



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

**MONDAY, MARCH 2, 2020
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 February 17, 2020

Written Communications, Petitions and Claims

Committee Reports

Local Government and Community Service, Councilwoman Wering, Chair | Councilman Simmerly, Vice Chair
Finance, Councilwoman King, Chair | Councilwoman Adler, Vice Chair

~ LEGISLATIVE AGENDA ~

Legislation on First Reading

COUNCILWOMAN KING

Ord. 20-__ | Authorizing Telecommunications Agreement with Cox

Legislation on Second Reading

COUNCILWOMAN KING

Ord. 20-05 | 2020 Appropriations

Ord. 20-06 | Authorizing Contract with State Auditor for FY 2019 Audit

Ord. 20-07 | Authorizing Extension of Contract with Republic Services for Solid Waste Disposal

Audience Input on Legislation Up for Passage

Legislation on Third Reading and Final Passage

COUNCILWOMAN WERING

Ord. 19-61 | Authorizing Dedication of Property at 4200 Thomas Ln for City Park

Ord. 19-62 | Amending Chapter 921_Grannis and Thomas Lane Parks

Ord. 19-63 | Amending Section 927.05 Persons Prohibited in Playgrounds, Parks and Recreational Facilities

Reports and Communications from Mayor, Directors and Other City Officials

Public Session

Miscellaneous Business and Reports from Council

Adjournment

Agenda continued on back →

Michael Kilbane, President of Council
Bryan Simmerly, Ward 1

Bill Minek, Ward 2
Maureen Fallon Adler, Ward 3

Sarah Wering, Ward 4
Bridget King, Ward 5

Greg Burger, Council At-Large
Liz Westbrooks, Clerk of Council

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UPCOMING MEETINGS OF COUNCIL

MON. MAR 9	Committee Meeting/Budget Hearings Departments: Mayor, Senior Life, Law, Finance, Building, Council	7:00 p.m.	Council Caucus Room
MON., MAR 16	Council Meeting	7:00 p.m.	Council Chambers
MON. MAR 23	Committee Meeting	7:00 p.m.	Council Caucus Room
MON., MAR 30	Council Meeting	7:00 p.m.	Council Chambers



CITY OF FAIRVIEW PARK

20777 Lorain Rd, Fairview Park, Ohio 44126

2020 FINANCE COMMITTEE BUDGET HEARINGS SCHEDULE

SATURDAY, FEBRUARY 29, 2020

Dunson Community Room, 1st Floor, City Hall

8:00 AM	RECREATION
9:00 AM	POLICE
10:00 AM	SERVICE/DEVELOPMENT
11:00 AM	FIRE

MONDAY, MARCH 9, 2019

Council Caucus Room, 3rd Floor, City Hall

7:00 PM	MAYOR
7:30 PM	SENIOR LIFE
8:00 PM	LAW
8:30 PM	FINANCE
9:00 PM	BUILDING
9:30 PM	COUNCIL

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, FEBRUARY 17, 2020**
4

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

6 MOMENT OF SILENT PRAYER

7 PLEDGE OF ALLEGIANCE

8 ROLL CALL | PRESENT:

9 COUNCIL – B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger

10 ADMINISTRATION – Mayor Cooney, Director Costello, Director Cingle, Director Riley and Engineer
11 Mackay

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

14 MOVED and SECONDED.

15 ROLL ON MOTION: Vote: YES-5, NO-1 | Motion carried.

16 YES: B. Simmerly, B. Minek, M. Adler, S. Wering and B. King | NO: G. Burger
17

18 THE CHAIR made a motion approve the minutes of the regular meeting of February 3, 2020.

19 MOVED and SECONDED.

20 COUNCILWOMAN WERING made a motion to amend line 5 of the minutes to reflect that Council
21 President Kilbane called meeting to order.

22 COUNCILWOMAN ADLER made a motion to amend lines 123 and 125 of the minutes to change instances
23 of “am” to “pm”.

24 ROLL ON MOTIONS: Vote: YES-6, NO-0 | Motion carried.

25 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger
26

27 **COMMITTEE REPORTS**

28 COUNCILWOMAN KING reported that The Finance Committee met on Monday, February 10 and began
29 at 7:01pm. In attendance were members of Council, Mayor Cooney, Fire Chief Raffin and members of the
30 community. Only one item was discussed **Ordinance 20-04**, accepting grants and entering into a contract
31 for source capture exhaust system for the fire station. Chief Raffin presented council with a presentation
32 walking us through the process of ORD 20-04. He explained the report from 2018 stating the need in the
33 fire station and then explained the steps he took from receiving the report to presenting Ordinance 20-04 to
34 council. Never was the need of this system questioned and all of council believes it is necessary and this
35 project will get done. In question is the process since it did not follow the traditional path which would
36 entail going before the board of control with the bids. An official legal opinion was requested and in the
37 absence of law director Riley, Mayor Cooney verbally gave a legal opinion that the process taken is legal. A
38 motion was made to put this on 2nd read and final passage which passed with a vote of 5-2. The Finance
39 committee ended at 7:36pm.
40

41 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**

42 THE CHAIR asked the Clerk to read a letter received from Former Mayor Patton. THE CLERK read:
43 February 17, 2020: Dear Council President Kilbane and Members of Fairview Park City Council: Please
44 accept my sincere thank you in the request and sponsorship of an upcoming Ordinance renaming the Gemini
45 Center. I am overwhelmed. As all of you know, I love the Gemini Center. I am so proud that I was afforded
46 the opportunity as Mayor to help create this beautiful center in the heart of our city. The word “Gemini” to
47 me has such rich history. It is the story of a community that was striving to make our beautiful city a better
48 place. As the true story goes, “it all started over a cup of coffee.” A small handful of residents got together
49 to discuss the state of the schools and the lack of recreation opportunities in our city. It grew from there.
50 Each person invited another person to join them and before you knew it, hundreds of people came together
51 to create a committee that inspired a community. Dedicated volunteer chair people stepped forward, dozens

52 of public meeting were held and the excitement grew beyond anyone’s imagination. It is the story of our
53 residents joining together along with the twin administrations of the city and council and the school and
54 board to create partnerships aimed at providing essential recreation services and excellent educational
55 support to children and families. The Gemini Project was instrumental in transforming our community. It
56 has provided a greater quality of life for all our residents. As honored as I am at the thought of having this
57 beautiful building named after me, I would like to see the name remain. I have always proudly said that our
58 magnificent Gemini Center was built by the people, for the people. I love that it is called the Gemini Center
59 and all the history that goes with it. Hopefully it will never be forgotten. Sincerely, Eileen A. Patton
60

61 THE CHAIR made a motion to amend the agenda to remove the ordinance for first reading renaming the
62 Gemini.

63 MOVED AND SECONDED.

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

65 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger
66

67 **LEGISLATION ON FIRST READING**

68 COUNCILWOMAN KING placed the following legislation up for first reading and introduction:

69 ORDINANCE NO. 20-05

70 ORIGINATED BY: GREG CINGLE, FINANCE DIRECTOR

71 REQUESTED BY: MAYOR PATRICK COONEY

72 SPONSORED BY: COUNCILWOMAN KING

73 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES*
74 *OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND*
75 *ENDING DECEMBER 31, 2020 AND DECLARING AN EMERGENCY*

76 ACTION: Ordinance 20-05 was placed on first reading and referred to the Finance Committee.
77

78 ORDINANCE NO. 20-06

79 REQUESTED BY: GREGORY CINGLE, FINANCE DIRECTOR

80 SPONSORED BY: COUNCILWOMAN KING

81 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO*
82 *AUDITOR OF STATE TO AUDIT THE BASIC FINANCIAL STATEMENTS OF THE CITY OF FAIRVIEW*
83 *PARK FOR FY 2019*

84 ACTION: Ordinance 20-06 was placed on first reading and referred to the Finance Committee.
85

86 ORDINANCE NO. 20-07

87 REQUESTED BY: MARY KAY COSTELLO, DIRECTOR OF PUBLIC SERVICE AND
88 DEVELOPMENT

89 SPONSORED BY: COUNCILWOMAN KING

90 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION WITH*
91 *BROWNING FERRIS INDUSTRIES OF OHIO, INC. A SUBSIDIARY OF REPUBLIC SERVICES, INC.*
92 *AND DECLARING AN EMERGENCY*

93 ACTION: Ordinance 20-07 was placed on first reading and referred to the Finance Committee.
94

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

96 MR. TONY RAFFIN, FAIRVIEW PARK FIRE CHIEF – MR. RAFFIN said that he prepared a statement
97 for Council and the audience could understand where things stand: “I would like to thank the Mayor for all
98 of his support and the members of council who are present today for the consideration of Ordinance 20-04
99 and for understanding how important it is to our members. The Fairview Park Fire Department has not put
100 forth a more significant piece of safety related legislation at any time during my career. The health and safety
101 advantages of installing the Source Capture Exhaust System (a systems that removes cancer causing diesel
102 exhaust from the firehouse) will be immediate and will benefit not only our department members but our

