



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

**MONDAY, OCTOBER 21, 2019
REGULAR COUNCIL MEETING**

6:30 p.m. - Study Session – Council Caucus Room
Swearing-In of Officer Erik Joyce – Immediately following Council Caucus
7:00 p.m. - Council Meeting – Council Chambers

Meeting Called to Order

Moment of Silent Prayer | Pledge of Allegiance

Roll Call

Disposition of Minutes

Regular Meeting of Council October 7, 2019

Committee Reports

Environment, Public Works, Planning, Zoning and Development - Councilman Minek, Chair
Finance, Councilman Wojnar, Chair

~ LEGISLATIVE AGENDA ~

Legislation on First Reading

COUNCILMAN MCDONOUGH

Ord. 19-__ | Enacting Chapter 704 Housing Protections for Domestic Violence Victims & Affected Landlords

COUNCILMAN WOJNAR

Ord. 19-__ | Authorizing Agreement for City Street Tree Inventory & Management Plan

Ord. 19-__ | Authorizing Contract for Wastewater Collection System Operator Services

Legislation on Second Reading

COUNCILMAN WOJNAR

Ord. 19-47 | 2019 Municipal Grant Application and Administration

Ord. 19-48 | Authorizing Disposal of Dilapidated Obsolete Equipment from Various Departments

Audience Input on Legislation Up for Passage

Legislation on for Passage Without Three Readings

COUNCILMAN MCDONOUGH

Res. 19-__ Declaring October 2019 Domestic Violence Awareness Month

COUNCILWOMAN WERING

Res. 19-__ Declaring October 2019 National Breast Cancer Awareness Month

COUNCILMAN WOJNAR

Ord. 19-__ | Authorizing Purchases for Police Department Computer Systems Upgrades

Agenda continued on back →

Legislation on Third Reading/Final Passage

COUNCILMAN WOJNAR

Ord. 19-46 | Contract with McGowan and Company for City Insurance

Reports and Communications from Mayor, Directors and Other City Officials

Public Session

Miscellaneous Business and Reports from Council

Adjournment

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To download tonight's agenda and legislation being considered, scan the code below:



UPCOMING MEETINGS OF COUNCIL

MON, OCT 28	Committee Meeting	7:00 p.m.	Council Caucus Room
MON, NOV 4	Council Meeting	7:00 p.m.	Council Chambers
MON, NOV 11	Committee Meeting	7:00 p.m.	Council Caucus Room
MON, NOV 18	Council Meeting	7:00 p.m.	Council Chambers
MON, NOV 25	Committee Meeting	7:00 p.m.	Council Caucus Room

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, OCTOBER 7, 2019**
4

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

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL | PRESENT:

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

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

11
12 THE CHAIR made a motion to excuse Council President Kilbane from the meeting.

13 Moved and Seconded.

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

15 YES: B. McDonough, B. Minek, S. Wering, A. Russo and T. Smith

16
17 THE CHAIR made a motion to excuse Councilman P. Wojnar from the meeting.

18 Moved and Seconded.

19 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

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

21
22 **COMMITTEE REPORTS**

23 COUNCILMAN MCDONOUGH reported that the Local Government Community Services Committee met
24 on September 23, 2019 at 7:45 with one issue on the agenda, Fairview Park Codified Ordinances (FPCO)
25 1145.18 which was assigned to committee by Council President Kilbane. Unfortunately, Council President
26 was not in attendance and Council voted to have the issue remain in committee by a vote of 6-0, pending his
27 input. The committee meeting ended at 7:46pm.
28

29 COUNCILMAN SMITH reported that the Finance Committee met The Finance Committee met on Monday,
30 September 23rd at 7:47pm to discuss the following: **Ordinance 19-46** authorizes a contract with McGowan
31 and Company for the professional services of providing insurance requirements for comprehensive general
32 liability, police professional liability, firefighter/ambulance attendants liability, boiler and machinery
33 insurance, comprehensive automobile and physical damage liability, public officials liability, property and
34 equipment coverages, "umbrella" coverage, and cyber protection coverage. This coverage would be for a
35 period of one year from November 1, 2019 to October 31, 2020. Chairman Wojnar reported that he had
36 spoken to Finance Director Cingle, and that he, along with representative from McGowan will be in
37 attendance at the October 14th committee meeting to discuss. There will be quotes solicited from other
38 vendors. Council discussed getting information on the existing policies, including: Increase in policy
39 premiums and what they are based on; Claims made/paid and losses over the last 10 years (loss run report);
40 and which individuals and entities are covered under existing policies and if this includes individuals
41 appointed to various boards, commissions, committees and councils of the City that are appointed by the
42 Mayor. These inquiries will be made to the Finance Director in anticipation of the next committee meeting.
43 A motion to place on 2nd and return to committee passed by a vote of 6-0. The Finance Committee ended at
44 7:56 pm
45

46 THE CHAIR reported Council held committee meetings on Monday September 23, 2019. Prior to the
47 committee meetings special guest Fairview Park Schools Superintendent Doctor Wagner gave a very
48 informative presentation pertaining to the criteria which is used to determine the "report card".
49 Superintendent Wagner provided a packet to each member of Council, the three residents and a newspaper
50 reporter. As Superintendent Wagner explained the packet, many questions were asked and answered. It was

51 a learning experience. Superintendent Wagner offered to attend a future committee meeting if additional
52 information is requested.

53

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

55 Moved and Seconded.

56 ROLL ON MOTION: Vote: YES-5, NO-0 | Motion carried.

57 YES: B. McDonough, B. Minek, S. Wering, A. Russo and T. Smith

58

59 **LEGISLATION ON FIRST READING**

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

61 ORDINANCE NO. 19-47

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

63 SPONSORED BY: COUNCILMAN WOJNAR

64 CO-SPONSORED BY: COUNCILMAN MINEK AND COUNCILMAN SMITH

65 *AN ORDINANCE SUPPORTING AN APPLICATION TO CUYAHOGA COUNTY FOR THE 2019*
66 *MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR THE 2019 SIDEWALK*
67 *SAFETY IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED*
68 *GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO*
69 *RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY*

70 Ordinance 19-47 was placed on first reading and referred to the Finance Committee.

71

72 ORDINANCE NO. 19-48

73 REQUESTED BY: MAYOR EILEEN ANN PATTON

74 SPONSORED BY: COUNCILMAN WOJNAR

75 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO DISPOSE OF OBSOLETE AND*
76 *DILAPIDATED OFFICE FURNITURE, VEHICLES, EQUIPMENT AND OTHER MISCELLANEOUS*
77 *TANGIBLE PERSONAL PROPERTY FROM VARIOUS DEPARTMENTS OF THE CITY THAT ARE NO*
78 *LONGER OF VALUE OR NEEDED FOR THE OPERATIONS OF THE CITY OF FAIRVIEW PARK AND*
79 *DECLARING AN EMERGENCY*

80 Ordinance 19-48 was placed on first reading and referred to the Finance Committee.

81

82 ORDINANCE NO. 19-49

83 REQUESTED BY: FINANCE DIRECTOR GREG CINGLE

84 SPONSORED BY: COUNCILMAN WOJNAR

85 CO-SPONSORED BY: COUNCILMAN SMITH

86 *AN ORDINANCE AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE COMPUTER*
87 *EQUIPMENT AND SOFTWARE FOR UPGRADES TO THE DEPARTMENT'S COMPUTER SYSTEMS*
88 *AND DECLARING AN EMERGENCY*

