



# CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

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## MONDAY, NOVEMBER 4, 2019 REGULAR COUNCIL MEETING

6:30 p.m. - Study Session – Council Caucus Room  
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 21, 2019

Special Meeting of Council October 28, 2019

### Committee Reports

Local Government and Community Services, Councilman McDonough, Chair

Finance, Councilman Wojnar, Chair

## *~ LEGISLATIVE AGENDA ~*

### Legislation on First Reading

COUNCILMAN MINEK

Ord. 19-\_\_ | Authorizing Plans and Specifications for W 213 Water Line Replacement

Ord. 19-\_\_ | Authorizing Bids and Award for W 213 Water Line Replacement

COUNCILMAN WOJNAR

Ord. 19-\_\_ | Authorizing Participation in Cooperative Purchase Programs 2020-2021

### Legislation on Second Reading

COUNCILMAN MCDONOUGH

Ord. 19-50 | Enacting Chapter 704 Housing Protections for Domestic Violence Victims & Affected Landlords

COUNCILMAN WOJNAR

Ord. 19-51 | Authorizing Agreement for City Street Tree Inventory & Management Plan

Ord. 19-52 | Authorizing Contract for Wastewater Collection System Operator Services

Ord. 19-53 | Authorizing Agreement with Software Solutions Inc. for Finance Department

### Reports and Communications from Mayor, Directors and Other City Officials

### Public Session

### Miscellaneous Business and Reports from Council

### Adjournment

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Michael Kilbane, President of Council  
Brian McDonough, Ward 1

Bill Minek, Ward 2  
Paul Wojnar, Ward 3

Sarah Wering, Ward 4  
Angelo Russo, Ward 5

Todd Smith, Council at Large  
Liz Westbrooks, Clerk of Council

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## **UPCOMING MEETINGS OF COUNCIL**

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 21, 2019**  
4

5 The regular meeting of Council was called to order by Council President Kilbane at 7:06 p.m.

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL | PRESENT:

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

10 Administration – Director Cingle, Director Gibbons, Engineer Mackay

11  
12 THE CHAIR made a motion to amend the agenda to add an Ordinance for first reading and to remove  
13 Ordinance 19-46 from third reading and final passage.

14 Moved and Seconded.

15 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.

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

17  
18 THE CHAIR made a motion to approve the minutes of the regular meeting of council on Monday, October  
19 7, 2019.

20 Moved and Seconded.

21 ROLL ON MOTION: Vote: YES-5, NO-0, ABSTAIN-2 | Motion carried.

22 YES: B. McDonough, B. Minek, S. Wering, A. Russo and T. Smith | ABSTAIN – P. Wojnar, M. Kilbane

23 THE CHAIR asked Councilman Wojnar the reason for his abstention.

24 COUNCILMAN WOJNAR stated he was out of town for work.

25 THE CHAIR said that he abstained because he was out of town.

26  
27 **COMMITTEE REPORTS**

28 COUNCILMAN MINEK reported that the Environment, Public Works, Planning, Zoning & Development  
29 Committee met on Monday, October 14, 2019 at 8:10pm to discuss the issue of banning plastic retail bags.  
30 County Council of Cuyahoga County passed legislation implementing a disposable bag ban to become  
31 effective 01-01-2020. Orange Village enacted legislation placing restrictions on plastic and other bags. City  
32 of Brooklyn is presently considering legislation exempting retailers within the city from the County  
33 legislation. Discussion regard what is banned and what is allowed. A motion that this issue remain in  
34 committee pending additional information was approved 6-0. This completes my report.  
35