103 community members and school children that tour our station throughout the year. The installation of the
104 system will also have benefits to all employees of city hall as it removes any risk of carcinogens migrating
105 to the administrative side of the building. I truly cannot overstate how thankful I am for the legislation that
106 is being considered today which will allow us to purchase a piece of equipment that is critical to the health
107 and safety of everyone that comes into our firehouse. Our mission statement at the FPPD is simple, and reads
108 in part that we have a " commitment to the safety of the citizens of our community." As the Fire Chief, I
109 cannot emphasize how important that proclamation is to me. It is truly the foundation for everything that I
110 do and is non-negotiable in my daily operations. The safety of everyone under my command as well as the
111 safety of the community is second to nothing else and is THE top priority in our department. I would like
112 to thank you all again for your tremendous support in this matter. For those in the audience that are not
113 familiar with Ordinance 20-04 allow me to provide a brief summary of exactly what the ordinance is and
114 what it will accomplish. On October 25th 2018 the FPPD applied for the Assistance to Firefighters Grant
115 from FEMA in order to fund the purchase and installation of a Source Capture Exhaust System. If awarded,
116 the grant would make it possible for us to improve the health and safety of our members as they go about
117 their daily operation at the firehouse. The installation of the Capture System would immediately reduce high
118 levels of cancer causing exhaust particulate that are present throughout the fire station. We included in the
119 grant application information and statistics regarding cancer concerns as they relate to our department and
120 the unfortunate fact that we have lost both retired and active duty members to the disease over the years.
121 Also cited in the grant application were the testing results from an inspection performed by the Ohio BWC
122 on March 21st 2018. The risk reduction inspection stated that levels of cancer causing exhaust found
123 throughout the firehouse exceeded established thresholds by 40%. All of this evidence helped to create a
124 compelling grant application for which the need could not be ignored, and on September 18, 2019 the AFG
125 grant in the amount of \$61,905 for the purchase and installation of a Source Capture Exhaust System was
126 awarded to the FPPD. Because of the high priority of the project, the Cuyahoga County Department of Public
127 Safety agreed to fund the matching amount of \$3,095. Resulting in a zero net cost for the City of Fairview
128 Park! The process to secure a vendor stated immediately so that a system could be installed without further
129 delay. Four months later, on January 21" 2020 Ordinance 20-04 was introduced on a first read in order to
130 complete the legislative process.

131 Since that date the legislative process slowed down significantly. On January 27, 2020 I received an email
132 from Mike Kilbane that started the arduous process of answering multiple questions and explaining all the
133 research and preparation that had been done prior to the introduction of ORD 20-04. The following is a small
134 sampling of the questions and concerns that he presented as well as the answers that were provided in
135 response. *Mr. Kilbane's initial question included in his email was as follows... Q- Isn't a bid of this amount
136 required to go before the Board of Control? A- No. It is was not due to exceptions listed in the ORC With
137 that, the questioning continued as the weeks went on Q- "In all my years as Council President, we have
138 never done anything like this before. Why did you do it this way?" A- We had done it this way several times
139 before and was acceptable at the time to Council. Q- How was anyone supposed to know about the. project
140 and bid on it? A- Bid requests were placed in the paper accordingly as dictated by Charter. Q- When was
141 the bid opening? Was it public? Who was there? A- Bid opening date was stated in the advertisement for
142 bid. It was public. There was a sign in sheet to document all in attendance; On February 10, 2020 I delivered
143 a presentation during the Finance Committee meeting in hopes of clearly explaining the process that had
144 been followed in creating Ordinance 20-04. After the presentation, some of the same questions continued
145 from Mr. Kilbane and new questions emerged. On several occasions an opinion on the matter was requested
146 from the Law Director, Tim Riley. Answers were provided in emails from the Law Director on February 6,
147 13, and 15th. All of which explained that proper guidelines were followed. Throughout the entire process
148 Mr. Kilbane kept declaring that "We have never done it this way before" and he continued to voice his
149 concern of "How were people supposed to find out about the project to bid on it." His statements were
150 incorrect. We have done it before. Ordinance 18-22, 18-43, and 14-36 all followed the same procedures and
151 were all approved by council. There is, however, one difference- The email from Mr. Kilbane that began the
152 whole line of questioning. It is important to note that although Mr. Kilbane found his January 27th email
153 important enough to send to myself, Mayor Cooney, and the Fairview Park Firefighters Union President*

154 Mike Fink, he did not send it to any other members of council. The email reads: *I hope you are both well. A*
155 *question and a statement regarding Ordinance 20-04 which is being discussed at this evenings Finance*
156 *Committee: First off, isn't a bid of this amount required to go before the Board of Control for approval*
157 *rather than City Council? I know this was done with the recent fire truck purchase, but we were told that*
158 *that was an emergency. Also, I find it ironic that, as a lifelong trade unionist, I am being asked to approve*
159 *the FPPD Union contract; while at the same time being asked to approve the hiring of non-union*
160 *construction workers to install this system in our fire station. Sincerely, Michael P. Kilbane* (Let me make
161 it very clear. I have no idea as to the union affiliation or lack thereof as it relates to the vendor that has been
162 selected.) When I read the email I had immediate concerns as to the appearance of a potential conflict of
163 interest that might exist between Mr. Kilbane and the awarding of the contract to a union or non-union entity.
164 Those concerns were only confirmed when I arrived early in the caucus room for the study session prior to
165 the February 3rd council meeting. Mr. Kilbane asked me "You can understand why I am upset about this
166 right? I've been a union guy my whole life. My guys didn't even know about this job (referring to the grant)."
167 (This conversation is the only detail I have included in my statement today that was not a part of any official
168 record and his statements stopped abruptly as people entered the caucus room. Part of a record or not, it
169 doesn't negate the fact that it was said to me.) In his attempt to suggest that any approval of the FPPD union
170 contract would somehow be related to the hiring of non-union workers to install the Capture System, Mr.
171 Kilbane comes dangerously close to the appearance of trying to influence the hiring of contractors that would
172 be used in the AFG project. Throughout the last several weeks I have been asked multiple questions on ORD
173 20-04. I have been asked for any and all supporting documentation that was used. I have cited City Charter,
174 Codified Ordinances, Ohio Revised Code, the Code of Federal Regulations and respectfully provided what
175 was asked of me. I stand before you today unbelievably torn. On one hand I have the remaining Council
176 members who are tremendously supportive in the matter of the legislation at hand (ORD 20-04), and with
177 whom I hope to have a long lasting and strong relationship. On the other hand I have to voice the concern of
178 my department and all of the members I represent. Bringing this concern to your attention offers me no
179 satisfaction at all. However, when I took my oath of office for the position of Fire Chief I swore to support
180 the Constitution of the United States, the Constitution of the State of Ohio, and the ordinances of the City of
181 Fairview Park. I would be acting inconsistent with that oath if I didn't act on what has been provided as
182 guidance in our Charter. A charter that states in Article IV, Section 2: *He (member of council) shall not be*
183 *interested in the profits or emoluments of any contract with, or job, work or service for the City. Any member*
184 *who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office, and*
185 *any such contract in which any member is or may become interested may be declared void by the Council.*
186 It is time to stop this nonsense and to do the right thing and not concern ourselves with anyone's personal
187 agenda. It is time to start doing the business that needs to be done. It is time to treat each other with respect
188 and humility,-and it is time to once again focus on our vision of making Fairview Park 'A great place to
189 grow.'"