89 Ordinance 19-49 was placed on first reading and referred to the Finance Committee.

90

91 **LEGISLATION ON SECOND READING**

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

93 ORDINANCE NO. 19-46

94 REQUESTED BY: GREG CINGLE, FINANCE DIRECTOR

95 SPONSORED BY: COUNCILMAN WOJNAR

96 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MCGOWAN AND*
97 *COMPANY FOR THE PROFESSIONAL SERVICES OF PROVIDING INSURANCE REQUIREMENTS OF*
98 *COMPREHENSIVE GENERAL LIABILITY, POLICE PROFESSIONAL LIABILITY,*
99 *FIREFIGHTER/AMBULANCE ATTENDANTS LIABILITY, BOILER AND MACHINERY INSURANCE,*
100 *COMPREHENSIVE AUTOMOBILE AND PHYSICAL DAMAGE LIABILITY, PUBLIC OFFICIALS*

101 *LIABILITY, PROPERTY AND EQUIPMENT COVERAGES, "UMBRELLA" COVERAGE, AND CYBER*
102 *PROTECTION COVERAGE AND DECLARING AN EMERGENCY*

103 ACTION: Ordinance 19-46 was placed on first read and referred to the Finance Committee.

104

105 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
106 **OFFICIALS**

107 MAYOR PATTON announced that the Fire Department has received a FEMA grant. She also advised that
108 the 3rd grade class from St. Angela's will be making their annual field trip to visit City Hall next Friday. The
109 Westshore Council of Governments and the Tri-City Council of Governments will be meeting on
110 Wednesday, October 9 in Lakewood.

111

112 DIRECTOR LEININGER announced that leaf collection will begin on October 28. The Lorain Road
113 streetscape project is due to be completed by November. DIRECTOR LEININGER welcomed the newest
114 businesses in the city.

115

116 DIRECTOR CINGLE reported that the September financial reports have been distributed. He advised
117 council that a representative from McGowan will be at the October 14th committee meeting to discuss
118 Ordinance 19-46.

119

120 DIRECTOR GIBBONS reported that he attended the information night held by the League of Women Voters
121 at O'Neill Healthcare where they went over the issues on the upcoming November ballot. He said that it was
122 a great session and he was impressed with the O'Neill facility.

123

124 ENGINEER MACKAY reported that the 2019 Street Repair Program should be completed by Crossroads
125 Asphalt by October 12. The Lorain Road Slide Area project has been awarded to Great Lakes Construction
126 and he will keep everyone informed of their progress.

127

128 **PUBLIC SESSION**

129 MS. BRIDGET KING – 2176 Cromwell Ave – MS. KING thanked the city for having the Flea and Food
130 Truck Festival.

131

132 MR. CHUCK SOTU – 20876 Fairpark Drive – MR. SOTU asked whether the middle lanes along Lorain
133 Road were going to be repaved with the construction happening there.

134 DIRECTOR LEININGER said that the repaving being done is not part of the Lorain Road Streetscape
135 project, but was being done in conjunction with the Dominion Gas project and because they dug so deep,
136 they were repaving the sections they worked on.

137

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

139 COUNCILMAN MCDONOUGH said that the Flea Fest and Food Truck Festival was a great event. He
140 announced that October was Domestic Violence Awareness Month and there are two services available in
141 the County that are free to residents who may need them; The Witness Victim Service Center, which can be
142 reached at 216.443.7345. The other is the Family Justice Center which is located downtown at 75 Erieview
143 Plaza on the 5th Floor. The Family Justice Center assists individuals with various domestic cases. He will be
144 introducing a resolution to bring awareness to the issue.

145

146 COUNCILWOMAN WERING announced that October is Breast Cancer Awareness and that she is planning
147 to introduce a resolution to call attention to the issue.

148

149 COUNCILMAN RUSSO announced that the Fairview Soccer team finished their season undefeated.

150 COUNCILMAN SMITH reported that the Fall Festival farmer's market was well-attended, as was the Flea
151 and Food Truck Festival was a nice event despite the rainy start. He also said that the Junior Women's

152 League fundraiser nice event. Homecoming festivities for Fairview High School will be happening this
153 weekend.

154
155 THE CHAIR announced that the Board of Zoning and Appeals will meet next Wednesday with the following
156 docket items on the agenda; 20810 Eastwood - requesting variance for a fence; 21373 Northwood
157 North Point Renovations – requesting a variance to build a three season room.

158
159 THE CHAIR assigned the issue plastic bags to the Environment, Public Works, Planning, Zoning and
160 Development Committee.

161
162 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.
163 Moved and Seconded.

164 ROLL ON MOTION: Vote: YES-5, NO-0 | Meeting adjourned at 7:22 p.m.
165 YES: B. McDonough, B. Minek, S. Wering, A. Russo and T. Smith

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172 Michael P. Kilbane, President of Council
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175 Eileen Ann Patton, Mayor
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CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-
REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

ESTABLISHING CHAPTER 704 OF THE CODIFIED ORDINANCES OF THE
CITY OF FAIRVIEW PARK TO CREATE HOUSING PROTECTIONS FOR
VICTIMS OF DOMESTIC VIOLENCE AND AFFECTED LANDLORDS

WHEREAS, the Ordinances stand to be revised in order to create housing protections for victims of domestic violence residing in Fairview Park and landlords owning property in the city, in view of the fact that the General Assembly has failed to create these protections statewide.

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

SECTION 1. That new Chapter 704, titled Lease Protections for Domestic Violence Victims and Landlords, of the Codified Ordinances of the City of Fairview Park, Ohio, shall be enacted to read as follows:

CHAPTER 704
Lease Protections for Domestic Violence Victims and Landlords

- 704.01 Definitions; termination of tenancy; prohibitions.
- 704.02 Obligation to change lock.
- 704.03 Confidentiality.
- 704.04 Domestic violence conviction.
- 704.99 Penalty.

704.01. DEFINITIONS; TERMINATION OF TENANCY; PROHIBITIONS.

(a) As used in this section and section 704.02:

(1) “Domestic violence” has the same meaning as in section 3113.31 of the Revised Code.

(2) “Household member” means an individual who meets either of the following requirements:

(A) The individual is one of the following and is specifically identified in the lease agreement:

- (i) The tenant’s parent, child, spouse, or person living as a spouse;
- (ii) The parent or child of the tenant’s spouse or former spouse;
- (iii) The parent or child of a person living as a spouse of the tenant;

(iv) An individual otherwise related by consanguinity or affinity to the tenant.

(B) The individual is an adult who notified the landlord within fourteen days after entering the tenant's household that the individual is occupying the tenant's housing unit as the individual's usual place of residence.

(b)(1) A tenant may terminate a rental agreement or have the tenant's name removed from the rental agreement as a cotenant if that tenant, or a household member of that tenant, is a victim of domestic violence. To terminate a rental agreement or to remove the tenant's name as a cotenant from the agreement, the tenant shall notify the landlord in writing that the tenant or household member is a victim of domestic violence and shall supply the landlord with any of the following:

(A) A civil protection order issued after a full hearing under section 2903.214 or 3113.31 of the Revised Code or a consent agreement approved under section 3113.31 of the Revised Code;

(B) A temporary protection order or a no-contact order issued under section 2919.26 of the Revised Code, a criminal protection order issued under section 2903.213 of the Revised Code, or a protection order or no-contact order issued under any substantially similar law of another state or a substantially similar municipal ordinance of this state or another state.