36 COUNCILMAN WOJNAR reported the Finance Committee met on Monday, October 14th at 7:00pm. In  
37 attendance were members of Council, Mayor Patton, Director Leininger, Director Cingle and Patrick  
38 Muscenti of McGowan and Company. The following issues and legislation were discussed: **Ordinance 19-**  
39 **46** authorizes a contract with McGowan and Company for the professional services of providing various  
40 insurance requirements for the city from November 1, 2019 through October 31, 2020. Mr. Muscenti  
41 discussed the current marketplace and results from putting requests out for proposals. He advised that there  
42 would be approximately a \$12,000 savings overall with the renewal of insurance. Mr. Muscenti went over  
43 basic overages, thresholds and changes with the renewal for the different policies. He will look into  
44 conditions where city-led or appointed organizations coverages, non-monetary defense coverages, City Hall  
45 sewer backup coverages and liability in certain emergency situations. A motion to place on 3<sup>rd</sup> reading and  
46 final passage passed by a vote of 6-0. **Ordinance 19-47** is in support of an application to Cuyahoga County  
47 for the 2019 Municipal Grant Program. Director Leininger explained that the application is for a grant in the  
48 amount of \$150,000 from the County, which we have received in the past and used for various projects. He  
49 explained that there are looking to repair sidewalks on Belvidere and Stanford, which have been deemed  
50 two of the worst in the city. Woodstock and Eastwood are also at the top of the list. Council inquired about  
51 the process and alternative methods available to address sidewalk repairs, specifically for where the city

52 trees cause damage. Also discussed were possible implementation of a city sidewalk repair program and  
53 future uses in application for this annual grant. A motion to place on 2<sup>nd</sup> and subsequent third reading passed  
54 by a vote of 6-0. **Ordinance 19-48** authorizes the disposal of obsolete and dilapidated property from various  
55 departments of the City that are no longer of value or needed for the operations. Director Leininger explained  
56 that some things may be able to be recycled and that the cars would be put to auction to try to receive monies  
57 that would go into the General Fund. A motion to place on 2<sup>nd</sup> and subsequent third reading passed by a vote  
58 of 6-0. **Ordinance 19-49** authorizes the Police Department to purchase computer equipment and software  
59 for upgrades for their computer systems. Council has received the listing of equipment and an emergency  
60 letter from Chief Upperman explaining the need to pass on emergency to coordinate with schedules of the  
61 Police IT officer and our consultant, Go2IT. Director Cingle explained that the department was very diligent  
62 in looking at equipment needs and costs and that this covers the entire department upgrades. A motion to  
63 place on 2<sup>nd</sup> reading emergency passage passed by a vote of 6-0. The Finance Committee ended at 8:15 pm.  
64

#### 65 **LEGISLATION ON FIRST READING**

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

67 ORDINANCE NO. 19-50

68 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

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

72 ACTION: Ordinance 19-50 was placed on first reading and referred to the Local Government and Community  
73 Services Committee.

74  
75 COUNCILMAN WOJNAR placed the following legislation up for first reading and introduction:

76 ORDINANCE NO. 19-51

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

78 SPONSORED BY: COUNCILMAN WOJNAR

79 CO-SPONSORED BY: COUNCILMAN MINEK

80 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH KNOWLES*  
81 *MUNICIPAL FORESTRY, LLC TO CONDUCT AN UPDATE TO THE CITY'S STREET TREE INVENTORY*  
82 *AND MANAGEMENT PLAN FUNDED BY THE CUYAHOGA COUNTY PLANNING COMMISSION'S*  
83 *2019 HEALTHY URBAN TREE CANOPY GRANT PROGRAM AND DECLARING AN EMERGENCY*

84 ACTION: Ordinance 19-51 was placed on first reading and referred to the Finance Committee.

85  
86 ORDINANCE NO. 19-52

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

88 SPONSORED BY: COUNCILMAN WOJNAR

89 CO-SPONSORED BY: COUNCILMAN MINEK

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

93 ACTION: Ordinance 19-52 was placed on first reading and referred to the Finance Committee.

94  
95 ORDINANCE NO. 19-53

96 REQUESTED BY: FINANCE DIRECTOR, GREG CINGLE

97 SPONSORED BY: COUNCILMAN WOJNAR

98 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR SUPPORT*  
99 *SERVICES WITH SOFTWARE SOLUTIONS, INC. AND DECLARING AN EMERGENCY*

100 ACTION: Ordinance 19-53 was placed on first reading and referred to the Finance Committee.

#### 101 **LEGISLATION ON SECOND READING**

103 COUNCILMAN WOJNAR placed the following legislation up for second reading:  
104 ORDINANCE NO. 19-47  
105 REQUESTED BY: SHAWN LEININGER, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT  
106 SPONSORED BY: COUNCILMAN WOJNAR  
107 CO-SPONSORED BY: COUNCILMAN MINEK AND COUNCILMAN SMITH  
108 *AN ORDINANCE SUPPORTING AN APPLICATION TO CUYAHOGA COUNTY FOR THE 2019*  
109 *MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR THE 2019 SIDEWALK*  
110 *SAFETY IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED*  
111 *GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO*  
112 *RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY*  
113 ACTION: Ordinance 19-47 was placed on second reading and subsequent third reading.