190

191 **LEGISLATION ON FOR PASSAGE WITHOUT THREE READINGS**

192 COUNCILWOMAN KING placed the following legislation up for emergency passage:

193 ORDINANCE NO: 20-08

194 REQUESTED BY: MARY KAY COSTELLO, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT

195 SPONSORED BY: COUNCILWOMAN KING

196 *AN ORDINANCE AUTHORIZING EMERGENCY REPAIRS TO THE CITY OF FAIRVIEW PARK'S SEWER*

197 *JET VEHICLE AND DECLARING AN EMERGENCY*

198 COUNCILWOMAN KING made a motion to suspend the Charter Provision and Rule 49 requiring three
199 readings.

200 Moved and Seconded.

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

202 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger

203 THE CHAIR asked for any further discussion before passage.

204 COUNCILWOMAN KING made a motion to dispense Rule 53 requiring reference to Committee.

205 Moved and Seconded.
206 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.
207 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger
208 THE CHAIR asked for any further discussion before passage. No Discussion.
209 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Ordinance 20-08 passes.
210 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger
211
212 ORDINANCE NO. 20-04
213 REQUESTED BY: ANTHONY RAFFIN, FIRE CHIEF
214 SPONSORED BY: COUNCILWOMAN KING
215 *AN ORDINANCE AUTHORIZING CITY COUNCIL TO ACCEPT THE BID OF THE LOWEST*
216 *RESPONSIVE AND RESPONSIBLE BIDDER AND AUTHORIZING THE MAYOR OR DESIGNEE TO*
217 *ENTER INTO CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE*
218 *INSTALLATION OF A SOURCE CAPTURE EXHAUST SYSTEM AND DECLARING AN EMERGENCY*
219 COUNCILWOMAN KING made a motion to suspend the Charter Provision and Rule 49 requiring three
220 readings.
221 Moved and Seconded.
222 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.
223 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger
224 THE CHAIR asked for any further discussion before passage.
225 COUNCILWOMAN WERING said, I would like to state for the record that the Fairview Park Fire
226 Department - and all of our safety services departments - have my full support. I believe that this Source
227 Capture Exhaust System is a much needed improvement for our City, and I sincerely doubt anyone on this
228 Council believes otherwise. Additionally, I am grateful to Chief Raffin and Monica Rossiter for their
229 research and efforts to put the City in a position where we can pay for this system with grant funds, rather
230 than tax dollars. However, I'd like to state for the record that I will be casting my vote with hesitation, not
231 due to the end project which I fully support, but rather because I do not believe Council gave this ordinance
232 the consideration it properly deserved. Chief Raffin stated in our committee meeting on February 10th that
233 he did not need this ordinance voted on outside of the normal three-read process, yet tonight we are voting
234 on this ordinance after only a second reading. As City Council representatives, we have a duty to provide
235 oversight to the City's finances, whether it is grant dollars or tax dollars. There is no evidence that failure to
236 act upon this ordinance tonight vs. next meeting would create an operational shutdown in the fire department.
237 It would be my preference that in the future, when no threat of an operational shutdown is evident, this
238 Council follows the normal three-read process for as many ordinances as possible, especially when it pertains
239 to contracts and expenditures. Thank you.
240 COUNCILWOMAN ADLER said that she respects what Councilwoman Wering said, that typically we
241 would like to go on a three passage read, but in anything that is a situation such as this that can jeopardize
242 anyone's health and safety, particularly those who are doing all they can to keep us safe from harm, and all
243 those who visit the fire house, two weeks is two weeks. This is where if we can expedite the process through
244 an emergency passage, and get the ball rolling on this project, it can't be soon enough. The procedure that
245 we have followed is one that Chief Raffin did go through very thoroughly with us, we fortunately had the
246 Administration and Law Director answer the concerning questions, and as much as I too, agree that some
247 things we do need to make sure we do study and go through an question, I feel as if these questions have
248 been addressed, and two weeks, in my estimation, for something that needs to be done for the safety, which
249 I know Councilwoman Wering also does respect, can't be done soon enough.
250 COUNCILMAN BURGER thanked everyone that was involved on this, and also said it makes him even
251 more confident going forward in knowing that all the proper channels and proper steps were followed in
252 this. We have had multiple written legal opinions on this, which only helps solidify going forward with this
253 grant that's definitely, definitely needed and I want to thank everyone here who showed up, because it's very
254 important - your safety - and that you're able to work in a safe environment and nothing ever should be done
255 to ever jeopardize your health or safety, so thank you.

256 COUNCILMAN MINEK said, being a retired police officer this is now coming to the city and it should have
257 been here years ago.
258 THE CHAIR asked for any further discussion before passage. No Discussion.
259 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Ordinance 20-04 passes.
260 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger
261
262 RESOLUTION NO. 20-03
263 REQUESTED BY: COUNCILWOMAN KING
264 SPONSORED BY: CITY COUNCIL
265 A RESOLUTION ORDINANCE RECOGNIZING JOSEPHINE SAXER IRWIN AND DECLARING
266 MARCH 2020 AS WOMEN'S HISTORY MONTH
267 COUNCILWOMAN KING made a motion to suspend the Charter Provision and Rule 49 requiring three
268 readings.
269 Moved and Seconded.
270 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.
271 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger
272 THE CHAIR asked for any further discussion before passage.
273 COUNCILWOMAN KING made a motion to dispense Rule 53 requiring reference to Committee.
274 Moved and Seconded.
275 ROLL ON MOTION: Vote: YES-6, NO-0 | Motion carried.
276 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger
277 THE CHAIR asked for any further discussion before passage.
278 COUNCILWOMAN KING asked for concurrence to have the Clerk read the resolution in pertinent part. Council
279 Concurred.
280 THE CLERK read the resolution.
281 THE CHAIR asked if there was any further discussion.
282 THE CHAIR said that during his earlier years on the police force and as the rookie, he had the detail of delivering
283 the Council meeting packets to all members, and Councilwoman Irwin was one of his stops, and she was a very
284 fine lady.
285 THE CHAIR asked if there was any further discussion. No Discussion.
286 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Resolution 20-03 passes.
287 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger
288
289 **LEGISLATION ON THIRD READING AND FINAL PASSAGE**
290 COUNCILWOMAN WERING placed the following legislation up for third reading and final passage.
291 ORDINANCE NO. 20-03
292 REQUESTED BY: COUNCILMAN MINEK
293 SPONSORED BY: CITY COUNCIL
294 *AN ORDINANCE AMENDING SECTION 921.05 (a)(3) OF THE CODIFIED ORDINANCES OF THE CITY*
295 *OF FAIRVIEW PARK TO PERMIT THE SALE OF BEER AND WINE COOLERS ONLY TO BE SOLD AND*
296 *CONSUMED AT SUMMER FEST 2020 TO BE HELD IN BOHLKEN PARK ON JULY 30, 31, August 1 and*
297 *2, 2020 AND DECLARING AN EMERGENCY*
298 THE CHAIR asked for any discussion.
299 THE CHAIR said that he would like to thank his colleagues on council for their consideration of this
300 legislation.
301 THE CHAIR asked for any discussion. No Discussion.
302 ROLL ON PASSAGE: Vote: YES-6, NO-0 | Ordinance 20-03 passes.
303 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger
304
305 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
306 **OFFICIALS**

307 MAYOR COONEY thanked all the city employees from the fire, police and service departments who were
308 in attendance and said that he thinks he speaks for everybody here in saying that their safety is paramount
309 and we will always work to ensure it, so that we can preserve that, and enhance it and keep them safe. He
310 thanked council for the passage of Ordinance 20-04, he thanked Chief Raffin and Monica Rossiter for all
311 their hard work that they did in getting that grant, and addressing this issue. MAYOR COONEY reported
312 that the State of Community is on April 30 and will be held in conjunction with Superintendent Bill Wagner.
313 The tour of the renovations to the high school will begin at 6pm and the State of the Community will begin
314 at 7pm. He said that with the relatively mild winter there is some cold patching being done, and encouraged
315 that if anyone sees issues that need to be addressed to please call the Service department so that can be taken
316 care of. He advised that there will be a Police/Fire, outside police, entrance exam on May 21st and more
317 details will follow. He said that Police Chief Upperman was in attendance and could address questions today,
318 or in the future. MAYOR COONEY said that in March the US Census Bureau will be sending out
319 questionnaires regarding the census, and it is important for Fairview Park and the region that people respond
320 to that promptly. This year you are able to respond by mail and online and he encouraged people to respond
321 as quickly as possible, to eliminate the need for census bureau worker to go door-to-door. He thanked
322 Councilman Burger and his wife for adding another person to the census, and congratulated him on his recent
323 addition to their family last week.

324
325 DIRECTOR COSTELLO reported that there is a Planning Commission meeting this week at 7pm and she
326 will be presenting a short presentation about the Thomas Lane/Story Road greenspace. The meeting will be
327 in Council Chambers. There will be a public meeting on Thursday, February 20 at 6:30pm at the Gemini
328 Center with Cleveland Metroparks and Cuyahoga County Public Works representatives regarding the
329 Mastick Road project, between Eaton and Valley Parkway that will rebuild part of the road. All are welcome.
330 DIRECTOR COSTELLO reported that last week she attended a pre-construction meeting at ODOT with
331 Kim Kerber from Mackay Engineering and learned that the project has been assigned to a contractor and
332 construction of a retaining wall to support Lorain Road near Story Road on the south side of the street will
333 begin in April and proceed through October. She advised to look for the road to be constricted as their
334 construction zone will require some of the roadway. There will be two lanes of traffic, one in each direction.
335 Jason Knowles has begun his inventory as part of our Urban Canopy Grant project and updates will be
336 provided on his advancements. She reported that the Service Department is working on our sewer protection
337 program, which involves restricting catch basins in the community. The goal is to remove sandbags from
338 the public right-of-way and restrict our catch basins to control the flow of stormwater to the system and
339 alleviate wet basements. This approach is based on the study done by Black and Veatch and reviewed by
340 our consultants and engineers. Part of the program is also to use our sewer jet to clean and maintain sewers.
341 She thanked council for passage of Ordinance 20-08 this evening that will allow repairs to the sewer jet.

342
343 DIRECTOR CINGLE gave an update on the Building improvement notes that were previously approved at
344 a council meeting; the notes were sold to an investment firm at a 1.15% yield, and how this compares to the
345 notes that were sold last year those notes are being refinanced, those notes were sold at a yield of 2%. So
346 there is an 85 basis point reduction in the sale of the notes this year.

347
348 ENGINEER MACKAY reported that the plans and specifications for the West 213th St waterline and
349 repaving project are complete, and they are at the Cleveland Water Department for review. Once that is
350 complete the project will be bid and the plan is to have that constructed this summer.

351
352 **PUBLIC SESSION**

353 MR. KYLE BORT –Board Member of Local 1057 Firefighter’s Union – MR. BORT thanked council for
354 passing Ordinance 20-04 and thanking the members and their family members for taking out of their day for
355 coming out and other neighboring communities for coming in to support. He thanked Joe Palmer, who started
356 the whole ball rolling on.

357

358 MS. KAREN KIRSCH – FirstEnergy – MS. KIRSCH introduced herself to Mayor Cooney and members of
359 council and said that she has been with FirstEnergy for 14 years. She said it was nice to see new faces and
360 continuity with some old ones. She said that even though Director Costello is new with Fairview she has
361 worked with her in the past with the City of Rocky River. She said that she can always be contacted directly
362 with any concerns, whether it liability, a power outage and want to know when lights will come back on,
363 street lights or tree trimming.

364
365 MR. VINCE KUBINSKI – 4019 W. 210 St – MR. KUBINSKI said that he is noticing nuisance activities
366 again at a neighboring house, that the County gave them a slap on the wrist last time, and things are starting
367 up again. He said that the police department did a good job in getting involved in everything that was done.
368 He said that the Assistant County Prosecutor told the Director of WEB that if any of them didn't like it they
369 could sell their houses and put 'for sale' signs up. He said that three of the neighbors have moved and there
370 are new neighbors and new shenanigans going on, but he is not the only one calling the police, who are
371 responding to any situations. He said the neighbors are getting antsy and he is here to get the ball rolling
372 again.