(2) A tenant shall give the landlord the written notice this section requires within ninety days after the incident of domestic violence. The tenant and landlord shall terminate the rental agreement, or the landlord shall remove the tenant's name from the rental agreement, by a mutually agreed upon date, not to exceed thirty days after the date the tenant gives the required notice. If the tenant and landlord do not agree on a date to terminate the rental agreement or remove the tenant's name from the agreement, the rental agreement shall terminate or the landlord shall remove the tenant's name from the rental agreement thirty days after the tenant gives the required notice.

(3) At any time within thirty days after a tenant having the tenant's name removed from a rental agreement for which there is at least one cotenant, the landlord may terminate the rental agreement as to any or all cotenants.

(4) A tenant who terminates a rental agreement or removes the tenant's name from a rental agreement is liable for the tenant's share of rent, prorated up to the date of the termination of the rental agreement or the removal of the tenant's name from the rental agreement.

(5) Except as otherwise provided in section 5321.16 of the Revised Code, if a tenant terminates a rental agreement or removes the tenant's name from a rental

agreement as provided in this section, the landlord is entitled to retain the tenant's share of any security deposit.

(c) In response to a request to terminate a rental agreement or remove the tenant's name from a rental agreement pursuant to subsection (b) of this section, a landlord may offer the tenant an opportunity to rent another unit at the location that is sufficiently distant from the tenant's current unit. Whether to accept that offer is at the tenant's discretion.

(d) No landlord shall knowingly terminate a tenancy because of the status of a tenant or household member as a victim of domestic violence or the offense of menacing by stalking, because the tenant or a household member requested emergency services as such a victim, or because the tenant previously terminated a rental agreement in accordance with this section.

(e) A landlord does not incur any additional duty of care for a tenant the landlord accommodates pursuant to this section and section 704.02, and the landlord gains no new or additional liability for any third party act that occurs after an accommodation the landlord makes pursuant to those sections.

(f) A tenant who is a victim of domestic violence may make a request to terminate a rental agreement pursuant to subsection (b) of this section only if the tenant has not made more than one other request to terminate a rental agreement pursuant to subsection (b) of this section during the previous five years.

704.02. OBLIGATION TO CHANGE LOCK.

(a) A landlord of a tenant who is a victim of domestic violence or the offense of menacing by stalking shall change the lock to the dwelling unit where the tenant resides upon receipt of a written request from the tenant and a copy of a court order or protection order that orders the respondent or defendant named in the order to stay away from the tenant. Within forty-eight hours after receiving the notice and a copy of the order, the landlord shall change the lock and shall make a good faith effort to provide a key to the new lock to the tenant and any remaining cotenant not later than twenty-four hours after the landlord changes the lock. The tenant shall reimburse the landlord for the actual expense the landlord incurs in changing the lock. If the landlord fails to change the lock within the forty-eight-hour time period as this section requires, the tenant may change the lock without the landlord's permission. If the tenant changes the lock, the tenant shall do so in a competent and workmanlike manner with locks of similar or better quality than the original lock and shall make a good faith offer to provide a key to the landlord and any remaining cotenant not later than twenty-four hours after the tenant changes the lock. If within thirty days after the landlord changes the lock the tenant does not reimburse the landlord for the

expenses the landlord incurs in changing the locks, the landlord may deduct that amount from the security deposit or assess that amount as a charge to the tenant.

(b)(1) A landlord who receives a request and copy of an order under this section shall not, by any act, provide the respondent who is named in the order and who is a tenant of the dwelling unit access to the dwelling unit for which the landlord or tenant has changed the locks unless the order allows the respondent to return to the dwelling unit to retrieve the respondent's personal possessions and the respondent is accompanied by a law enforcement escort.

(2) A respondent who is a tenant of the dwelling unit remains liable under the rental agreement for rent or any damage to the dwelling unit as provided in the rental agreement, unless the respondent can demonstrate that the tenant who changed the lock or had the lock changed intentionally damaged the dwelling unit.

(c) A landlord who changes a lock to a dwelling unit in accordance with this section is not liable for excluding from the dwelling unit a respondent named in an order the landlord receives from a tenant under this section or for loss of use or damage to the respondent's personal property while that property is in the dwelling unit after the lock has been changed.

704.03. CONFIDENTIALITY.

(a) Except to the extent that a landlord reasonably believes it is necessary to share information for the safety of any tenant or any other person, any information a landlord receives from a tenant under section 704.01 or 704.02 is confidential. A landlord shall not share any confidential information with any other past, current, or prospective landlord, and a landlord shall not share any information with respect to a tenant's status as a victim of domestic violence or the offense of menacing by stalking with any other past, current, or prospective landlord. If the tenant shares any information that the tenant provides to a landlord under this section, that sharing does not waive the confidentiality of the information or the nature of the privileged communication.

(b) A landlord is not liable for any good faith violation of the confidentiality requirement this section establishes.

704.04. DOMESTIC VIOLENCE CONVICTION.

If a tenant has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or substantially similar municipal ordinance while the tenant was subject to the rental agreement, the landlord may terminate the tenant's rental agreement or may remove the tenant's name from a rental agreement and may retain the tenant's share of any security deposit.

704.99 PENALTY.

Any person who violates subsection (d) of Section 704.01 or who fails to abide by the provisions of subsection (a) of Section 704.02 is guilty of a minor misdemeanor."

SECTION 2. That the provisions of this Ordinance shall apply to rental agreements entered into or renewed on or after the effective date of this Ordinance.

SECTION 3. That all former Ordinances or parts herein conflicting or inconsistent with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 4. . It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this 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:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 19 -

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

SPONSORED BY: COUNCILMAN WOJNAR

CO-SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH KNOWLES MUNICIPAL FORESTRY, LLC TO CONDUCT AN UPDATE TO THE CITY'S STREET TREE INVENTORY AND MANAGEMENT PLAN FUNDED BY THE CUYAHOGA COUNTY PLANNING COMMISSION'S 2019 HEALTHY URBAN TREE CANOPY GRANT PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park ("City") has been awarded grant funding in the amount of Twenty Seven Thousand Eight Hundred Twenty-Five Dollars (\$27,825) through the Cuyahoga County Planning Commission's Healthy Urban Tree Canopy Grant Program ("Program") to conduct an update to the City's existing Street Tree Inventory and Management Plan ("Plan"), as well as plant Thirty Four (34) trees along the Lorain Road Corridor; and

WHEREAS, the total cost of the Plan update is in an amount not to exceed Twenty One Thousand Twenty-Five Dollars (\$21,025) payable from the Program grant with the balance applied toward the purchase of trees; and

WHEREAS, Fairview Park City Council, through passage of Ordinance 19-41, authorized the Mayor to execute the necessary documents to effectuate reimbursement for consultant services through the Program; and

WHEREAS, Knowles Municipal Forestry, LLC conducted the City's existing Plan in 2009, and has knowledge of the City's tree canopy and extensive expertise in municipal forestry; and

WHEREAS, the City desires to continue working with Knowles Municipal Forestry, LLC to ensure that tree canopy is expanded and maintained within the community, and to implement current best practices in urban forestry.

