a hardship when
95 applying for grants as others have more dire needs. The grant would help to plant trees on streets and parks
96 and along Lorain Road. Trees would go in existing wells currently, and would be planted by city staff in the
97 fall, which would more than cover the 5% match. It was explained that the application supplement window
98 was extended by the County due to a short timeline when the grant information was released. A motion to
99 place on 2nd reading and subsequent third was approved by a vote of 5-0. **Ordinance 19-42** establishes a
100 written policy for employees to voluntarily donate leave time for other employees who may run out. Mayor
101 Patton said that the program has been in place for the last 20 years through employee-specific Memorandums

102 of Understandings in the city’s collective bargaining unit, but it was suggested that it be put in ordinance
103 form. It has been used by 2 employees in the past. Leave time can be donated across departments and is
104 deducted from sick leave to sick leave in 8 hour increments. Donated time cannot be reclaimed or cashed
105 out once given. Language from Family Medical Leave Act Law (FMLA) was used for family definitions in
106 the policy. A motion to place on 2nd reading and subsequent third was approved by a vote of 5-0.
107 The Finance Committee ended at 7:25 pm

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109 **LEGISLATION ON SECOND READING**

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

111 ORDINANCE NO. 19-43

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

113 SPONSORED BY: COUNCILMAN MINEK

114 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF*
115 *ROCKY RIVER TO IMPLEMENT THE CENTER RIDGE ROAD COMPLETE STREETS PROJECT*
116 *FUNDED BY THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY AND DECLARING AN*
117 *EMERGENCY*

118 ACTION: Ordinance 19-43 was placed on second reading and subsequent third reading.

119

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

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

123 COUNCILMAN MCDONOUGH placed the following legislation up for third reading and final passage.

124 ORDINANCE NO. 19-39

125 REQUESTED BY: MAYOR EILEEN PATTON

126 SPONSORED BY: COUNCILMAN MCDONOUGH

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

131 Moved and Seconded.

132 THE CHAIR asked for any discussion before passage.

133 COUNCILMAN SMITH made a motion to amend to add the existing language in the last paragraph that
134 says “No expenditure of more than fifteen thousand dollars (\$15,000.00) shall be made, whether by public
135 bid or otherwise, unless approved by ordinance of Council.

136 Moved by the CHAIR.

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

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

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

140 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-39 Amended passes.

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

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143 ORDINANCE NO. 19-40

144 REQUESTED BY: STEVEN OWENS, DIRECTOR OF RECREATION

145 SPONSORED BY: COUNCILMAN MCDONOUGH

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

149 Moved and Seconded.

150 THE CHAIR asked for discussion before passage. No Discussion.

151 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-40 passes.

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

153
154 COUNCILMAN SMITH placed the following legislation up for third reading and final passage.
155 ORDINANCE NO. 19-41
156 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT
157 SPONSORED BY: COUNCILMAN WOJNAR
158 *AN ORDINANCE SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO*
159 *THE CUYAHOGA COUNTY PLANNING COMMISSION FOR THE 2019 CUYAHOGA COUNTY*
160 *HEALTHY URBAN TREE CANOPY GRANT PROGRAM AND AUTHORIZING THE MAYOR TO ACCEPT*
161 *ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS*
162 *NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY*
163 Moved and Seconded.

164 THE CHAIR asked for discussion before passage. No Discussion.
165 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-41 passes.
166 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith

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168 ORDINANCE NO. 19-42
169 REQUESTED BY: MAYOR EILEEN ANN PATTON
170 SPONSORED BY: COUNCILMAN WOJNAR
171 *AN ORDINANCE INSTITUTING AN EMPLOYEE VOLUNTARY LEAVE DONATION POLICY AND*
172 *DECLARING AN EMERGENCY*
173 Moved and Seconded.
174 THE CHAIR asked for discussion before passage. No Discussion.
175 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Motion carried, Ordinance 19-42 passes.
176 YES: B. McDonough, B. Minek, M. Kilbane, S. Wering, A. Russo and T. Smith

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178 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
179 **OFFICIALS**

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181 No reports from the Administration.

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183 **PUBLIC SESSION**

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185 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**
186 COUNCILMAN MCDONOUGH reported that the Shade Tree Advisory Committee will be having a work
187 party on Saturday August 24 beginning at noon and ending around 2 PM. They will be assemble in Grannis
188 Park at the shelter and work will include reinforcing and adding deer guards, straightening stakes, adding
189 mulch, and some young tree pruning. He said that family and friends are welcome and encouraged to bring
190 gloves, hammers, and garden shears are helpful. COUNCILMAN MCDONOUGH thanked Penn Berens,
191 who is a Certified Tree Steward from the Western Reserve Land Conservancy, has a Bachelors Certificate
192 in Urban Forestry, a member of the Shade Tree Advisory Committee and a Fairview Park resident. He
193 encouraged anyone who has not yet been to see Grannis Park to do so, He said it is a wonderful park and
194 lauded how the city was able to leverage city funds and state grants to develop the park. He commended the
195 Service Department for work done in the park and recent tree pruning that was done in Ward 1.

196
197 COUNCILMAN SMITH announced that Fairview School return on September 5. He thanked the Recreation
198 Center for the movie series and hopes it continues in the future. Mary Poppins was the final film shown for
199 the summer. He said that he is excited to drive down Lorain Road and seeing the streetscape project coming
200 along. He is hopeful that it will bring business and activity along Lorain Road.
201

202 THE CHAIR said that he walked in his building to find two women performing CPR to an infant in distress.
203 He acknowledged the quick response of the Police and Fire Departments and thanked them for what they do
204 every day.

205
206 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.
207 Moved and Seconded.

208 ROLL ON MOTION: Vote: YES-6, NO-0 | Meeting adjourned at 8:43 p.m.

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

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Michael P. Kilbane, President of Council

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Liz L. Westbrooks, Clerk of Council

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Eileen Ann Patton, Mayor

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