373
374 MR. RAY HAMMERLE – 22326 Haber Dr – MR. HAMMERLE said that he has been here all his life and
375 it is one of the best towns. He said it was happy to see all the things that are happening in Fairview. He said
376 that he and his wife have plaques at the Gemini Center and they are proud of that. He said that he hopes that
377 his house doesn't burn down, because he is not moving. He said he loves everyone, council there's never a
378 time he'll be bored with it and if they don't like it they can get another job.

379
380 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**

381 COUNCILMAN SIMMERLY thanked everyone who was in attendance for coming, especially all the
382 firemen, and he is happy council passed Ordinance 20-04 tonight, which would help keep them safer much
383 like they do for everyone each and every day.

384
385 COUNCILWOMAN ADLER said that she wanted to echo Councilman Simmerly's comments. She thanked
386 Chief Raffin for his diligent efforts to help better understand the process he went through and the support
387 shown tonight. She said that it is obvious that they are passionate about their job and about helping everyone
388 that lives in the city. She said that in her seven weeks back on Council, she has nothing but the upmost
389 respect for everyone that is in the front at the dais. Any questions with regard to the ordinances or resolutions,
390 have been promptly responded to, to make sure that we can continue to move forward to do things as well
391 as we can. Even in the passage of the ordinance for the firefighters exhaust system, she can't say how
392 appreciative she was with some of the questions that were raised by the veterans, both Councilwoman
393 Wering and King brought to light many issues that maybe would have escaped me and in two weeks, so it
394 forced all of us to think more deeply before we put a yes or no vote on top of things. In asking questions and
395 pursuing answers to the questions can only help us to become that much more educated, and that much more
396 efficient as a city council, and as an Administration so thank you for that opportunity for us all to grow better
397 and stronger as a city council and as a public service to all of you.

398
399 COUNCILWOMAN WERING thanked Councilwoman Adler for her kind words. She said she wanted to
400 take a second to reiterate her support for all of our safety services for our Service Department and all
401 employees. Doing the right thing is very important and she does believe that Ordinance 20-04 was the right
402 thing and that she hopes that the questions that were asked are not misconstrued as lack of support, everything
403 that we do here is to support you guys in getting this done correctly was what was going to support you the
404 best. She said that she does appreciate the coming out, the time and effort that is put into keeping the city
405 safe. The city cannot thank you enough. COUNCILWOMAN WERING encourage residents to come out to
406 the Planning and Design Commission meeting on Wednesday night, as there have been a lot of questions on
407 the Thomas Lane Greenspace and this is the best forum and appropriate place for people to come out and

408 get any questions they have answered. She congratulated Councilman Burger on his new addition to
409 Fairview Park.

410

411 COUNCILWOMAN KING thanked all of Council, Law Director Riley and Mayor Cooney for their patience
412 with her through all her questions. She said that she is learning this process, this is her first term and she
413 thanks them for that. She said that she wants it to be known that she did support the end results of this
414 Ordinance 20-04, as the Chief knows, she had a brother-in-law who was a firefighter for Fairview Park who
415 passed away in 2001 with cancer, leaving her sister with three little babies. She said she knows the safety
416 and things that are needed to keep them safe and she supports it one thousand percent.

417

418 COUNCILMAN BURGER thanked everyone for coming in.

419

420 COUNCILMAN MINEK announced that the Planning and Design Commission will meet on Wednesday
421 with 5 docket items. He asked Chief Raffin to supply the Clerk with a copy of his comments tonight.

422

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

424 MOVED and SECONDED.

425 ROLL ON MOTION: Vote: YES-6, NO-0 | Meeting adjourned at 7:51 p.m.

426 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger

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431 Michael P. Kilbane, President of Council

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434 Liz L. Westbrooks, Clerk of Council

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CITY OF FAIRVIEW PARK
ORDINANCE NO. 20-
REQUESTED BY: MAYOR PATRICK COONEY
SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A TELECOMMUNICATIONS AGREEMENT, WITH COXCOM, LLC, COX OHIO TELCOM, LLC ATTACHED HERETO AS EXHIBIT A, FOR THE PURCHASE AND INSTALLATION OF TELECOMMUNICATIONS AND INTERNET SERVICES.

Whereas, CoxCom, LLC, Cox Ohio Telcom, LLC is currently providing the City with internet and telecommunications systems, service, and support, and

Whereas, as a client of CoxCom, LLC, Cox Ohio Telcom, LLC the City is able to improve and update the current internet and telecommunications system for a lower amount than the current contract price

Whereas, the updated technology will improve the internet speed and reliability of internet connections for the City and in particular the service for the Fairview Park Police Department in support of its Law Enforcement Agencies Data System (LEADS).

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 and directed to enter into a telecommunications agreement with CoxCom, LLC, Cox Ohio Telcom, LLC., attached hereto as Exhibit A, for the purchase and installation of telecommunications and internet services for an amount of Eight-Hundred Twenty-Seven Dollars and Ninety-Nine Cents (\$827.99) per month for Sixty (60) months, said amounts to be paid from the General Fund.

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 the 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.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

Special Conditions**Promotion Details**

- For \$200 VISA Visa prepaid card: Account must remain active, be in good standing, and retain all services for a min. of 30 days after install. Online redemption req'd by 5/31/20 and must follow instructions rec'd after service activation. Limit one card per customer, total not to exceed \$200. Allow 15 days after redemption for delivery. Card is issued by MetaBank®, Member FDIC, pursuant to a license from Visa U.S.A. Inc. No cash access or recurring payments. Can be used everywhere Visa debit cards are accepted. Card valid for up to 6 months; unused funds will forfeit after the valid thru date. Card terms and conditions apply. For \$300 VISA Visa prepaid card: Account must remain active, be in good standing, and retain all services for a min. of 30 days after install. Online redemption req'd by 5/31/20 and must follow instructions rec'd after service activation. Limit one card per customer, total not to exceed \$300. Allow 15 days after redemption for delivery. Card is issued by MetaBank®, Member FDIC, pursuant to a license from Visa U.S.A. Inc. No cash access or recurring payments. Can be used everywhere Visa debit cards are accepted. Card valid for up to 6 months; unused funds will forfeit after the valid thru date. Card terms and conditions apply. For \$400 VISA Visa prepaid card: Account must remain active, be in good standing, and retain all services for a min. of 30 days after install. Online redemption req'd by 5/31/20 and must follow instructions rec'd after service activation. Limit one card per customer, total not to exceed \$400. Allow 15 days after redemption for delivery. Card is issued by MetaBank®, Member FDIC, pursuant to a license from Visa U.S.A. Inc. No cash access or recurring payments. Can be used everywhere Visa debit cards are accepted. Card valid for up to 6 months; unused funds will forfeit after the valid thru date. Card terms and conditions apply.

This Commercial Services Agreement (the "Agreement") includes (i) this paragraph, the language above and Exhibit A (collectively, the "Service Terms"); (ii) the terms and conditions set forth at <http://ww2.cox.com/aboutus/policies/business-general-terms.cox> (the "General Terms") and (iii) any other terms and conditions applicable to the Services set forth above, including without limitation, the Cox tariffs, Service Guides set forth at <http://ww2.cox.com/business/voice/regulatory.cox> ("SG"), State and Federal regulations, the Cox Acceptable Use Policy (the "AUP"), and Cox's Internet Service Disclosures located at www.cox.com/internetdisclosures. Exhibit A is attached to and incorporated into this Agreement by this reference. Customer acknowledges receipt and acceptance of the Service Terms (including Exhibit A), the AUP, General Terms, and all other referenced terms and conditions by signing this Agreement. By signing this Agreement, Customer accepts that any and all disputes arising out of, relating to or concerning this Agreement and/or the Services shall be resolved through mandatory and binding arbitration unless Customer opts out pursuant to the Dispute Resolution Provision in the General Terms. This Agreement is subject to credit approval and Customer authorizes Cox to check credit. The prices above do not include applicable taxes, fees, assessments or surcharges which are additional and may change. This proposal is valid provided Customer signs and delivers this Agreement to Cox unchanged within thirty (30) days from the date above. By signing this Agreement, Customer acknowledges that if (i) the transport Service(s) (e.g. Private Line Type Services, Ethernet Services) cross state boundaries or (ii) at least 10% of traffic on said transport Service(s) is Interstate in nature or designated for Internet traffic, then the entire transport Service(s) is considered Interstate. Customer has reviewed the interstate/intrastate designation of the transport Service(s) listed in the Service Description above and attests that all such designations are correct. Each party may use electronic signature to sign this Agreement, provided the electronic signature method used by Customer is acceptable to Cox. This Agreement shall be effective upon execution by Customer and "Acceptance" by Cox. "Acceptance" of the Agreement by Cox shall occur upon the earlier of (i) Cox's countersignature of this Agreement or (ii) Cox's installation of Service at Customer's location. Customer acknowledges that it has read and understands the 911 disclosures in Section 2 of the Service Terms. By signing this Agreement, you represent that you are the authorized Customer representative.

Customer Authorized Signature	CoxCom, LLC, Cox Ohio Telcom, LLC Signature
Signature:	Signature:
Print:	Print:
Title Position:	Title Position:
Date:	Date:

1. E911 Services FOR IMPORTANT INFORMATION ABOUT COX'S 911 PRACTICES, PLEASE REVIEW THE INFORMATION ABOUT E911 SERVICE IN THE GENERAL TERMS AND ON THE WEBSITE <http://ww2.cox.com/business/voice/regulatory.cox>.

