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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, FEBRUARY 3, 2020**
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5 The regular meeting of Council was called to order by Council President ~~Pro Tem Minek~~ **Kilbane** at 7:00
6 p.m.

7 MOMENT OF SILENT PRAYER

8 PLEDGE OF ALLEGIANCE

9 ROLL CALL | PRESENT:

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

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

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14 THE CHAIR made a motion to approve the minutes of the regular meeting of January 21, 2020.

15 MOVED and SECONDED.

16 ROLL ON MOTION: Vote: YES-6, NO-0, ABSTAIN-1 | Motion carried.

17 YES: B. Simmerly, B. Minek, M. Adler, S. Wering, B. King and G. Burger | ABSTAIN: M. Kilbane

18 THE CHAIR said that the reason for his abstention was because he was out of town.
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20 **COMMITTEE REPORTS**

21 COUNCILMAN SIMMERLY reported that the Local Government and Community Services Committee
22 met on Monday, January 27, 2020 at 7:00 pm to discuss the following: **Ordinance 20-03**, allows the sale of
23 alcoholic beverages at Summerfest 2020. This legislation would allow for vendor sales and the consumption
24 of beer and wine in an enclosed area on baseball diamond #3 in Bohlken Park from July 30 through August
25 2, 2020. A motion to place the ordinance on second reading and subsequent third reading was approved 6-
26 0. The committee meeting ended at 7:03 pm
27

28 COUNCILWOMAN KING reported that the Finance Committee met on Monday, January 27 and began at
29 7:03pm. In attendance were the members of council, Mayor Cooney, Director Cingle and members of the
30 community. **Ordinance 20-01** authorizes the Issuance and Sale of bond notes for Gemini roof replacement
31 project refinance. There were no further questions or discussions on this legislation since the last committee
32 meeting. A motion to place this on 3rd read and final passage was made and passed with a vote 6-0.
33 **Ordinance 20-02** authorizes the Fire Union Contract for years 2020-2022. There were no further questions
34 or discussions on this on this legislation since the last committee meeting. A motion to place this on 3rd read
35 and final passage was made and passed with a vote 6-0. **Ordinance 20-04** Accepts bid and grants and
36 authorizes award of a contract for a source capture exhaust system for fire station. There are questions about
37 this ordinance, so a motion for this to remain in committee and invite the Fire Chief and Law Director to the
38 next committee meeting on Feb 10 to discuss further was made and passed with a vote 5-1. The **issue of**
39 **solid waste fees** was briefly discussed and the current contract was sent to all council members to review.
40 A motion to keep this in committee was made and passed with a vote of 6-0. The Administration will be
41 requested to discuss this further in committee. The Finance Committee ended at 7:09pm. This concludes my
42 report.
43

44 **LEGISLATION ON SECOND READING**

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

46 ORDINANCE NO. 20-03

47 REQUESTED BY: COUNCILMAN MINEK

48 SPONSORED BY: CITY COUNCIL

49 *AN ORDINANCE AMENDING SECTION 921.05 (a)(3) OF THE CODIFIED ORDINANCES OF THE CITY*
50 *OF FAIRVIEW PARK TO PERMIT THE SALE OF BEER AND WINE COOLERS ONLY TO BE SOLD AND*

51 CONSUMED AT SUMMER FEST 2020 TO BE HELD IN BOHLKEN PARK ON JULY 30, 31, August 1 and
52 2, 2020 AND DECLARING AN EMERGENCY

53 ACTION: Ordinance 20-03 was placed on second reading and subsequent third reading.

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

55 COUNCILMAN SIMMERLY placed the following legislation up for emergency passage:

56 RESOLUTION NO: 20-02

57 REQUESTED BY: COUNCILMAN BRYAN SIMMERLY

58 SPONSORED BY: CITY COUNCIL

59 *A RESOLUTION RECOGNIZING MAYOR EILEEN ANN PATTON FOR HER 26 YEARS OF SERVICE TO*
60 *THE COMMUNITY*

61 COUNCILMAN SIMMERLY made a motion to suspend the Charter Provision and Rule 49 requiring three
62 readings.

63 Moved and Seconded.

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

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

66 THE CHAIR asked for any further discussion before passage.

67 COUNCILMAN SIMMERLY made a motion to dispense Rule 53 requiring reference to Committee.

68 Moved and Seconded.

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

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

71 THE CHAIR asked for any further discussion before passage.

72 COUNCILMAN SIMMERLY asked for concurrence to read the resolution in pertinent part; Council
73 concurred. COUNCILMAN SIMMERLY read the resolution.