114  
115 ORDINANCE NO. 19-48  
116 REQUESTED BY: MAYOR EILEEN ANN PATTON  
117 SPONSORED BY: COUNCILMAN WOJNAR  
118 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO DISPOSE OF OBSOLETE AND*  
119 *DILAPIDATED OFFICE FURNITURE, VEHICLES, EQUIPMENT AND OTHER MISCELLANEOUS*  
120 *TANGIBLE PERSONAL PROPERTY FROM VARIOUS DEPARTMENTS OF THE CITY THAT ARE NO*  
121 *LONGER OF VALUE OR NEEDED FOR THE OPERATIONS OF THE CITY OF FAIRVIEW PARK AND*  
122 *DECLARING AN EMERGENCY*  
123 ACTION: Ordinance 19-48 was placed on second reading and subsequent third reading.

124  
125 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE**

126  
127 **LEGISLATION ON FOR PASSAGE WITHOUT THREE READINGS**

128 COUNCILMAN MCDONOUGH presented a resolution before council for emergency passage.  
129 RESOLUTION NO. 19-17  
130 REQUESTED BY: COUNCILMAN BRIAN MCDONOUGH  
131 SPONSORED BY: FAIRVIEW PARK CITY COUNCIL  
132 *A RESOLUTION RECOGNIZING OCTOBER 2019 AS DOMESTIC VIOLENCE AWARENESS MONTH*  
133 *AND DECLARING AN EMERGENCY*  
134 COUNCILMAN MCDONOUGH made a motion to suspend the Charter Provision and Rule 49 requiring  
135 three readings.

136 Moved and Seconded.  
137 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.  
138 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
139 THE CHAIR asked for any discussion.

140 THE CHAIR made a motion to dispense Rule 53 requiring reference to Committee.  
141 Moved and Seconded.  
142 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.  
143 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
144 THE CHAIR asked for any further discussion before passage.

145 COUNCILMAN MCDONOUGH asked for concurrence to read the resolution in pertinent part. Council  
146 concurred.  
147 COUNCILMAN MCDONOUGH read the resolution.  
148 THE CHAIR asked for any further discussion before passage. No Discussion.  
149 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Resolution 19-17 passes.  
150 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

151  
152 COUNCILWOMAN WERING presented a resolution before council for emergency passage.  
153 RESOLUTION NO. 19-18

154 REQUESTED BY: COUNCILWOMAN WERING  
155 SPONSORED BY: FAIRVIEW PARK CITY COUNCIL  
156 A RESOLUTION RECOGNIZING OCTOBER 2019 AS NATIONAL BREAST CANCER AWARENESS  
157 MONTH AND DECLARING AN EMERGENCY  
158 COUNCILWOMAN WERING made a motion to suspend the Charter Provision and Rule 49 requiring three  
159 readings.  
160 Moved and Seconded.  
161 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.  
162 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
163 THE CHAIR asked for any discussion.  
164 THE CHAIR made a motion to dispense Rule 53 requiring reference to Committee.  
165 Moved and Seconded.  
166 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.  
167 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
168 THE CHAIR asked for any further discussion before passage.  
169 COUNCILWOMAN WERING asked for concurrence to read the resolution in pertinent part. Council  
170 concurred.  
171 COUNCILWOMAN WERING read the resolution.  
172 THE CHAIR asked for any further discussion before passage. No Discussion.  
173 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Resolution 19-18 passes.  
174 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
175  
176 COUNCILMAN WOJNAR presented an ordinance before council for emergency passage.  
177 ORDINANCE NO. 19-49  
178 REQUESTED BY: FINANCE DIRECTOR GREG CINGLE  
179 SPONSORED BY: COUNCILMAN WOJNAR  
180 CO-SPONSORED BY: COUNCILMAN SMITH  
181 *AN ORDINANCE AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE COMPUTER*  
182 *EQUIPMENT AND SOFTWARE FOR UPGRADES TO THE DEPARTMENT'S COMPUTER SYSTEMS*  
183 *AND DECLARING AN EMERGENCY*  
184 COUNCILMAN WOJNAR made a motion to suspend the Charter Provision and Rule 49 requiring three  
185 readings.  
186 Moved and Seconded.  
187 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.  
188 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
189 THE CHAIR asked for any further discussion.  
190 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-49 passes.  
191 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith  
192  
193 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**  
194 **OFFICIALS**  
195 DIRECTOR CINGLE thanked Council for putting Ordinance 19-53 on the agenda for this evening.  
196  
197 ENGINEER MACKAY reported that Crossroads Asphalt is finishing punch list items for the 2019 Street  
198 Repair Program, and will be performing some additional work on Campus Drive which he will keep Council  
199 informed of.  
200  
201 **PUBLIC SESSION**  
202  
203 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**