2. Service Start Date and Term The "Initial Term" shall begin upon installation of Service and shall continue for the applicable Term commitment set forth above in the Service Terms. However, if Customer delays installation or is not ready to receive Services on the agreed-upon installation date, Cox may begin billing for Services on the date Services would have been installed. Cox shall use reasonable efforts to make the Services available by the requested service date. Cox shall not be liable for damages for delays in meeting service dates due to install delays or reasons beyond Cox's control. If Customer delays installation for more than ninety (90) days after Customer's execution of this Agreement, Cox reserves the right to terminate this Agreement by providing written notice to Customer and Customer shall be liable for Cox's reasonable costs incurred. AFTER THE INITIAL TERM, THIS AGREEMENT SHALL AUTOMATICALLY RENEW FOR ONE (1) YEAR TERMS (EACH AN "EXTENDED TERM") UNLESS A PARTY GIVES THE OTHER PARTY WRITTEN TERMINATION NOTICE AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THE INITIAL TERM OR THEN CURRENT EXTENDED TERM. "Term" shall mean the Initial Term and Extended Term (s), if any. Cox reserves the right to increase rates for all Services by no more than ten percent (10%) during any Extended Term by providing Customer with at least sixty (60) days written notice of such rate increase. This limitation on rate increases shall not apply to video Services or Services for which rates, terms and conditions are governed by a Cox tariff or SG. Upon notice to Customer, Cox may change the rates for video Services periodically during the Term. Cox may change the rates for telephone Service subject to a Cox tariff or SG periodically during the Term. For the avoidance of doubt, promotional rates and promotional discounts provided to Customer will expire at the end of the Initial Term or earlier as set forth in the promotion language. Customer's payment for Service after notice of a rate increase will be deemed to be Customer's acceptance of the new rate.

3. Termination Customer may terminate any Service before the end of the Term selected by Customer above in the Service Terms upon at least thirty (30) days written notice to Cox; provided, however, if Customer terminates any such Service before the end of the Term (except for breach by Cox), unless otherwise expressly stated in the General Terms, Customer will be obligated to pay Cox a termination fee equal to the nonrecurring charges (if unpaid) and One Hundred Percent (100%) of the monthly recurring charges for the terminated Service(s) multiplied by the number of months, including partial months, remaining in the Term. Cox may terminate this Agreement without liability at any time prior to installation of Services if Cox determines that Customer's location is not reasonably serviceable or there is signal interference with any Cox Service(s) according to Cox's standard practices. If Customer terminates or decreases any Service that is part of a bundle offering, the remaining Service(s) shall be subject to price increases for the remaining Term. If Customer terminates this Agreement prior to installation of Service by Cox, Customer shall be liable for Cox's costs incurred. This provision survives termination of the Agreement.

4. Payment Customer shall pay Cox all monthly recurring charges ("MRCs") and all non-recurring charges ("NRCs"), if any, by the due date on the invoice. Any amount not received by the due date shown on the applicable invoice will be subject to interest or a late charge no greater than the maximum rate allowed by law. If Cox terminates this Agreement due to Customer's breach, or if Customer fails to pay any amounts when due and fails to cure such non-payment upon receipt of written notice of non-payment from Cox, Customer will be deemed to have terminated this Agreement and will be obligated to pay the termination fee described above. If applicable to the Service, Customer shall pay sales, use, gross receipts, and excise taxes, access fees and all other fees, universal service fund assessments, 911 fees, franchise fees, bypass or other local, State and Federal taxes or charges, and deposits, imposed on the use of the Services. Taxes will be separately stated on Customer's invoice. No interest will be paid on deposits unless required by law.

5. Service and Installation Cox shall provide Customer with the Services identified above in the Service Terms and may also provide

related facilities and equipment, the ownership of which shall be retained by Cox (the "Cox Equipment"), or for certain Services, Customer, may purchase equipment from Cox ("Customer Purchased Equipment"). Customer is responsible for damage to any Cox Equipment. If Cox Equipment is not returned to Cox after termination or disconnection of Services, Customer shall be liable for the Cox Equipment costs. Customer may use the Services for any lawful purpose, provided that such purpose: (i) does not interfere or impair the Cox network or Cox Equipment; (ii) complies with the AUP; and (iii) is in accordance with the terms and conditions of this Agreement. Customer shall use the Cox Equipment only for the purpose of receiving the Services. Customer shall use Customer Purchased Equipment in accordance with the terms of this Agreement and any related equipment purchase agreement. Unless provided otherwise herein, Cox shall use commercially reasonable efforts to maintain the Services in accordance with applicable performance standards. Cox network management needs may require Cox to modify upstream and downstream speeds. Use of the Services shall be subject to the AUP at <http://ww2.cox.com/aboutus/policies/business-policies.cox>, which is incorporated herein by reference. Cox may change the AUP from time to time during the Term. Customer's continued use of the Services following an AUP amendment shall constitute acceptance of the revised AUP.

6. General Terms The General Terms are hereby incorporated into this Agreement by reference. BY EXECUTING THIS AGREEMENT AND/OR USING OR PAYING FOR THE SERVICES, CUSTOMER ACKNOWLEDGES THAT IT HAS READ, UNDERSTOOD, AND AGREED TO BE BOUND BY THE GENERAL TERMS.

7. LIMITATION OF LIABILITY IN ADDITION TO ANY OTHER LIMITATIONS ON LIABILITY CONTAINED IN THE AGREEMENT, NEITHER COX NOR ANY COX RELATED PARTY SHALL BE LIABLE FOR DAMAGES FOR FAILURE TO FURNISH OR INTERRUPTION OF ANY SERVICES, OR FOR ANY LOSS OF DATA OR STORED CONTENT, IDENTITY THEFT, OR FOR ANY PROBLEM WITH THE SERVICES OR EQUIPMENT OF ANY THIRD PARTY, NOR SHALL COX NOR ANY COX RELATED PARTY BE RESPONSIBLE FOR FAILURE OR ERRORS OF ANY COX SERVICE, COX EQUIPMENT, SIGNAL TRANSMISSION, LICENSED SOFTWARE, LOST DATA, FILES OR SOFTWARE DAMAGE REGARDLESS OF THE CAUSE. NEITHER COX NOR ANY COX RELATED PARTY WILL BE LIABLE FOR DAMAGE TO PROPERTY OR FOR PHYSICAL INJURY TO ANY PERSON ARISING FROM THE INSTALLATION OR REMOVAL OF EQUIPMENT UNLESS CAUSED BY THE NEGLIGENCE OF COX. UNDER NO CIRCUMSTANCES WILL COX OR ANY COX RELATED PARTY BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS, ARISING FROM THIS AGREEMENT OR PROVISION OF THE SERVICES.

8. WARRANTIES EXCEPT AS PROVIDED IN THIS AGREEMENT, THERE ARE NO OTHER AGREEMENTS, WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE SERVICES. SERVICES PROVIDED ARE A BEST EFFORTS SERVICE AND COX DOES NOT WARRANT THAT THE SERVICES, EQUIPMENT OR SOFTWARE SHALL BE ERROR-FREE OR WITHOUT INTERRUPTION. COX DOES NOT GUARANTEE THAT SERVICE CAN BE PROVISIONED TO CUSTOMER'S LOCATION, OR THAT INSTALLATION OF SERVICE WILL OCCUR IN A SPECIFIED TIMEFRAME. COX DOES NOT WARRANT THAT ANY SERVICE OR EQUIPMENT WILL MEET CUSTOMER'S NEEDS, PERFORM AT A PARTICULAR SPEED, BANDWIDTH OR THROUGHPUT RATE, OR WILL BE UNINTERRUPTED, ERROR-FREE, SECURE, OR FREE OF VIRUSES, WORMS, DISABLING CODE OR THE LIKE. INTERNET AND WIFI SPEEDS WILL VARY. COX MAKES NO WARRANTY AS TO TRANSMISSION OR UPSTREAM OR DOWNSTREAM SPEEDS OF THE NETWORK.

9. Public Performance If Customer engages in a public performance of any copyrighted material contained in any of the Services, Customer, and not Cox, shall be responsible for obtaining any public performance licenses at Customer's expense. The Video Service that Cox provides under this Agreement does not include a public performance license.

CITY OF FAIRVIEW PARK
ORDINANCE NO. 20-05
ORIGINATED BY: GREG CINGLE, FINANCE DIRECTOR
REQUESTED BY: MAYOR PATRICK COONEY
SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020 AND DECLARING AN EMERGENCY

WHEREAS, for the ongoing operation of the municipal government, it is necessary to appropriate funds for the fiscal year 2020.

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

SECTION 1. To provide for the current expenses and other expenditures of the City of Fairview Park, Ohio for the period commencing January 1, 2020 and ending December 31, 2020 as attached in Exhibit "A".

