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

5 The regular meeting of Council was called to order by Council President Kilbane at 7:01 p.m.

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL | PRESENT:

9 Council - B. Minek, M. Kilbane, 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 Councilman McDonough from the meeting.

13 Moved and Seconded.

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

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

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

18 Moved and Seconded.

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

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

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22 THE CHAIR made a motion to approve the minutes of the regular meeting of council on Monday, October
23 21, 2019.

24 Moved and Seconded.

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

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

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28 THE CHAIR made a motion to approve the minutes of the special meeting of council on Monday, October
29 28, 2019.

30 Moved and Seconded.

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

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

33
34 **COMMITTEE REPORTS**

35 COUNCILWOMAN WERING reported The Local Government & Community Services committee met on
36 Monday October 28, 2019 at 7:02 pm. In attendance were members of council, Mayor Patton and Law
37 Director Gibbons. Council discussed **Ordinance 19-50**, which was introduced in tandem with the City and
38 nation recognizing October as Domestic Violence Awareness Month. This legislation would establish
39 Chapter 704 in the Fairview Park codified ordinances to provide Housing Protections for Domestic Violence
40 Victims & Affected Landlords. Council discussed the issues and legislative realities of domestic violence
41 including: that domestic violence doesn't just affect the survivors, but also and the community as a whole
42 including children, witnesses to it, landlords, etc); 10% of all US murders are committed by intimate partners
43 and 70% of females are domestic violence related, 70% of them are females killed by intimate partners;
44 Despite Ohio having a Domestic Violence statute being on books for 40 years, it does not have any
45 protections for victims or landlords under those State statutes; legislation mirrored after City of Brooklyn
46 ordinance passed in April; Prevents victim from having to make difficult choice of staying or being
47 financially penalized for breaking a lease outright; legislation would apply to apartments and (single-family)
48 home rentals; this is not a cure-all, but a tool; specific actions need to be taken by the victim to be granted
49 protections in the ordinance; current provisions as it is written will be looked at closer to determine if they
50 are needed (lock replacement, landlord notification/disseminating information, lease provisions. Council is
51 looking for input of Council, Law Director, Mayor and any interested landlords, other state/city provisions

52 as they continue to consider this legislation and hopeful that this legislation can lead the way on this issue in
53 Fairview Park and eventually the state. A motion to place on 2nd reading and return to committee passed by
54 a vote of 7-0. The Local Government and Community Services Committee ended at 7:32 PM.

55

56 COUNCILMAN SMITH reported the Finance Committee met on Monday, The Finance Committee met on
57 Monday, October 28th at 7:32pm to discuss the following:

58 **Ordinance 19-46** Contract with McGowan and Company for City Insurance. Active shooter coverage was
59 discussed. One million dollars in coverage would cost \$5,250 per year. McGowan recommended the one
60 million dollars in active shooter coverage. Coverage would start on November 1st. Total cost for coverage
61 would be \$147,520 which includes the active shooter coverage. Last year's premium was \$154,848. A vote
62 to amend Ordinance 19-46 to add the active shooter coverage passed 7-0. A motion to place on 3rd and final
63 passage passed by a vote of 7-0. **Ordinance 19-48** Authorizing disposal of dilapidated obsolete equipment
64 from various departments. Director Leininger advised there needed to be 2 copies added to the list. Language
65 in the ordinance also had to be amended in order to remove the word "can". A motion to amend the ordinance
66 passed by a vote of 7-0. A motion template on 3rd and final passage passed by a vote of 7-0. **Ordinance 19-**
67 **51** Authorizing the Mayor to enter into a contract with Knowles Municipal Forestry to conduct and update
68 to the City's Street Tree Inventory & Management Plan. A grant has been awarded by the Cuyahoga County
69 Planning Commission. The cost of the plan update is \$21,025. The remaining funds will be used to purchase
70 and plant the trees and will come in a future ordinance. Concerns were raised by council regarding trees that
71 have been planted in the past along Lorain road that have died or have grown into power lines. New types
72 of trees are now being planted that are drought and salt resistant and should not reach heights that would
73 interfere with power lines. A motion to place on 2nd subsequent 3rd passed by a vote of 7-0. **Ordinance 19-**
74 **52** Authorizing contact for wastewater collection system operator. A contract with Clarity Wastewater
75 Systems for one year at a cost of \$40,000. Changes have been made by the state requiring an operator
76 licensed by the state to monitor and perform technical duties. No employees of the city hold this license. Our
77 existing contract started on August 27 and will end on December 31. Director Leininger stated the company
78 had performed very well for us so far. The city will still be responsible for repairs. A motion to place on 2nd
79 subsequent 3rd passed by a vote of 7-0. **Ordinance 19-53** Authorizing agreement with Software Solutions
80 for Finance department. Director Cingle state that RITA previously supplied software support for the finance
81 department and payroll. We were advised that as of the end of September, RITA will no longer supply this
82 support. We will now contact directly with the software manufacturer. This will be effective November 1,
83 2019. We were paying RITA \$1,700/month and an additional \$4,915 annually for software support. A total
84 of \$25,315. The new contact will be a 14-month period for \$21,653. A motion to place on 2nd subsequent
85 3rd passed by a vote of 7-0. **Ordinance 19-54** Requesting the City of Rocky River apply for financial
86 assistance from Ohio Public Works Commission's State Capital Improvement Fund for the funding of the
87 Rocky River Wastewater Treatment Plant Final Clarifier Rehabilitation Project. This needs to be passed
88 additionally by the cities of Rocky River, Bay Village and Westlake. This is in order to make improvements
89 without having unnecessary financial burden on the residents from the surrounding communities that pay
90 into the plant. The clarifier needs 7.6 million dollars in rehabilitation. This is just the first in a number of
91 repairs to an aging plant. This is for a loan to support the project. First read emergency passage is being
92 requested as the application is already in the review process. A motion to place on first read emergency
93 passage passed by a vote of 7-0.