204 COUNCILMAN MCDONOUGH thanked Council for passing Resolution 19-17 recognizing Domestic  
205 Violence Awareness Month, and looks forward to discussing Ordinance 19-50, which creates some  
206 protections for victims and landlords affected, at the next committee meeting.

207 THE CHAIR thanked Councilman McDonough for sponsoring the Domestic Violence awareness resolution  
208 and introducing legislation on this topic.

209  
210 COUNCILWOMAN WERING thanked Council for co-sponsoring the Breast Cancer Awareness Month  
211 resolution, which is a disease that has personally impacted her with the loss of her mother. She said that 1 in  
212 8 women will be diagnosed with breast cancer in their lifetime and that is a serious statistic. She believes  
213 that the more attention that is called to it will increase early detection and survivors. COUNCILWOMAN  
214 WERING welcomed Officer Joyce to the city.

215 THE CHAIR thanked Councilwoman Wering for sponsoring the Breast Cancer resolution and said that he  
216 also lost an Aunt to the disease.

217  
218 COUNCILMAN RUSSO welcomed Officer Joyce and said that he is always happy to see those raised in the  
219 city now protecting it as they know and understand the city and what residents expect, and he's sure he will  
220 fit in well.

221  
222 COUNCILMAN SMITH said that he attended the Police Auxiliary's fundraiser at Gunselman's and also the  
223 Trunk or Treat held at the High School Parking lot, which was very successful. He announced that there will  
224 be a POW/MIA chair dedication at the football game on Friday, which is part of a national movement to  
225 recognize those missing in action. Trick or Treating will be on Thursday, October 31<sup>st</sup> and he advised  
226 everyone to be careful of children who will be out. He also welcomed Officer Joyce to the city.

227  
228 THE CHAIR assigned the issue of Responsible Pet Ownership to the Local Government and Community  
229 Services Committee.

230  
231 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.  
232 Moved and Seconded.

233 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 7:33 p.m.  
234 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

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242 Michael P. Kilbane, President of Council

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244 L. Westbrooks, Clerk of Council

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248 Eileen Ann Patton, Mayor

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2 **MINUTES OF THE SPECIAL MEETING OF FAIRVIEW PARK CITY COUNCIL**  
3 **MONDAY, OCTOBER 28, 2019**

4  
5 The special meeting of Council was called to order by Council President Kilbane at 7:26 p.m.

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL:

9 PRESENT: Council –B. McDonough, B. Minek, P. Wojnar, M Kilbane, S. Wering, A. Russo and T. Smith  
10 Administration – Mayor Patton, Director Cingle, Director Leininger, Director Gibbons

11  
12 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**

13  
14 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE**

15  
16 **LEGISLATION ON FOR PASSAGE WITHOUT THREE READINGS**

17 COUNCILMAN WOJNAR presented an Ordinance before council for emergency passage.

18 ORDINANCE NO. 19-54

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

20 SPONSORED BY: COUNCILMAN WOJNAR

21 CO-SPONSORED BY: COUNCILMAN MINEK

22 *AN ORDINANCE REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR FINANCIAL*  
23 *ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT*  
24 *PROGRAM FOR THE FUNDING OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT FINAL*  
25 *CLARIFIER REHABILITATION PROJECT, AND DECLARING AN EMERGENCY*

26 THE CHAIR asked for any discussion before passage.

27 COUNCILMAN WOJNAR made a motion to suspend the Charter Provision and Rule 49 requiring three  
28 readings.

29 Moved and Seconded.

30 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.