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 necessary for the daily operation of municipal departments in 2020 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: 02.17.20
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

APPROPRIATIONS 2020
(dollars changed in bold)
CITY OF FAIRVIEW PARK

	<u>Temporary Ord #19-69</u>	<u>\$ Adjustment</u>	<u>Annual Ord #20-</u>
<u>GENERAL FUND</u>			
<u>1110 SECURITY OF PERSONS AND PROPERTY</u>			
PERSONNEL SUBTOTAL	\$790,279.67	\$2,313,777.71	\$3,104,057.38
OTHER SUBTOTAL	\$45,546.22	\$158,879.69	\$204,425.91
TOTAL SECURITY PERSONS AND PROPERTY	\$835,825.88	\$2,472,657.41	\$3,308,483.29
<u>1130 FIRE PREVENTION AND CONTROL</u>			
PERSONNEL SUBTOTAL	\$538,812.39	\$1,597,986.95	\$2,136,799.34
OTHER SUBTOTAL	\$15,937.62	\$100,468.85	\$116,406.46
TOTAL FIRE PREVENTION AND CONTROL	\$554,750.00	\$1,698,455.80	\$2,253,205.80
<u>1140 FIRE PROTECTION REGIONAL EMS</u>			
TOTAL FIRE PROTECTION REGIONAL EMS	\$32,050.00	\$107,950.00	\$140,000.00
<u>2200 PUBLIC HEALTH</u>			
TOTAL PUBLIC HEALTH	\$375.00	\$1,805.00	\$2,180.00
<u>3420 BAIN PARK CABIN</u>			
TOTAL BAIN PARK CABIN	\$5,592.50	\$18,072.50	\$23,665.00
<u>3810 SENIOR LIFE OFFICE</u>			
PERSONNEL SUBTOTAL	\$82,243.27	\$174,041.97	\$256,285.24
OTHER SUBTOTAL	\$9,581.01	\$27,295.09	\$36,876.10
TOTAL SENIOR LIFE OFFICE	\$91,824.28	\$201,337.06	\$293,161.34
<u>4410 PARKS AND PROPERTY MAINTENANCE</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00
TOTAL PARKS AND PROPERTY MAINTENANCE	\$0.00	\$0.00	\$0.00
<u>4510 PLANNING & DESIGN COMMISSION</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$762.50	\$1,837.50	\$2,600.00
TOTAL PLANNING COMMISSION	\$762.50	\$1,837.50	\$2,600.00
<u>4520 BUILDING STANDARDS</u>			
PERSONNEL SUBTOTAL	\$94,013.82	\$301,723.18	\$395,737.00

	<u>Temporary Ord #19-69</u>	<u>\$ Adjustment</u>	<u>Annual Ord #20-</u>
OTHER SUBTOTAL	\$3,239.48	\$7,975.57	\$11,215.05
TOTAL BUILDING STANDARDS	\$97,253.29	\$309,698.75	\$406,952.05
<u>4530 BOARD OF APPEALS</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$287.50	\$962.50	\$1,250.00
TOTAL BOARD OF APPEALS	\$287.50	\$962.50	\$1,250.00
<u>5550 RECYCLING & SOLID WASTE DISPOSAL</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$76,500.00	\$343,500.00	\$420,000.00
TOTAL REFUSE COLLECTION AND DISPOSAL	\$76,500.00	\$343,500.00	\$420,000.00
<u>6120 TRAFFIC SAFETY</u>			
PERSONNEL SUBTOTAL	\$46,930.98	\$140,254.02	\$187,185.00
OTHER SUBTOTAL	\$11,343.07	\$37,189.47	\$48,532.54
TOTAL TRAFFIC SAFETY	\$58,274.06	\$177,443.49	\$235,717.54
<u>6800 MOTOR VEHICLE MAINTENANCE</u>			
PERSONNEL SUBTOTAL	\$44,098.28	\$132,330.72	\$176,429.00
OTHER SUBTOTAL	\$66,477.60	\$238,789.05	\$305,266.65
TOTAL MOTOR VEHICLE MAINTENANCE	\$110,575.87	\$371,119.77	\$481,695.65
<u>7710 MAYOR'S OFFICE</u>			
PERSONNEL SUBTOTAL	\$49,432.51	\$140,185.49	\$189,618.00
OTHER SUBTOTAL	\$3,014.50	\$8,299.50	\$11,314.00
TOTAL MAYOR'S OFFICE	\$52,447.01	\$148,484.99	\$200,932.00
<u>7711 SERVICE & DEVELOPMENT DIRECTOR'S</u>			
PERSONNEL SUBTOTAL	\$123,576.26	\$379,548.46	\$503,124.72
OTHER SUBTOTAL	\$7,164.83	\$42,404.18	\$49,569.00
TOTAL SERVICE DIRECTOR'S OFFICE	\$130,741.08	\$421,952.64	\$552,693.72
<u>7720 FINANCE DEPARTMENT</u>			
PERSONNEL SUBTOTAL	\$60,605.27	\$193,730.89	\$254,336.16
OTHER SUBTOTAL	\$7,605.25	\$22,033.23	\$29,638.48
TOTAL FINANCE DEPARTMENT	\$68,210.52	\$215,764.12	\$283,974.64
<u>7730 LEGAL ADMINISTRATION</u>			
PERSONNEL SUBTOTAL	\$37,894.93	\$98,505.07	\$136,400.00
OTHER SUBTOTAL	\$2,130.63	\$7,949.38	\$10,080.00
TOTAL LEGAL ADMINISTRATION	\$40,025.55	\$106,454.45	\$146,480.00

	<u>Temporary Ord #19-69</u>	<u>\$ Adjustment</u>	<u>Annual Ord #20-</u>
<u>7740 ENGINEER</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$10,208.39	\$30,426.02	\$40,634.40
TOTAL ENGINEER	\$10,208.39	\$30,426.02	\$40,634.40
<u>7750 MUNICIPAL LANDS AND BUILDING</u>			
PERSONNEL SUBTOTAL	\$87,530.04	\$268,446.40	\$355,976.44
OTHER SUBTOTAL	\$57,549.06	\$207,278.79	\$264,827.85
TOTAL MUNICIPAL LANDS AND BUILDING	\$145,079.09	\$475,725.20	\$620,804.29
<u>7760 CIVIL SERVICE</u>			
PERSONNEL SUBTOTAL	\$467.60	\$1,388.31	\$1,855.90
OTHER SUBTOTAL	\$756.25	\$13,703.75	\$14,460.00
TOTAL CIVIL SERVICE	\$1,223.85	\$15,092.06	\$16,315.90
<u>7770 COUNTY DEDUCTIONS AND AUDIT EXAMINERS</u>			
PERSONNEL SUBTOTAL	\$43,235.19	\$89,545.24	\$132,780.42
OTHER SUBTOTAL	\$95,025.00	\$265,567.00	\$360,592.00
TOTAL COUNTY DEDUCTIONS AND AUDIT EXAMINERS	\$138,260.19	\$355,112.24	\$493,372.42
<u>7780 LEGISLATIVE</u>			
PERSONNEL SUBTOTAL	\$48,504.25	\$146,500.93	\$195,005.18
OTHER SUBTOTAL	\$3,666.99	\$9,754.28	\$13,421.26
TOTAL LEGISLATIVE	\$52,171.24	\$156,255.20	\$208,426.44
<u>7790 OTHER ADMINISTRATIVE</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$276,437.64	\$1,229,294.87	\$1,505,732.51
TOTAL OTHER ADMINISTRATIVE	\$276,437.64	\$1,229,294.87	\$1,505,732.51
TOTAL GENERAL FUND	\$2,778,875.44	\$8,859,401.54	\$11,638,276.99
<u>101 CONTINGENCY RESERVE FUND</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00
TOTAL CONTINGENCY RESERVE	\$0.00	\$0.00	\$0.00
<u>210 STREET CONSTRUC MAINT & REPAIRS</u>			
<u>6610 STREET MAINTENANCE</u>			
PERSONNEL SUBTOTAL	\$163,817.14	\$473,596.20	\$637,413.34
OTHER SUBTOTAL	\$15,750.00	\$421,210.78	\$436,960.78
TOTAL STREET MAINTENANCE	\$179,567.14	\$894,806.98	\$1,074,374.12

	<u>Temporary Ord #19-69</u>	<u>\$ Adjustment</u>	<u>Annual Ord #20-</u>
<u>6620 STREET CLEANING</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00
TOTAL STREET CLEANING	\$0.00	\$0.00	\$0.00
TOTAL STREET CONSTRUC MAINT RP	\$179,567.14	\$894,806.98	\$1,074,374.12
<u>220 STATE HIGHWAY FUND</u>			
<u>6610 STREET MAINTENANCE</u>			
TOTAL STREET MAINTENANCE	\$18,750.00	\$56,250.00	\$75,000.00
<u>6620 STREET CLEANING</u>			
TOTAL STREET CLEANING	\$0.00	\$0.00	\$0.00
TOTAL STATE HIGHWAY FUND	\$18,750.00	\$56,250.00	\$75,000.00
<u>230 RECREATION FUND</u>			
PERSONNEL SUBTOTAL	\$393,057.75	\$1,188,264.51	\$1,581,322.26
OTHER SUBTOTAL	\$662,173.23	\$2,361,887.41	\$3,024,060.64
TOTAL RECREATION FUND	\$1,055,230.98	\$3,550,151.92	\$4,605,382.90
<u>231 RECREATION CONSTRUCTION FUND</u>			
TOTAL RECREATION CONSTRUCTION FUND	\$20,000.00	\$220,000.00	\$240,000.00
<u>240 POLICE AND FIRE PENSION FUND</u>			
PERSONNEL SUBTOTAL	\$263,066.25	\$781,301.52	\$1,044,367.77
OTHER SUBTOTAL	\$925.00	\$2,935.00	\$3,860.00
TOTAL POLICE AND FIRE PENSION FUND	\$263,991.25	\$784,236.52	\$1,048,227.77
<u>250 STREET LIGHTING FUND</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$64,900.00	\$207,475.00	\$272,375.00
TOTAL STREET LIGHTING FUND	\$64,900.00	\$207,475.00	\$272,375.00
<u>255 SOLID WASTE FEE</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$179,375.00	\$539,975.00	\$719,350.00
TOTAL SOLID WASTE FEE FUND	\$179,375.00	\$539,975.00	\$719,350.00
<u>260 PERMANENT IMPROVEMENT FUND</u>			
TOTAL PERMANENT IMPROVEMENT FUND	\$269,955.45	\$564,006.83	\$833,962.28