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 Mayor is hereby authorized to enter into a contract with Knowles Municipal Forestry, LLC to provide consulting services for the Street Tree Inventory and Management Plan update in an amount not to exceed Twenty One Thousand Twenty-Five Dollars (\$21,025).

SECTION 2. That the cost of consulting services provided by Knowles Municipal Forestry, LLC shall be paid from the General Fund (100), and reimbursed in the amount of Twenty One Thousand Twenty-Five Dollars (\$21,025) from the Program grant.

SECTION 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.

SECTION 4. 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:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-
REQUESTED BY: SHAWN LEININGER, DIRECTOR OF SERVICE & DEVELOPMENT
SPONSORED BY: COUNCILMAN WOJNAR
CO-SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$40,000 TO RENEW FOR ONE-YEAR THE CONTRACT WITH CLARITY WASTEWATER SYSTEMS LLC FOR STATE OF OHIO LICENSED WASTEWATER COLLECTION SYSTEM OPERATOR SERVICES AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio amended the Ohio Administrative Code (OAC) rules governing the permitting and operation of wastewater collection systems in the State of Ohio; and

WHEREAS, the amended OAC rules require, among other items, a wastewater collection system operator licensed by the State of Ohio to be on-site monitoring, inspecting, reporting, and performing other technical and administrative duties a minimum of five days per week as well as be on-call for any collection system permit related issues; and

WHEREAS, no employees of the City of Fairview Park (City) hold the requisite license or have the minimum experience to be eligible for the license examination; and

WHEREAS, in order to be compliant with the amended OAC rules and maintain the City permit to operate a wastewater collection system, a contract was executed with Clarity Wastewater Management LLC (Clarity); and

WHEREAS, the current contract with Clarity, herein attached as Exhibit "A" expires on December 31, 2019, and the City desires to renew the contract for an additional one-year term; and

WHEREAS, upon approval of the expenditure the contract will be automatically renewed per the terms set forth in the existing contract.

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

SECTION 1. The Finance Director is hereby authorized to expend an amount not to exceed forty thousand dollars (\$40,000) for the renewal of the contract with Clarity Wastewater Systems LLC for a one-year period beginning on January 1, 2020 and ending on December 31, 2020.

SECTION 2. That the funds will be distributed per the terms of the contract from the Sanitary Sewer Fund (Fund 510).

SECTION 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.

SECTION 4. 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 the renewal of the contract is necessary to be in compliance and with the rules and regulations of the State of Ohio for the operation of wastewater collection system; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CONTRACT BETWEEN

The City of Fairview Park

And

Clarity Wastewater Management LLC

for

THE CONTRACT OPERATIONS OF

Fairview Park's Collection System EPA Reporting

This agreement ("Agreement") entered into this 21 day of August, 2019 in Cuyahoga County, Ohio, by and between, **The City of Fairview Park**, hereinafter called "**the System**", and Clarity Wastewater LLC, hereinafter called "**the Operator**", sometimes together referred to as the "Parties" or separately as "Party".

RECITALS:

The System hereby contracts for the services of **the Operator** to furnish contract professional certified operator(s) for the contract operation of its water/wastewater facilities in accordance with the Ohio Environmental Protection Agency (Ohio EPA) rules and regulations. **The Operator's** operation of **the System's** public water system/wastewater treatment system shall be in compliance with all rules covered by Ohio Administrative Code (OAC) Chapter 3745.

THE PARTIES AGREE TO AS FOLLOWS:

SECTION I – SERVICES

The Operator will provide a minimum of one professional certified operator with not less than an Ohio Class 1 Wastewater Collections professional operator's certification to provide services to **the System**.

The Operator will make a minimum of five site visits per week physically present at the system at least the required number of hours to meet the minimum staffing requirements as required by OAC Rule 3745-7-03 or 3745-7-04.

SERVICES PROVIDED BY THE OPERATOR SHALL BE AS FOLLOWS:

1. Visit Fairview Park Collection System and check operations at each location as required by OAC Rule 3745-7-03 OR 3745-7-04.
2. Advise on the technical operation of the system.
3. Advise on process adjustments and the proper operation and maintenance of the system. This shall include routine and preventative maintenance.
4. Maintain a log book record of all operational activities at the facility in accordance with OAC Rule 3745-7-09.
5. Perform, observe and log routine and preventative maintenance, in accordance with OAC Rule 3745-7-09, and coordinate with **the System's** maintenance personnel on ~~any~~ of the day-to-day checks as needed.
6. Ensure ~~all~~ necessary laboratory work and process testing is performed by or at the direction of a certified professional operator. **The Operator** shall be responsible for the required testing, Ohio EPA reporting, and obtaining and maintaining all necessary licenses, certifications and accreditations as may be necessary to operate, maintain and manage the facilities.
7. Ensure sampling and testing are performed on time and as required.
8. Perform administrative duties when submitting and reporting information required by Ohio EPA.
9. Ensure all relevant personnel, including but not limited to other certified professional operators associated with a facility, are notified of written correspondence from or to Ohio EPA. Ensure that correspondence from Ohio EPA, including compliance letters, monitoring schedules and relevant permits, are shared between **the System, the Operator** and any certified professional operators associated with the facility.
10. Be available on a 24-hour on-call basis for permit related inquiries.
11. Ensure the appropriately certified professional operator of record completes, signs and submits all necessary governmental agency reporting for the operation of the facilities, which will include monthly and annual requirements. A copy of all reports shall be submitted to **the System by the Operator**.

12. Ensure **the System** has coverage at all times by an appropriately certified professional operator, including when the listed professional operator of record for the facility is unavailable due to vacation, holiday, illness, etc.
13. Ensure certified professional operators under employment comply with the responsibilities of a certified professional operator and provisions of OAC Chapters 3745, 6111, and 6109 and the rules promulgated thereunder.

SECTION II - THE SYSTEM REQUIREMENTS

THE SYSTEM SHALL DO THE FOLLOWING:

1. Provide **the Operator** and its authorized agents access to all property and easements which contain or support the facilities.
2. Designate **the Operator** as a contact to also receive **ALL** Ohio EPA correspondence; with copies of all such correspondence to **the System**.
3. Ensure all relevant personnel, including but not limited to other certified professional operators associated with a facility, are notified of written correspondence from or to Ohio EPA following receipt of such correspondence by **the System**. Ensure that correspondence from Ohio EPA, including compliance letters, monitoring schedules and relevant permits, are shared between **the System, the Operator** and any certified professional operators associated with the facility.
4. Provide the necessary funding for the operation and maintenance of the system to keep the system in compliance as required by Ohio EPA, or any other jurisdictional authority; subject to availability and authorization of funds.
5. Pursue the correction of any deficiencies, repairs or replacements of failed or damaged equipment or system components for adequate operation of **the System** as identified by **the Operator**, Ohio EPA or any other jurisdictional authority.
6. Designate the Director of Public Service and Development or other suitable person to approve the expenditure of funds, authorize repairs and receive all communications and correspondence from **the Operator**.
7. **The System** maintenance personnel may perform duties under the direction of **the Operator**. Many of the routine duties involved in the operation and maintenance of the system including, but not limited to, tap-in inspections, line cleaning and repairs, equipment maintenance and facility operation.

SECTION III - FEES

The payment for services rendered in connection with this Agreement shall be in accordance with the attached Addendum 1 – Schedule of Payment.