94

95 **LEGISLATION ON FIRST READING**

96 COUNCILMAN MINEK placed the following legislation up for first reading and introduction:

97 ORDINANCE NO. 19-55

98 REQUESTED BY: SHAWN LEININGER, SERVICE & DEVELOPMENT DIRECTOR

99 SPONSORED BY: COUNCILMAN MINEK

100 *AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS*
101 *AND PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE WEST 213th STREET*

102 *WATER LINE REPLACEMENT & STREET RESURFACING PROJECT BETWEEN FAIRVIEW PARKWAY*
103 *AND HILLSDALE AVENUE AND DECLARING AN EMERGENCY*

104 ACTION: Ordinance 19-55 was first reading and referred to the Environment, Public Works, Planning,
105 Zoning and Development Committee.

106

107 ORDINANCE NO. 19-56

108 REQUESTED BY: SHAWN LEININGER, SERVICE & DEVELOPMENT DIRECTOR

109 SPONSORED BY: COUNCILMAN MINEK

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

114 ACTION: Ordinance 19-56 was first reading and referred to the Environment, Public Works, Planning,
115 Zoning and Development Committee.

116

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

118 ORDINANCE NO. 19-57

119 REQUESTED BY: SHAWN LEININGER, SERVICE & DEVELOPMENT DIRECTOR

120 SPONSORED BY: COUNCILMAN WOJNAR

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

123 ACTION: Ordinance 19-57 was first reading and referred to the Finance Committee.

124

125 **LEGISLATION ON SECOND READING**

126 COUNCILWOMAN WERING placed the following legislation up for second reading:

127 ORDINANCE NO. 19-50

128 REQUESTED AND SPONSORED BY: COUNCILMAN MCDONOUGH

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

132 ACTION: Ordinance 19-50 was placed on second reading and returned to the Local Government and
133 Community Services Committee.

134

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

136 ORDINANCE NO. 19-51

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

138 SPONSORED BY: COUNCILMAN WOJNAR

139 CO-SPONSORED BY: COUNCILMAN MINEK

140 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH KNOWLES*
141 *MUNICIPAL FORESTRY, LLC TO CONDUCT AN UPDATE TO THE CITY'S STREET TREE INVENTORY*
142 *AND MANAGEMENT PLAN FUNDED BY THE CUYAHOGA COUNTY PLANNING COMMISSION'S*
143 *2019 HEALTHY URBAN TREE CANOPY GRANT PROGRAM AND DECLARING AN EMERGENCY*