	<u>Temporary Ord #19-69</u>	<u>\$ Adjustment</u>	<u>Annual Ord #20-</u>
<u>270 FIRE OPERATING LEVY FUND</u>			
PERSONNEL SUBTOTAL	\$75,816.68	\$230,903.76	\$306,720.44
OTHER SUBTOTAL	\$8,667.50	\$31,481.74	\$40,149.24
TOTAL FIRE OPERATING LEVY FUND	\$84,484.18	\$262,385.50	\$346,869.68
<u>285 FEMA GRANT FUND</u>			
TOTAL FEMA GRANT FUND	\$0.00	\$0.00	\$0.00
<u>290 FEDERAL GRANTS FUND</u>			
TOTAL FEDERAL GRANTS FUND	\$0.00	\$159,000.00	\$159,000.00
<u>295 STATE GRANT FUND</u>			
TOTAL STATE GRANT FUND	\$0.00	\$0.00	\$0.00
<u>300 BOND RETIREMENT FUND</u>			
TOTAL BOND RETIREMENT FUND	\$1,287,395.83	\$9,871.00	\$1,297,266.83
<u>500 WATER REIMBURSEMENT FUND</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$15,000.00	\$8,037.50	\$23,037.50
TOTAL WATER REIMBURSEMENT FUND	\$15,000.00	\$8,037.50	\$23,037.50
<u>510 FAIRVIEW PARK SANITARY SEWER FUND</u>			
PERSONNEL SUBTOTAL	\$96,507.91	\$252,260.19	\$348,768.10
OTHER SUBTOTAL	\$600,000.00	\$2,156,454.08	\$2,756,454.08
TOTAL FAIRVIEW PARK SANITARY SEWER FUND	\$696,507.90	\$2,408,714.27	\$3,105,222.18
<u>550 WATER LINE RECONDITIONING</u>			
TOTAL WATER LINE RECONDITIONING FUND	\$124,596.06	\$332,852.04	\$457,448.10
<u>611 SPECIAL HOLD ACCOUNT</u>			
PERSONNEL SUBTOTAL	\$0.00	\$50,000.00	\$50,000.00
OTHER SUBTOTAL	\$35,000.00	\$24,603.10	\$59,603.10
TOTAL SPECIAL HOLD ACCOUNT	\$35,000.00	\$74,603.10	\$109,603.10
<u>700 TRUST & AGENCY FUND</u>			
TOTAL TRUST & AGENCY FUND	\$12,000.00	\$27,309.51	\$39,309.51
<u>709 REDEVELOPMENT FUND</u>			
TOTAL REDEVELOPMENT FUND	\$0.00	\$0.00	\$0.00

	<u>Temporary Ord #19-69</u>	<u>\$ Adjustment</u>	<u>Annual Ord #20-</u>
<u>710 SENIOR CENTER CONST FUND</u>			
TOTAL SENIOR CENTER CONST FUND	\$0.00	\$0.00	\$0.00
<u>711 BAIN PARK RESTORATION</u>			
TOTAL BAIN PARK RESTORATION	\$4,838.50	\$1,661.50	\$6,500.00
<u>713 STATE BLDG ASSESSMENT</u>			
TOTAL STATE BLDG ASSESSMENT	\$1,226.43	\$5,484.76	\$6,711.19
<u>714 LAW ENFORCEMENT TRUST FUND</u>			
TOTAL LAW ENFORCEMENT TRUST FUND	\$2,150.00	\$11,350.00	\$13,500.00
<u>715 D.U.I. EDUCATE FUND</u>			
TOTAL D.U.I. EDUCATE FUND	\$2,000.00	\$7,500.00	\$9,500.00
<u>716 P.O.P.A.S. FUND</u>			
PERSONNEL SUBTOTAL	\$17,047.03	\$55,522.97	\$72,570.00
OTHER SUBTOTAL	\$6,989.75	\$1,710.25	\$8,700.00
TOTAL P.O.P.A.S. FUND	\$24,036.77	\$57,233.22	\$81,270.00
<u>731 HEALTH INS RESERVE FUND</u>			
PERSONNEL SUBTOTAL	\$375,000.00	\$1,095,500.00	\$1,470,500.00
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00
TOTAL HEALTH INS RESERVE FUND	\$375,000.00	\$1,095,500.00	\$1,470,500.00
<u>732 EMPLOYEE SECT 125M</u>			
PERSONNEL SUBTOTAL	\$3,816.91	\$9,682.17	\$13,499.08
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00
TOTAL EMPLOYEE SECT 125M	\$3,816.91	\$9,682.17	\$13,499.08
<u>733 RETIREE ACCRUED BENEFITS FUND</u>			
PERSONNEL SUBTOTAL	\$0.00	\$312,201.28	\$312,201.28
OTHER SUBTOTAL	\$0.00	\$0.00	\$0.00
TOTAL RETIREE ACCRUED BENEFITS FUND	\$0.00	\$312,201.28	\$312,201.28
<u>741 CABLE TV FRANCHISE FEE</u>			
TOTAL CABLE TV FRANCHISE FEE	\$0.00	\$0.00	\$0.00

	<u>Temporary Ord #19-69</u>	<u>\$ Adjustment</u>	<u>Annual Ord #20-</u>
<u>750 JUVENILE DIVERSION PROGRAM</u>			
PERSONNEL SUBTOTAL	\$443.76	\$133.49	\$577.25
OTHER SUBTOTAL	\$175.00	(\$125.00)	\$50.00
TOTAL JUVENILE DIVERSION PROGRAM	\$618.76	\$8.49	\$627.25
<u>751 DARE FUND</u>			
PERSONNEL SUBTOTAL	\$0.00	\$0.00	\$0.00
OTHER SUBTOTAL	\$203.43	(\$203.43)	\$0.00
TOTAL DARE FUND	\$203.43	(\$203.43)	\$0.00
<u>752 GRADE DEPOSITS</u>			
TOTAL GRADE DEPOSITS	\$6,448.58	\$164.30	\$6,612.88
<u>753 STREET CLEANING DEPOSITS</u>			
TOTAL STREET CLEANING DEPOSITS	\$4,750.00	\$0.00	\$4,750.00
<u>754 STREET OPENING DEPOSITS</u>			
TOTAL STREET OPENING DEPOSITS	\$4,000.00	\$0.00	\$4,000.00
<u>757 REZONING-DEPOSITS</u>			
TOTAL REZONING-DEPOSITS	\$1,124.44	\$0.00	\$1,124.44
<u>758 ARCHITECT DEPOSITS</u>			
TOTAL ARCHITECT DEPOSITS	\$0.00	\$1,325.90	\$1,325.90
<u>761 SENIOR LIFE DONATIONS</u>			
TOTAL SENIOR LIFE DONATIONS	\$2,112.34	\$6,187.66	\$8,300.00
<u>772 CEMETERY RESTORATION FUND</u>			
TOTAL CEMETERY RESTORATION FUND	\$0.00	\$0.00	\$0.00
<u>781 EMER MEDICAL SERV COLLECTION</u>			
PERSONNEL SUBTOTAL	\$85,128.08	\$255,223.73	\$340,351.81
OTHER SUBTOTAL	\$13,528.75	\$36,271.25	\$49,800.00
TOTAL EMER MEDICAL SERV COLLECTION	\$98,656.83	\$291,494.98	\$390,151.81
<u>790 SURVEY SAN/STORM SEWER</u>			
TOTAL SURVEY SAN/STORM SEWER	\$0.00	\$4,898.91	\$4,898.91

811 CAPITAL PROJECTS FUND

TOTAL CAPITAL PROJECTS FUND

TOTAL ALL FUNDS

Temporary Ord #19-69	\$ Adjustment	Annual Ord #20-
\$650,000.00	\$2,347,681.97	\$2,997,681.97
\$8,266,612.23	\$23,111,248.41	\$31,377,860.67

2020 SCHEDULED TRANSFERS TEMPORARY ORDINANCE #19-69

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
100	240	\$ 187,500.00
		\$ 187,500.00

2020 SCHEDULED TRANSFERS

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
100	240	\$ 790,000.00
100	733	\$ 250,000.00
231	300	\$ 240,000.00
		\$ 1,280,000.00

2020 SCHEDULED ADVANCES

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
100	290	\$ 79,500.00
		\$ 79,500.00

CITY OF FAIRVIEW PARK
ORDINANCE NO. 20-06
REQUESTED BY: GREGORY CINGLE, FINANCE DIRECTOR
SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO AUDITOR OF STATE TO AUDIT THE BASIC FINANCIAL STATEMENTS OF THE CITY OF FAIRVIEW PARK FOR FY 2019

WHEREAS, the City of Fairview Park is required to have an independent audit of its financial records each year; and

WHEREAS, the Ohio Auditor of State has the ability and expertise to prepare the audit for FY 2019, and has proposed to the City of Fairview Park to provide required audit services for FY 2019.