SECTION IV - INDEMNIFICATION

The Operator and the System hereby indemnifies each other, and each other's employees and officers from and against any loss, charge, claim, cost or cause of action of whatever nature which arises out of the failure of a Party to properly carry out it's duties relating to the operation of the System while this agreement is in force, except in those instances for which the Operator or the System, its employees and officers would otherwise be liable for any such loss, charge, claim, cost or cause of action of whatever nature, pursuant to applicable law or regulation, irrespective of this agreement.

SECTION V - TERM OF THE CONTRACT

The term of this agreement shall expire on December 31, 2019. The agreement shall be renewed upon written mutual consent of the parties for additional one-year periods, unless either Party shall give the other party 30 days written notice prior to the expiration date of the contract (either original term or renewal) of intent to terminate at the end of the one-year period (either original term or renewal). Both Parties shall maintain a copy of the contract for a period of three (3) years after the end date of the contract. Both Parties shall ensure that a copy of the contract is kept onsite at the facility.

The System shall be permitted to terminate this Agreement upon written notice to the Operator in the event the Operator has failed to cure a breach of the Operator's duties following ten (10) calendar days prior written notice of such breach.

SECTION VI - NOTIFICATION OF OHIO EPA

The Operator will provide the Ohio EPA with signed copies of this Agreement upon request. The Operator will also provide the Ohio EPA with the name, address, phone number and certification of the professional operator(s) of record in charge of the System. The System hereby consents to providing this information to the Ohio EPA.

SECTION VII - GOVERNING LAW

This Agreement has been executed and will be performed in the State of Ohio, and the laws of that state shall govern its interpretation.

SECTION VII - BINDING ON SUCCESSORS AND ASSIGNS

The terms and provisions of this Agreement shall inure to the benefit of and shall be binding upon the successors and assigns of the parties hereto.

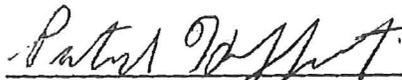
SECTION VIII - NONASSIGNABILITY

Neither party shall have the right to assign its respective duties and obligations hereunder to any other party without first obtaining the written consent of the other party to this Agreement.

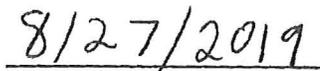
IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on the date and year first set forth above.

[The Operator]

BY:



Patrick Hoffert, Owner
Clarity Wastewater, LLC



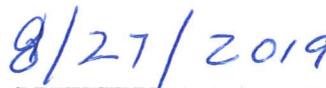
Date

[The System]

BY:



Eileen Ann Patton, Mayor
City of Fairview Park, Ohio



Date

ADDENDUM I

SCHEDULE OF PAYMENT

AUGUST 30, 2019

By both parties executing this Agreement, The City of Fairview Park agrees to pay Clarity Wastewater Management, \$2,500 on a monthly basis, by the 15th of the month following receipt of an invoice, for the contract operations of the Fairview Park Collection System beginning on September 1, 2019 and terminating on December 31, 2019, unless otherwise extended per the terms of this contract.

All major and minor maintenance, repair work and additional services above and beyond the technical supervision of the Fairview Park Collection System, including but not limited to, valve repair, pump trouble shooting, replacement and/or repair, and equipment and pipe repairs between the normal working hours of 8:00 am to 4:00 pm, upon prior written approval of **the System**, shall be paid to Clarity Wastewater Management, LLC on the basis of actual time at the rate of \$50.00 per hour per employee of Clarity Wastewater Management, LLC. When employees of Clarity Wastewater Management, LLC are required to remain on the job for more than eight (8) hours in any one (1) day or are required to start work before Monday through Friday from 8:00 a.m. or finish after 4:00 p.m. will be charged at the rate of \$50.00 per hour per employee of Clarity Wastewater Management, LLC or other rates established and agreed to between the parties hereto and all expenses incurred (subcontractors, vendors, materials and etc.). Additional unscheduled visits or emergency services performed by Clarity Wastewater Management, LLC will be charged at the rate of \$50.00 per hour per employee of Clarity Wastewater Management, LLC, plus an additional \$25.00 service call per visit or emergency. Clarity Wastewater Management, LLC agrees to attend one (1) meeting during or after normal working hours (8:00 a.m. to 4:00 p.m.) at no additional charge to the Fairview Park Collection System in a one-month period from the date of the contract. All additional meetings with councils, boards, contractors and consultants during or after normal working hours will be subject to a charge of \$100.00 per meeting.

The System will provide the materials and supplies necessary for system operation, maintenance, and repair. Upon prior approval by the System, materials and supplies provided by Clarity Wastewater Management, LLC used for system operation, maintenance and repair such as rubber gloves, rags, oil, grease, belts, air filters, motors, pumps, motor & pump rebuilds, electric controls, fuses and any other materials required to keep the system operational according to this contract shall be based on the fair market value.

These fees will be invoiced in addition to the agreed to monthly fee.

****TERMS****

- Net due by 15th of the month following the month service started. A 5% per month finance charge will be charged on all amounts over 30 days from date of invoice. Invoice will be hand delivered or emailed the first week of every month.
- Any invoice outstanding for 60 days or more shall be considered delinquent.
- Service will be terminated for delinquent accounts.
- Payments will be applied against the oldest invoice on record.
- Delinquent accounts must first be cleared before service is resumed.

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-47
REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE &
DEVELOPMENT
SPONSORED BY: COUNCILMAN WOJNAR
CO-SPONSORED BY: COUNCILMAN MINEK AND COUNCILMAN SMITH

AN ORDINANCE SUPPORTING AN APPLICATION TO CUYAHOGA COUNTY FOR THE 2019 MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR THE 2019 SIDEWALK SAFETY IMPROVEMENT PROJECT 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 22, 2019, Cuyahoga County solicited applications for the 2019 Municipal Grant Program (“Program”), which is funded by the U.S. Department of Housing and Urban Development’s (“HUD”) Community Development Block Grant (“CDBG”) and provides grant funding on a competitive basis for a variety of eligible projects to help strengthen cities and improve the quality of life for County residents; and

WHEREAS, grant applications are due on December 6, 2019 and the maximum grant awards is One Hundred Fifty Thousand Dollars (\$150,000); and

WHEREAS, the City of Fairview Park (“City”) is applying for funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) to repair or replace deteriorated sidewalks, curbs, and curb ramps (“Project”) within areas designated as Low- and Moderate-Income (“LMI”) or Improvement Target Areas (“ITA”); and

WHEREAS, on September 3, 2019, the City hosted a public meeting to present the proposed project and solicit recommendations and feedback for alternative projects, and the public was provided sufficient notice of this meeting through postings on the City’s website and social media; and

WHEREAS, legislation supporting and authorizing the application is required to receive funding; and

WHEREAS, the Program provides reimbursement for project costs, requiring the applicant to first expend funds and then request reimbursement from Cuyahoga County; and

WHEREAS, the Program is federally funded and all Project activities are subject to applicable federal rules and requirements, including but not limited to federal prevailing wage requirements.

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 supports the City's application to the Program for Project funding in the amount of One Hundred Fifty Thousand Dollars (\$150,000).

SECTION 2. That all Project costs as authorized by separate Ordinances will be paid out of the Capital Projects Fund (Fund 811).

SECTION 3. That the City agrees to obligate the funds required to satisfactorily complete the Project and become eligible for reimbursement under the terms of the Program.