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

32 THE CHAIR asked for any further discussion before passage.

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

34 Moved and Seconded.

35 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.

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

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

38 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-54 passes.

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

40  
41 **LEGISLATION ON THIRD READING AND FINAL PASSAGE**

42 COUNCILMAN WOJNAR placed the following legislation up for third reading and final passage:

43 THE CHAIR asked for any discussion before passage.

44 COUNCILMAN WOJNAR made a motion to the ordinance to add the coverage of Active Shooter in the  
45 introduction and Section 1 of the legislation.

46 Moved and Seconded.

47 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.

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

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

50 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-46 Amended passed.

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

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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*

THE CHAIR asked for any discussion before passage. No Discussion.  
ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-47 Amended passed.  
YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

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*

THE CHAIR asked for any discussion before passage.  
COUNCILMAN WOJNAR made a motion to amend the ordinance to remove the word “should” in the second whereas clause and to add two additional copiers to the disposal equipment listing.  
Moved and Seconded.  
ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.  
YES: B. McDonough, B. Minek, P. Wojnar, Kilbane, S. Wering, A. Russo and T. Smith  
THE CHAIR asked for any further discussion before passage. No Discussion.  
ROLL ON PASSAGE: Vote: YES-7, NO-0 | Motion carried, Ordinance 19-48 Amended passed.  
YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

THE CHAIR announced that the special meeting was called pursuant to Charter Article 4, Section 7(b) and Council Rule 5, and that no other subject or subjects will be considered.

THE CHAIR made a motion to adjourn with no other business before Council.  
Moved and Seconded.

ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 8:41 p.m.  
YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, S. Wering, A. Russo and T. Smith

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Michael P. Kilbane, President of Council

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Liz L. Westbrooks, Clerk of Council

\_\_\_\_\_  
Eileen Ann Patton, Mayor

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

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT FOR THE WEST 213<sup>th</sup> STREET WATER MAIN REPLACEMENT & STREET RESURFACING PROJECT BETWEEN FAIRVIEW PARKWAY AND HILLSDALE AVENUE AND DECLARING AN EMERGENCY

WHEREAS, it has been determined that the water mains, street pavement, and portions of the street base on West 213<sup>th</sup> Street between Fairview Parkway and Hillsdale Avenue are in need of repair or replacement.

WHEREAS, the City of Cleveland has awarded funding in the amount not to exceed \$403,450 for eligible water line replacement costs.

**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 Director of Public Service and Development be and is hereby authorized to advertise and accept bids for replacement of certain water mains and repair of the pavement and portions of the street base on West 213<sup>th</sup> Street between Fairview Parkway and Hillsdale Avenue.

SECTION 2. That the Mayor is hereby authorized to enter into contract with the lowest responsive and responsible bidder for the replacement of certain water mains and repair of the pavement and portions of the street base on West 213<sup>th</sup> Street between Fairview Parkway and Hillsdale Avenue as determined by the Board of Control.

SECTION 3. In accordance with Section 153.12 of the Ohio Revised Code, no contract shall be entered into for a price that exceeds the City Engineer's estimated cost by more than ten percent.

SECTION 4. The City Engineer's estimated cost of this water line replacement and street resurfacing project is \$659,000 and will be appropriated from the Water Line Reconditioning Fund (550) and Capital Projects Fund (811).

SECTION 5. Funding will be obtained, in part, from the City of Cleveland to reimburse the City of Fairview Park for the cost of construction for the water line replacement portion of the project.