144 ACTION: Ordinance 19-51 was placed on second reading.

145

146 ORDINANCE NO. 19-52

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

148 SPONSORED BY: COUNCILMAN WOJNAR

149 CO-SPONSORED BY: COUNCILMAN MINEK

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

153 ACTION: Ordinance 19-52 was placed on second reading.

154

155 ORDINANCE NO. 19-53

156 REQUESTED BY: FINANCE DIRECTOR, GREG CINGLE

157 SPONSORED BY: COUNCILMAN WOJNAR

158 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR SUPPORT*

159 *SERVICES WITH SOFTWARE SOLUTIONS, INC. AND DECLARING AN EMERGENCY*

160 ACTION: Ordinance 19-53 was placed on second reading.

161

162 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
163 **OFFICIALS**

164 MAYOR PATTON reported that there will be a public meeting on Monday, November 11 at 6:30pm for the
165 public to discuss the Community Development Supplemental Grant Application which is the “casino
166 money” that is distributed to the cities by the County. The Seniors Helping Senior event has been moved
167 back a week until the 13th. There will also be a Westshore Council of Governments meeting that day.
168 November 16th there will be a Rec-The-Halls, which is a holiday boutique that will be held at the Recreation
169 Center. Hylan Dental will be coming to the shopping center at West 220th and Lorain. The shopping center
170 has been purchased, and there will be a new look coming to it.

171

172 DIRECTOR LEININGER reported that leaf collection started last week and they did get through the whole
173 city and will start again, but it is not likely they will get through so quickly again due to the number of leave
174 that have fallen since then. He advised everyone to check the leaf tracker on the website to see when they
175 will be collected in neighborhoods. The Mastick Road project and Lorain Road streetscape Projects should
176 both completed by next week. Dominion Gas will be doing gas line replacements in the city which should
177 be beginning on the 11th, and will be advising residents who will be affected. He advised everyone to go out
178 and vote.

179

180 DIRECTOR CINGLE reported that the October monthly reports will be distributed and wished the
181 candidates good luck in the election tomorrow.

182

183 DIRECTOR GIBBONS wished good luck to all the candidates.

184

185 ENGINEER MACKAY reported that the 2019 Street Project is wrapping up and should be completed by
186 November 12.

187

188 **PUBLIC SESSION**

189 MR. JOHN TAYLOR – 22405 Macbeth – MR.TAYLOR said that since the projects at West 220th and
190 Mastick is wrapping up that traffic is backing up there, particularly southbound during rush hour in the
191 morning. He asked if more time could be given. He reported that there are also two streetlights still out on
192 the southwest and south east corners of that same intersection and asked if First Energy can be asked to come
193 out and address them. The crosswalk signals at West 210th St and Center Ridge and also at West 204th St do
194 seem to be working. MR.TAYLOR asked if the leaves could be collected more carefully around small trees
195 and signs when they are collected.

196

197 MS. KAREN KIRSCH – FIRST ENERGY – MS. KIRSCH said that she has been the representative of First
198 Energy for the last 13 years and it has been a pleasure serving Fairview Park. She advised that she noted the
199 locations in the comments of Mr. Taylor.

200 THE CHAIR thanked Ms. Kirsch for always being so prompt in responding to his calls.

201

202 MR. JOHN DONOLAN – 4583 Concord Drive - MR. DONOLAN wished Director Leininger good luck in
203 his new position and said he has done a great job and hopes that the next mayor finds someone at least half
204 as talented as him going forward.

205

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

207 COUNCILMAN MINEK wished the best of luck to his colleagues.

208 COUNCILMAN RUSSO asked the mayor about the meeting regarding the airport regarding noise
209 complaints.

210 MAYOR PATTON said that she has been keeping Councilman Minek and the WestLife updated on the
211 issue, but she is having a difficult time getting the FAA to agree to come out for a community meeting. She
212 said she is trying a different tactic with the WestLife doing some stories with residents. The last
213 correspondence she received from the airport from Director Kennedy was that he cannot answer any more
214 questions so she is now trying to get the FAA to come here.

215 THE CHAIR said that he continually gets complaints about the issue.

216

217 COUNCILMAN SMITH said that he had opportunity to attend the POW/MIA memorial Chair ceremony at
218 the stadium with other council members and it was a very nice ceremony. The high school fall play will be
219 held from November 15-17 and encouraged everyone to attend if you can. He thanked all veterans for their
220 service in advance of upcoming Veterans Day. He wished his council colleagues and candidates in the
221 audience good luck.

222

223 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.

224 Moved and Seconded.

225 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 7:31 p.m.

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

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Michael P. Kilbane, President of Council

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Eileen Ann Patton, Mayor

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