SECTION 4. That the Mayor and City Administration are authorized to file all documents and execute all agreements and other documents necessary to accept the award and receive any grant funds; and that the funds are appropriated solely for purposes described in this Ordinance.

SECTION 5. 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 6. 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 applications must be submitted by December 6, 2019; 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:

1st reading: 10.07.19
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
 ORDINANCE NO. 19-48
 REQUESTED BY: MAYOR EILEEN ANN PATTON
 SPONSORED BY: COUNCILMAN WOJNAR

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO DISPOSE OF OBSOLETE AND DILAPIDATED OFFICE FURNITURE, VEHICLES, EQUIPMENT AND OTHER MISCELLANEOUS TANGIBLE PERSONAL PROPERTY FROM VARIOUS DEPARTMENTS OF THE CITY THAT ARE NO LONGER OF VALUE OR NEEDED FOR THE OPERATIONS OF THE CITY OF FAIRVIEW PARK AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park ("City") owns miscellaneous office furniture, vehicles, equipment and other miscellaneous tangible personal property that is no longer used by the City because such property is obsolete, outdated and/or has outlived its usefulness and are therefore of no value to the City (the "Obsolete Property"); and

WHEREAS, the City believes the Obsolete Property listed in this Ordinance can (should) no longer be used for the operations of the City, and it is in the best interest of the City to dispose of the Obsolete Property.

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

SECTION 1. The Director of Finance is hereby authorized to dispose of, or sell for scrap, if appropriate, the Obsolete Property listed here:

VEHICLES:

Vehicle Identification No.	Model Year	Make
2FAHP71V89X142733	2009	Crown Victoria
2FABP7BV4BX169101	2011	Crown Victoria
2FAHP71V48X106925	2008	Crown Victoria
6GIMK5U29DL826284	2014	Chevrolet Caprice
1FTFF2760VND44923	1997	Ford F150
1FD3E35S48DB51403	2008	Ford Cutaway Van
2FZHDJBB1XAB13780	1999	Sterling Dump Truck

MISCELLANEOUS EQUIPMENT/FURNITURE:

Quantity	Equipment/Furniture
1	Adding machine
2	Obsolete check signers
1	Obsolete check embosser
1	Desktop computer
2	Video Cassette Recorder
1	Gray Metal desk
1	Gray Metal Cabinet
3	Two Drawer File Cabinets
1	Black Metal desk

SECTION 2. That any proceeds from the scrapping of the Obsolete Property be deposited into the General Fund (100-8000-4900000 SALE OF ASSETS) of the City of Fairview Park.

SECTION 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.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to immediately dispose the Obsolete Property, 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: 10.07.19
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
RESOLUTION NO. 19-
REQUESTED BY: COUNCILMAN BRIAN MCDONOUGH
SPONSORED BY: FAIRVIEW PARK CITY COUNCIL

A RESOLUTION RECOGNIZING OCTOBER 2019 AS DOMESTIC VIOLENCE
AWARENESS MONTH AND DECLARING AN EMERGENCY

WHEREAS, the problem of domestic violence impacts countless Ohioans, without regard to age, race, gender, religion, or economic status; as victims suffer at the hands of a spouse or partner, it affects their children, families, and entire communities; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to the systematic use of physical, emotional, sexual, psychological, and economic control and/or abuse; and

WHEREAS, victims should have help to find the compassion, comfort, and healing they need, and domestic abusers should be punished to the full extent of the law. Victims should also have access to medical and legal services, counseling, transitional housing, and other supportive services so that they can escape the cycle of abuse; and

WHEREAS, important partnerships have been formed among criminal and juvenile justice agencies, healthcare providers, allied professionals, and victim services to assist victims of domestic violence and their families. It is imperative to recognize the compassion and dedication of the individuals who provide services to victims of domestic violence and work to increase public understanding of this significant problem; and

WHEREAS, everyone has a moral obligation to work to prevent and address the brutal and destructive effects domestic violence, protecting vulnerable members of our society, helping to make ending domestic violence a national priority.

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

SECTION 1: That Fairview Park City Council does hereby proclaim the month of October 2019 as Domestic Violence Awareness Month, and joins with others across Ohio and the Nation in supporting victims of domestic violence, and urges all residents to actively participate in sending a loud and clear message to abusers that domestic violence is not tolerated in the City of Fairview Park.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrook, Clerk of Council

CITY OF FAIRVIEW PARK
RESOLUTION NO. 19-
REQUESTED BY: COUNCILWOMAN WERING
SPONSORED BY: FAIRVIEW PARK CITY COUNCIL

A RESOLUTION RECOGNIZING OCTOBER 2019 AS NATIONAL BREAST CANCER AWARENESS MONTH AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park is committed to raising awareness about breast cancer and the impact it has on our loved ones, friends, colleagues and community members; and

WHEREAS, thousands of women and men in our country are diagnosed with breast cancer each year; and in the United States more than 268,000 new cases of invasive breast cancer are expected to be diagnosed in women and more than 2,600 cases in men for the year 2019; and

WHEREAS, screening and early detection has steadily improved and treatment has led to a 40 percent decline in cancer deaths in the U.S. over the last three decades and there are now more than 6 million breast cancer survivors around the world; and

WHEREAS, we acknowledge the importance of raising awareness of breast cancer in order to support survivors, those currently battling breast cancer and those who might detect it in its early stages.

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

SECTION 1: That Fairview Park City Council does hereby proclaim and support the month of October 2019 as “National Breast Cancer Awareness Month” as a means for education and a call for women and men of Fairview Park and worldwide to get screened for breast cancer.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading:
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-49
REQUESTED BY: FINANCE DIRECTOR GREG CINGLE
SPONSORED BY: COUNCILMAN WOJNAR
CO-SPONSORED BY: COUNCILMAN SMITH

AN ORDINANCE AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE
COMPUTER EQUIPMENT AND SOFTWARE FOR UPGRADES TO THE DEPARTMENT'S
COMPUTER SYSTEMS AND DECLARING AN EMERGENCY

WHEREAS, as of January 15, 2020, Microsoft will no longer provide support for its obsolete Windows 7 Operating System and/or Office 2010. Many end users in the Police Department in the City of Fairview Park currently utilize this software as part of their daily tasks but will no longer receive security updates as of that date leaving those computers vulnerable; and

WHEREAS, the City of Fairview Park has begun the process of upgrading its outdated computer equipment and it is essential that utilized software is compatible with these upgrades. The Fairview Park Police Department requires upgrades to its server as well as many of its Mobile Data Terminals (MDT's); and Microsoft Office software used by City employees require yearly license renewals; and

WHEREAS, SHI International Corp., which is part of an approved consortium whose products have been publicly bid, has been selected to provide the necessary software and hardware to ensure proper interface with upgraded systems as more fully set forth in Exhibit "A" attached; and

WHEREAS, the Police Department will utilize the City's current contracted IT company (The Go2IT Group) for the installation of the hardware and software. The setup of workstations is covered under the City's current contract as part of their managed services; however, there is an additional \$1,840.00 labor cost for the server/network/storage component of the Police Department project.

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

SECTION 1. The Mayor is hereby authorized to purchase computer hardware, software and licensing from SHI International Corp. for necessary upgrades to the Police Department computer operating systems in the sum of \$49,106.80.

SECTION 2. The cost of the computer equipment provided by SHI International Corp. shall be paid from the Permanent Improvement Fund (260) as determined by the Director of Finance.