SECTION 6. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that the work be started as soon as possible to ensure the delivery of potable water; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

**2020 WEST 213TH STREET WATER MAIN REPLACEMENT AND PAVEMENT RESURFACING  
PRELIMINARY ESTIMATE OF PROBABLE COSTS  
CITY OF FAIRVIEW PARK, OHIO  
OCTOBER 29, 2019**

STREET	WORK LIMITS	COST ALLOCATED TO:	TYPE OF WORK	PROBABLE CONSTRUCTION COST
West 213th Street	Fairview Parkway to Hillsdale Avenue	Cleveland Water	Replacement of 1242' of water main.	\$310,000.00
West 213th Street	Fairview Parkway to Hillsdale Avenue	City of Fairview Park	Full width pavement resurfacing and concrete repairs	\$220,000.00
<b>Sub-total</b>				\$530,000.00
<b>Contingency Allowance</b>				\$53,000.00
<b>Sub-total Preliminary Estimate of Probable Construction Cost</b>				\$583,000.00
<b>Preliminary Estimate of Engineering &amp; Construction Administration Cost</b>				\$76,000.00
<b>Advertising and Copy Costs (City responsibility)</b>				\$3,000.00
<b>GRAND TOTAL</b>				\$662,000.00
<b>Portion of Total Cost to be Paid by City of Cleveland Division of Water</b>				\$385,465.00
<b>Portion of Total Cost to be Paid by City of Fairview Park</b>				\$276,535.00

Funding Notes:

1. This project was approved by CWD as a "combined project". CWD reimburses the City for the water main portion of the project and the City of Fairview Park funds the resurfacing portion of the project.
2. Cleveland Water Department will only reimburse the cost of the water main replacement in combined projects up to their maximum reimbursement cap. (currently \$247.00 / LF). The City of Fairview Park is responsible for any water main replacement costs that exceed the maximum cap amount.

1. This estimate of probable cost was prepared without the benefit of field work or plans.
2. All repair costs and repair quantities may change.
3. Prices are taken from the 2018 Water Line projects.

CITY OF FAIRVIEW PARK

ORDINANCE NO. 19-\_\_

REQUESTED BY: SHAWN LEININGER, SERVICE & DEVELOPMENT DIRECTOR

SPONSORED BY: COUNCILMAN WOJNAR

AN ORDINANCE AUTHORIZING THE CITY DIRECTORS TO PARTICIPATE IN VARIOUS COOPERATIVE PURCHASING PROGRAMS, AND DECLARING AN EMERGENCY.

WHEREAS, the Home Rule powers of the Ohio Constitution grant power to the City of Fairview Park to participate in joint purchasing programs; and

WHEREAS, the Ohio Department of Administration (ODAS), Ohio Department of Transportation (ODOT), General Services Administration (GSA), U.S. Communities Government Purchasing Alliance, Sourcewell (formerly the National Joint Powers Alliance), National Institute of Government Purchases (NIGP), the National Purchasing Partners (NPP), and any other Governmental Cooperative Programs are non-profit instruments of the government that assists local and state agencies in reducing the costs of purchased goods through the purchasing power of public agencies nationwide through competitively solicited contracts; and

WHEREAS, Council desires to authorize the City Directors to participate in these programs for the purchase of goods on behalf of the City of Fairview Park for calendar years 2020 and 2021.

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

SECTION 1. That Council, pursuant to the Home Rule authority granted to it by the Ohio Constitution, hereby authorizes the Directors to continue to participate in the Ohio Department of Administration (ODAS), Ohio Department of Transportation (ODOT), General Services Administration (GSA) U.S. Communities Government Purchasing Alliance, National Joint Powers Alliance (NJPA), National Institute of Government Purchases (NIGP), National Purchasing Partners (NPP) and any other Governmental Cooperative Purchasing Programs for the calendar years 2020 and 2021.

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

SECTION 3. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that it is immediately necessary to continue the efficiency of the City of Fairview Park, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it take effect and be in force from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 19-

REQUESTED BY: SHAWN LEININGER, SERVICE & DEVELOPMENT DIRECTOR

SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE WEST 213<sup>th</sup> STREET WATER LINE REPLACEMENT & STREET RESURFACING PROJECT BETWEEN FAIRVIEW PARKWAY AND HILLSDALE AVENUE AND DECLARING AN EMERGENCY

WHEREAS, it has been determined that the water mains, street pavement, and portions of the street base on West 213<sup>th</sup> Street between Fairview Parkway and Hillsdale Avenue are in need of repair or replacement requiring the City Engineer to prepare plans and specifications and provide construction administration services for said work.