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 an agreement with the Ohio Auditor of State in an amount not to exceed Twenty Nine Thousand Nine Hundred Thirty Dollars (\$29,930.00), to provide services to audit the basic financial records of the City of Fairview Park for FY 2019, to be paid from the General Fund (100), a copy of which is attached hereto as "Exhibit A," with such revisions that may be made by the Director of Law and approved by the Mayor without altering the substance thereof.

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 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: 02.17.20
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 20-07

REQUESTED BY: MARY KAY COSTELLO, DIRECTOR OF PUBLIC SERVICE AND
DEVELOPMENT

SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
EXTENSION WITH BROWNING FERRIS INDUSTRIES OF OHIO, INC. A SUBSIDIARY OF
REPUBLIC SERVICES, INC. AND DECLARING AN EMERGENCY

WHEREAS, the contract between the City of Fairview Park and Browning Ferris Industries
of Ohio, Inc. A Subsidiary of Republic Services, Inc. (Republic) provides for a one (1) year
extension to the current contract which will expire on June 30, 2020; and,

WHEREAS, it is in the best interest of the City of Fairview Park to extend the contract
with Republic until June 30, 2021, at the current contract price; and,

WHEREAS, the City and Republic have the right under the contract to mutually extend
the current contract until June 30, 2021 at the current contract price.

**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 contract extension with
Browning Ferris Industries of Ohio, Inc. A Subsidiary of Republic Services, Inc. (Republic) until
June 30, 2021, at the current contract price.

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 the 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 immediately provide for
the contract extension, 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: 02.17.20
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO: 19-61 AMENDED (*Proposed amendments from 12.09.19 committee*)
REQUESTED BY: MAYOR PATRICK COONEY
SPONSORED BY: COUNCILWOMAN WERING

AN ORDINANCE DEDICATING CERTAIN REAL PROPERTY LOCATED AT 4200
4000 THOMAS LANE (BETWEEN STORY ROAD AND THOMAS LANE) AS A
DEDICATED PARK

WHEREAS, Article IV, Section 15 of the City Charter provides that Council may from time to time, dedicate lands owned by City to be used as parks; and

WHEREAS, certain real estate described as situated in the City of Fairview Park, County of Cuyahoga, and the State of Ohio, and known as being part of Original Rockport Township Section 13, and being all of land conveyed to The Fairview Park School District by deeds recorded in Volume 12144, Page 707, and Volume 12144, Page 709, of the Cuyahoga County Records (PPN: 323-10-042) and as further described on Exhibit A attached hereto and made a part hereof, is owned by the City of Fairview Park and is currently not used for any beneficial purposes; and

WHEREAS, the dedication of such land as a city park would benefit the residents of the City of Fairview Park and would make beneficial use of that land.

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

SECTION 1. That real estate described as situated in the City of Fairview Park, County of Cuyahoga, and the State of Ohio, and known as being part of Original Rockport Township Section 13, and being all of land conveyed to The Fairview Park School District by deeds recorded in Volume 12144, Page 707, and Volume 12144, Page 709, of the Cuyahoga County Records (PPN: 323-10-042) and as further described on Exhibit A attached hereto and made a part hereof, is owned by the City of Fairview Park and is currently not used for any beneficial purposes, is hereby ordained as a public recreational area, to be hereinafter referred to as a dedicated park pursuant to Article IV, Section 15 of the Fairview Park City Charter.

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 shall take effect and be in force from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 11.18.19
2nd reading: 12.02.19
3rd reading: Change Title When

passed

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

EXHIBIT "A"

Beginning at the intersection of the centerline of Story Road (60 feet wide) with the Corporation Line between the City of Fairview Park and the City of Rocky River, the Easterly line of Original Rockport Section 14, and the Easterly line of The Maynard Isabell Subdivision as shown by plat recorded in Volume 141, Page 25, of Cuyahoga County Map Records and witnessed by a 5/8 inch iron pin in a monument box found 0.12' South;

Thence South $86^{\circ} 46' 44''$ East, along the centerline of said Story Road, 212.32 feet to the Northerly extension of the Easterly line of land conveyed to Michael Willi by deed recorded as AFN 200801180792 of Cuyahoga County Records (PPN: 323-10-032).

Thence South $00^{\circ} 46' 44''$ West, along said Northerly extension, 30.03 feet to the Northeasterly corner of Michael Willi, and the Southerly right of way of said Story Road, witnessed by a 5.8 inch iron pin found 0.20 feet North, and the Principal Place of Beginning of the following described parcel:

Course 1

Thence South $86^{\circ} 46' 44''$ East, along the Southerly right of way of said Story Road, 62.05 feet to the Northwesterly corner of land conveyed to Ronald R. and Mary A. Benko by deed recorded as AFN 201210250550 of Cuyahoga County Records (PPN: 323-10-033) and witnessed by a 5/8 inch iron pin found 0.05' North and 0.09' West;

Course 2

Thence South $00^{\circ} 46' 44''$ West, along the Westerly line of said Ronald R. and Mary A. Benko, and parallel to the Westerly line of the H.D. Coffinberry Estate Subdivision No. 2 recorded in Volume 136, Page 30, of Cuyahoga County Map Records, 200.00 feet to a 5/8 inch iron pin (Id: Polaris) set at the Southwesterly corner thereof, the same being in the Northerly line of land conveyed to the Fairview Park Village School District by deed recorded in Volume 6864 Page 388, of Cuyahoga County Records (PPN 323-10-024);

Course 3

Thence North $86^{\circ} 46' 44''$ West, parallel to the centerline of said Story Road, and along the Northerly line of the Fairview Park Village School District, 62.05 feet to the Southeasterly corner of said Michael Willi;

Course 4

Thence North $00^{\circ} 46' 44''$ East, along the Easterly line of said Michael Willi, 200.00 feet to the Principal Place of Beginning and containing 0.2846 acres of land per survey performed in April, 2015, by Michael P. Spellacy, P.S. 8169 of Polaris Engineering and Surveying, subject to all legal highways and easements of record. The bearings used herein are based on the Ohio Coordinate System of 1983, North Zone, 1986 adjustment, and all iron pins set are 5/8 inch diameter by 30 inch long rebar with identification caps stamped "Polaris S-7087". The intent of this instrument is to provide a correct legal description for PPN 323-10-042.

PPN: 323-10-042 VIL Story Road
Fairview Park, Ohio 44126
Prior Instrument Reference: Instrument No. 201506160467

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-62
REQUESTED AND SPONSORED BY: COUNCILWOMAN WERING

AN ORDINANCE AMENDING CHAPTER 921 OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK, OHIO TO ADD GRANNIS PARK AND THOMAS LANE PARK

WHEREAS, the Council of the City of Fairview Park has learned that the tract of land known as Grannis Park is not a dedicated municipal park; and

WHEREAS, Fairview Park Codified Ordinances Chapter 921 details the parks located throughout the City of Fairview Park; and

WHEREAS, the provision of parks and recreational facilities is an appropriate exercise of the powers of local government; and

WHEREAS, the dedication of lands within the city as municipal parks requires the city to improve, protect and preserve their tracts of land;

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

SECTION 1. Chapter 921, "Parks" is amended as follows:

921.08 GRANNIS PARK

The parcel of land located on the north side of Grannis Road, known as Cuyahoga County Permanent Parcel Numbers: 323-18-025, 323-18-035, 323-18-036, 323-18-037, 323-18-038, 323-18-039, and 323-18-040, shall be dedicated and designated as Grannis Park.

921.09 THOMAS LANE PARK

The parcel of land located on the north side of Thomas Lane, known as Cuyahoga County Permanent Parcel Number: 323-10-042, shall be designated as Thomas Lane Park.

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 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: 11.18.19
2nd reading: 12.02.19
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 19-63
REQUESTED AND SPONSORED BY: COUNCILWOMAN WERING

AN ORDINANCE AMENDING SECTION 927.05(a)(2) OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK, OHIO TO ADD THOMAS LANE PARK

WHEREAS, Fairview Park Codified Ordinance Section 927.05 prohibits registered sexual offenders or any person convicted of an offense of violence from entering or remaining in any park facility; and,

WHEREAS, Fairview Park Codified Ordinance Section 927.05 needs to be amended to add Thomas Lane Park as a city park listed.

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

SECTION 1. SECTION 1. Section 927.05 (a)(2), “Persons Prohibited in Playgrounds, Parks and Recreation Facilities,” of the Codified Ordinances of the City of Fairview Park,” is amended as follows:

927.05 PERSONS PROHIBITED IN PLAYGROUNDS, PARKS AND RECREATION FACILITIES.

(a) As used in this section:

(1) “Registered Offender” means any person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to a sexually oriented offense or a child-victim oriented offense as defined in Section 2950.01 of the Ohio Revised Code and said person has been classified pursuant to the provisions of Chapter 2950 of the Ohio Revised Code as a Tier I, II or III sex offender/child-victim offender and is required to register his or her address with the County Sheriff’s Department.

(2) “Park Facilities” includes all land and buildings owned or controlled by the City and used for park or recreation purposes, including but not limited to the Gemini Center Recreation and Community Center Complex, including athletic fields, Morton Park and Splashground, Bohlken Park, Bain Park, Bain Park Cabin, Nelson Russ Park, Grannis Park, **Thomas Lane Park** and their playgrounds, ball fields, rest room facilities and pavilions.

(3) “Offenses of Violence” include those defined in Ohio Revised Code Section 2901.01(A)(9).

(4) “Public Body” has the same meaning as found in Ohio Revised Code Section 121.22.

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 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: 11.18.19
2nd reading: 12.02.19
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council