SECTION 3. The Police Department will utilize the City's current contracted IT company (The Go2IT Group) for the installation of the hardware and software, which is covered under the City's current contract as part of their managed services; however, expenditure of an additional sum of \$1,840.00 for the labor cost for the server/network/storage component of the Police

Department computer upgrade project is also authorized to be paid from the Permanent Improvement Fund (260).

SECTION 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.

SECTION 4. 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 provide for continued computer maintenance service and provided it receives the affirmative vote 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: 10.07.19
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council



EXHIBIT A

Pricing Proposal
 Quotation #: 17671483
 Created On: 9/3/2019
 Valid Until: 9/30/2019

City of Fairview

John Bandi

20777 Lorain Road
 Fairview Park, OH 44126
 United States
 Phone: (440) 333-2200
 Fax:
 Email: jbandi@fairviewpark.org

Inside Account Executive

Eric Waldron

300 Davidson Ave,
 Somerset, NJ 08873
 Phone: 7326527649
 Fax: 732-564-8078
 Email: Eric_Waldron@SHI.com

All Prices are in US Dollar (USD)

	Product	Qty	Your Price	Total
1	Panasonic Toughbook 33 - Tablet - Core i5 7300U / 2.6 GHz - Win 10 Pro - 8 GB RAM - 256 GB SSD - 12" touchscreen 2160 x 1440 (Full HD Plus) - HD Graphics 620 - Wi-Fi, Bluetooth - 4G - rugged - with Toughbook Preferred / Public Sector Service and Support Panasonic - Part#: CF-33LE-01VM	2	\$3,378.00	\$6,756.00
2	Panasonic Public Sector Service Package - Extended service agreement - parts and labor - 2 years (4th/5th year) - must be purchased in conjunction with PS bundle base unit Panasonic - Part#: CF-SVCP5Y5	2	\$622.00	\$1,244.00
3	Panasonic Premium Keyboard CF-VEK331LMP - Keyboard - dock - for Toughbook 33 Panasonic - Part#: CF-VEK331LMP	2	\$563.00	\$1,126.00
4	LIND PA1580-1642 - Car power adapter - 120 Watt - for Toughbook 19, 31, F9 Panasonic - Part#: CF-LNDDC120	4	\$127.00	\$508.00
5	Lenovo ThinkStation P330 30C5 - Tower - 1 x Core i7 8700 / 3.2 GHz - RAM 16 GB - SSD 512 GB - TCG Opal Encryption - DVD-Writer - Quadro P1000 / UHD Graphics 630 - GigE - Win 10 Pro 64-bit - monitor: none - keyboard: US - TopSeller Lenovo - Part#: 30C5000KUS	2	\$1,349.00	\$2,698.00
6	Lenovo ThinkVision S24e-10 - LED monitor - 23.8" (23.8" viewable) - 1920 x 1080 Full HD (1080p) - VA - 250 cd/m - 3000:1 - 4 ms - HDMI, VGA - raven black Lenovo - Part#: 61CAKCR1US	2	\$115.00	\$230.00
7	Microsoft Windows Server 2019 Standard - License - 2 cores - Select Plus - Single Language Microsoft - Part#: 9EM-00681	8	\$80.23	\$641.84
8	Microsoft Windows Server 2019 - License - 1 user CAL - Select Plus - Single Language Microsoft - Part#: R18-05796	40	\$27.39	\$1,095.60
9	Microsoft SQL Server 2017 Standard - License - 2 cores - volume - Linux, Win -	4	\$2,339.00	\$9,356.00

10	Veeam Availability Suite Enterprise Plus for VMware - License - GOV, public sector - ESD Veeam Software - Part#: P-VASPLS-VS-P0000-00	1	\$2,029.00	\$2,029.00
11	WD Red Pro NAS Hard Drive WD101KFBX - Hard drive - 10 TB - internal - 3.5" - SATA 6Gb/s - 7200 rpm - buffer: 256 MB Western Digital - Part#: WD101KFBX	9	\$401.00	\$3,609.00
12	WD Blue 3D NAND SATA SSD WDS100T2B0B - Solid state drive - 1 TB - internal - M.2 2280 - SATA 6Gb/s Western Digital - Part#: WDS100T2B0B	2	\$122.00	\$244.00
13	Synology Disk Station DS1817 - NAS server - 8 bays - SATA 6Gb/s - RAID 0, 1, 5, 6, 10, JBOD - RAM 4 GB - Gigabit Ethernet / 10 Gigabit Ethernet - iSCSI Synology - Part#: DS1817	2	\$799.00	\$1,598.00
14	Synology M2D18 - Storage bay adapter - Expansion Slot to 2 x M.2 - M.2 Card - PCIe 2.0 x8 Synology - Part#: M2D18	2	\$148.00	\$296.00
15	OptiPlex 7010 Intel Core i5-3470 3.2GHz TKO Electronics - Part#: TKOED0006702 Note: OptiPlex 7010 Intel Core i5-3470 3.2GHz / 8GB / 120GB-128GB SSD / DVD / Windows 10 Pro 64bit / BRAND NEW Keyboard & Mouse / Lifetime Parts Replacement Warranty	10	\$273.00	\$2,730.00
16	Dell 22" Monitor TKO Electronics - Part#: 22INMON	14	\$87.00	\$1,218.00
17	USB SD Card Reader - Traditional Style. TKO Electronics, Inc. - Part#: SD Card Reader	10	\$18.75	\$187.50
18	Lifetime Parts Warranty on PCs, NBs, & select Chromebooks - consumables NOT included TKO Electronics - Part#: TKOED0006702	10	\$0.00	\$0.00
19	Windows 10 Pro - Upgrade license - 1 license - GOV - OLP: Government - English Microsoft - Part#: FQC-09550	2	\$139.92	\$279.84
20	Microsoft Office Standard 2019 - License - 1 PC - local - OLP: Government - Win - English Microsoft - Part#: 021-10625	24	\$306.90	\$7,365.60
21	Microsoft Access 2019 - License - 1 PC - local - OLP: Government - Win - English Microsoft - Part#: 077-07249	1	\$119.64	\$119.64
22	Microsoft Visio Standard 2019 - License - 1 PC - GOV - OLP: Government - Win - English Microsoft - Part#: D86-05884	1	\$205.86	\$205.86
23	HPE PROLIANT ML350 GEN10 4110 1P 16GB-R E208I-A 8SFF 1X800W RPS SOLUTION SERVER Creative Business Solutions - Part#: P04674-S01 Note: HPE Renew	1	\$1,760.00	\$1,760.00