WHEREAS, the City of Cleveland has awarded funding in the amount not to exceed \$403,450 for eligible water line replacement costs.

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

SECTION 1. That the City Engineer is hereby authorized and directed to prepare plans and specifications and provide construction administration services for the replacement of certain water mains and repair of the pavement and portions of the street base on West 213<sup>th</sup> Street between Fairview Parkway and Hillsdale Avenue.

SECTION 2. That the City Engineer shall be paid for the services rendered in accordance with his contract with the City in amount not to exceed \$76,000 to be paid from the Water Line Reconditioning Fund (550) and the Capital Projects Fund (811).

SECTION 3. Funding will be obtained, in part, from the City of Cleveland to reimburse the City of Fairview Park for the cost of the preparation of the plans and specifications for the water line replacement portion of the project.

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 immediate preservation of the public peace, health, safety and welfare; and for the further reason that the work be started as soon as possible to ensure the delivery of potable water; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

**2020 WEST 213TH STREET WATER MAIN REPLACEMENT AND PAVEMENT RESURFACING  
PRELIMINARY ESTIMATE OF PROBABLE COSTS  
CITY OF FAIRVIEW PARK, OHIO  
OCTOBER 29, 2019**

STREET	WORK LIMITS	COST ALLOCATED TO:	TYPE OF WORK	PROBABLE CONSTRUCTION COST
West 213th Street	Fairview Parkway to Hillsdale Avenue	Cleveland Water	Replacement of 1242' of water main.	\$310,000.00
West 213th Street	Fairview Parkway to Hillsdale Avenue	City of Fairview Park	Full width pavement resurfacing and concrete repairs	\$220,000.00
<b>Sub-total</b>				\$530,000.00
<b>Contingency Allowance</b>				\$53,000.00
<b>Sub-total Preliminary Estimate of Probable Construction Cost</b>				\$583,000.00
<b>Preliminary Estimate of Engineering &amp; Construction Administration Cost</b>				\$76,000.00
<b>Advertising and Copy Costs (City responsibility)</b>				\$3,000.00
<b>GRAND TOTAL</b>				\$662,000.00
<b>Portion of Total Cost to be Paid by City of Cleveland Division of Water</b>				\$385,465.00
<b>Portion of Total Cost to be Paid by City of Fairview Park</b>				\$276,535.00

Funding Notes:

1. This project was approved by CWD as a "combined project". CWD reimburses the City for the water main portion of the project and the City of Fairview Park funds the resurfacing portion of the project.
2. Cleveland Water Department will only reimburse the cost of the water main replacement in combined projects up to their maximum reimbursement cap. (currently \$247.00 / LF). The City of Fairview Park is responsible for any water main replacement costs that exceed the maximum cap amount.

1. This estimate of probable cost was prepared without the benefit of field work or plans.
2. All repair costs and repair quantities may change.
3. Prices are taken from the 2018 Water Line projects.

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-50  
REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE 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:

1<sup>st</sup> reading: 10.21.19  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 19-51

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:

1<sup>st</sup> reading: 10.21.19  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 19-52

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:

1<sup>st</sup> reading: 10.21.19  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 19-53  
REQUESTED BY: FINANCE DIRECTOR, GREG CINGLE  
SPONSORED BY: COUNCILMAN WOJNAR

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR SUPPORT SERVICES WITH SOFTWARE SOLUTIONS, INC. AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park utilizes Software Solutions, Inc. (SSI) software for its financial and payroll operations; and

WHEREAS, the City of Fairview Park has contracted with the Regional Income Tax Agency (RITA) to provide software support for SSI software; and

WHEREAS, RITA will cease providing SSI software support to its clients as of November 1, 2019; and

WHEREAS, it is necessary for the City of Fairview Park to ensure support is available for its financial and payroll systems; and

**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 enter into a service agreement with Software Solutions, Inc. for the period of November 1, 2019 through December 31, 2020 for software support in an amount not to exceed Twenty One Thousand Dollars Six Hundred Fifty-three Dollars (\$21,653.00), in such form as is approved by the Director of Law, and shall be paid from the General Fund (100).

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

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

PASSED:  
APPROVED:

1<sup>st</sup> reading: 10.21.19  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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Liz L. Westbrooks, Clerk of Council