24	HPE 32GB (1X32GB) DUAL RANK X4 DDR4-2666 CAS-19-19-19 REGISTERED SMART MEMORY KIT Creative Business Solutions - Part#: 815100-B21 Note: HPE Renew	1	\$220.00	\$220.00
25	HPE 800W FLEX SLOT PLATINUM HOT PLUG LOW HALOGEN POWER SUPPLY KIT Creative Business Solutions - Part#: 865414-B21 Note: HPE Renew	1	\$138.00	\$138.00
26	HPE 600GB SAS 12G ENTERPRISE 10K SFF (2.5IN) SC 3YR WTY DIGITALLY SIGNED FIRMWARE HDD Creative Business Solutions - Part#: 872477-B21 Note: HPE Renew	2	\$154.00	\$308.00
27	HPE 2TB SATA 6G MIDLINE 7.2K SFF (2.5IN) SC 1YR WTY 512E DIGITALLY SIGNED FIRMWARE HDD Creative Business Solutions - Part#: 765455-B21 Note: HPE Renew	4	\$330.00	\$1,320.00
28	HPE Q2F26AAE Smart Array Secure Encrypt E-LTU Creative Business Solutions - Part#: Q2F26AAE Note: HPE Renew	1	\$275.00	\$275.00
29	HPE ML350 Gen10 Redundant Fan Cage Kit Creative Business Solutions - Part#: 874572-B21 Note: HPE Renew	1	\$110.00	\$110.00
30	HP Integrated Lights-Out Advanced Pack BD505A Creative Business Solutions - Part#: BD505A Note: HPE Renew	1	\$275.00	\$275.00
31	HPE Foundation Care Next Business Day Service with Defective Media Retention - extended service agreement - 3 years - on-site Creative Business Solutions - Part#: H9GE5E Note: HPE Renew	1	\$662.00	\$662.00
32	Tripp Lite 2-Port Desktop Compact USB KVM Switch with Audio & Cable Kit - KVM switch - 2 x KVM port(s) - 1 local user - desktop - for P/N: WWBASE-BK, WWBASE-GY, WWBASE-WH, WWTOP60-BKC, WWTOP60-WHC, WWTOP72-BK, WWTOP72-ES Tripp Lite - Part#: B004-VUA2-K-R	1	\$39.00	\$39.00
33	Tripp Lite 4-Port Desktop KVM Switch Audio, 2-Port USB, On-Screen Display & Cables - KVM / audio switch - 4 x KVM / audio - 1 local user - desktop - for P/N: P756-010, P757-010 Tripp Lite - Part#: B006-VUA4-K-R	1	\$272.00	\$272.00
			Shipping Total	\$150.00 \$49,066.88
Optional Items For: 4. LIND PA1580-1642 - Car power adapter - 120 Watt - for Toughbook 19, 31, F9				
	Panasonic CF-LNDBRK120 - System mounting bracket - for Panasonic CF-LNDDC120 Panasonic - Part#: CF-LNDBRK120	4	\$9.98	\$39.92

Additional Comments

Please Note: Tripp Lite has a zero returns policy.

Veeam has a no returns policy.

Please Note: Panasonic has a zero returns policy for their Toughbooks and Toughpads

Please Note: Lenovo has a zero returns policy on any custom build machines. Lenovo also does not allow returns on open box/phased out products.

Please Note: Hewlett Packard Enterprise has a zero returns policy on custom build machines.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084.

SHI International Corp. is 100% Minority Owned, Woman Owned Business.
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The Products offered under this proposal are resold in accordance with the [SHI Online Customer Resale Terms and Conditions](#), unless a separate resale agreement exists between SHI and the Customer.



20777 LORAIN ROAD, FAIRVIEW PARK, OHIO 44126 - PHONE 440 / 356-4415

DIVISION OF POLICE
ERICH V. UPPERMAN, CHIEF

To: Council President Kilbane and All Members of Council
From: Police Chief Erich Upperman
Date: October 9, 2019
Re: Emergency Legislation

The Police Department of the City of Fairview Park is requesting suspension of the rules requiring three readings and passage of the following legislation without three readings on Monday, October 21, 2019 as an emergency:

19-49 Authorizing Purchases for Police Department Computer Upgrades

The reason for emergency passage is to speed up the time in which we will receive the equipment for installation, in case there is any delay in any of the items. The entirety of the project needs to be completed prior to January 15th, and our IT officer will be unavailable from December 18 through the end of this year. He is needed to coordinate with GO2IT during the installation and setup process. I am, of course, available to answer any questions either at committee or by phone/email.

Thank you in advance for your consideration of this request.

Erich Upperman
Chief of Police



20777 LORAIN ROAD, FAIRVIEW PARK, OHIO 44126 - PHONE 440 / 356-4415

DIVISION OF POLICE
ERICH V. UPPERMAN, CHIEF

Police Department IT Upgrade Project

On January 15, 2020, Microsoft will be discontinuing support for Windows 2007 and for Server 2008. According to CJIS (Criminal Justice Information Services) rules, no agency still running those operating systems will be able to access LEADS (Law Enforcement Automated Data System) or NCIC (National Crime Information Center). The Fairview Park Police Department could not function as a law enforcement agency without accessing these systems.

The current server, which was purchased in 2012, has reached end of life. We have already had two of the redundant hard drives fail, and our data storage is dangerously close to reaching capacity. The hardware would not support Server 2019, which will be running on the new server. In addition, we are implementing a disaster recovery plan which consists of having NAS (Network Area Storage) off site at the Gemini Center. This is also actually a CJIS requirement, which they had let slide with the understanding that we would implement it when our server were to get replaced. A complete backup of all of our data, including our CAD records management system, will thus be stored off site. This redundancy is necessary in case of a fire or other disaster if it occurred at the police department.

All of our current workstations are running Windows 7 and most are reaching end of useful life. We are replacing 12 of our current workstations and purchasing Windows 10 licenses for those machines that are newer and can still run that operating system. This would include our current video server for our dash cams. The last two Windows 7 MDT's will also be replaced in this IT upgrade Project. This will result in all but two of our MDT's having Windows 10. The other two are running Windows 8, and still have time before support for that operating system is discontinued. It is my plan to replace those two next year.

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-46
REQUESTED BY: GREG CINGLE, FINANCE DIRECTOR
SPONSORED BY: COUNCILMAN WOJNAR

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MCGOWAN AND COMPANY FOR THE PROFESSIONAL SERVICES OF PROVIDING INSURANCE REQUIREMENTS OF COMPREHENSIVE GENERAL LIABILITY, POLICE PROFESSIONAL LIABILITY, FIREFIGHTER/AMBULANCE ATTENDANTS LIABILITY, BOILER AND MACHINERY INSURANCE, COMPREHENSIVE AUTOMOBILE AND PHYSICAL DAMAGE LIABILITY, PUBLIC OFFICIALS LIABILITY, PROPERTY AND EQUIPMENT COVERAGES, "UMBRELLA" COVERAGE, AND CYBER PROTECTION COVERAGE AND DECLARING AN EMERGENCY

WHEREAS, the City utilizes McGowan and Company's professional services to obtain necessary insurance coverage including cyber protection coverage; and,

WHEREAS, McGowan and Company has obtained insurance coverage determined by the Finance Director to best serve the City's needs.

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

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into a contract with McGowan and Company for the Comprehensive General Liability, Police Professional Liability, Firefighter/Ambulance Attendants Liability, Boiler and Machinery Insurance, Comprehensive Automobile and Physical Damage Liability, Public Officials Liability, Property and Equipment Coverages, "Umbrella" Coverage, and Cyber Protection Coverage for the period of November 1, 2019 to October 31, 2020.

SECTION 2. That the cost of the Comprehensive General Liability insurance and Cyber insurance coverage for November 1, 2019 to October 31, 2020, is not to exceed One Hundred Ninety Thousand Dollars (\$190,000.00), and shall be paid from the General Fund (100.7790.5221100).

SECTION 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.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare: and for the further reason that the present insurance expires October 31, 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: 09.16.19
2nd reading: 10.07.19
3rd reading:

Michael P. Kilbane, President of Council

Eileen Ann Patton, Mayor

Liz L. Westbrooks, Clerk of Council