74 THE CHAIR asked for any further discussion before passage.

75 THE CHAIR wished Mayor Patton a long happy retirement and thanked her for all her hard work.

76 COUNCILWOMAN ADLER said that it was a pleasure to work with the Mayor when she was a
77 councilperson and it was a pleasure to work with her. She mentioned the sacrifices made for family during
78 her years of public service with the city. She thanked the mayor and her family for helping to make Fairview
79 Park a place where we could all have our families grow.

80 COUNCILMAN MINEK said that he had the honor to serve with Mayor Patton for many, many years and
81 that he wished her well.

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

83 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 20-02 passes.

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

85

86 **Audience Input on Legislation Up for Passage**

87

88 **Legislation on Third Reading and Final Passage**

89 COUNCILWOMAN KING placed the following legislation up for third reading and final passage:

90 ORDINANCE NO. 20-01

91 REQUESTED BY: MAYOR PATRICK COONEY

92 SPONSORED BY: COUNCILWOMAN KING

93 *AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,250,000 OF*
94 *NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF*
95 *CONSTRUCTING, RECONSTRUCTING, REPAIRING AND EQUIPPING THE ROOF OF THE CITY'S*
96 *RECREATION COMPLEX, AND IMPROVEMENTS APPURTENANT THERETO, AND RELATED*
97 *BUILDING AND SITE IMPROVEMENTS, AND DECLARING AN EMERGENCY.*

98 THE CHAIR asked for any discussion. No Discussion.

99 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-01 passes.

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

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102 ORDINANCE NO. 20-02
103 REQUESTED BY: MAYOR PATRICK COONEY
104 SPONSORED BY: COUNCILWOMAN KING
105 *AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FAIRVIEW PARK, OHIO TO ENTER*
106 *INTO AN AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF PROFESSIONAL*
107 *FIREFIGHTERS, LOCAL 1057, AFL-CIO (IAFF) AND DECLARING AN EMERGENCY*
108 THE CHAIR asked for any discussion. No Discussion.
109 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-02 passes.
110 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

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112 RESOLUTION NO. 20-01
113 REQUESTED BY: FINANCE DIRECTOR GREGORY CINGLE
114 SPONSORED BY: COUNCILWOMAN KING
115 *A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT AWARDDING ACTIVE,*
116 *INTERIM AND INACTIVE DEPOSITS, AND AUTHORIZING INVESTMENTS AND DECLARING AN*
117 *EMERGENCY*
118 THE CHAIR asked for any discussion. No Discussion.
119 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 20-01 passes.
120 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

121
122 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
123 **OFFICIALS**

124 MAYOR COONEY reported that the State of the Community address will be on Thursday, April 30 at
125 7~~am~~**pm**, and will be a joint address with Fairview Park City Schools Superintendent Dr. Wagner. A tour of
126 the newly renovated schools will take place at 6 ~~am~~**pm**. There was a fitness open house at the Gemini
127 yesterday morning and approximately 120 people attended for the walk-through and fitness classes offered.
128 He thanked the staff for putting the event together. MAYOR COONEY announced that Cleveland Hopkins
129 airport has created a portal online for excessive noise complaints and encouraged residents to do so. He said
130 that the FAA looks at this data and is looking to correct this problem in the future. He advised that the
131 Building Commissioner will be out looking at houses on Briarwood and Overlook. MAYOR COONEY
132 thanked Mayor Patton and her family for their sacrifices, time and for her phenomenal service to the city
133 and community.

134
135 DIRECTOR COSTELLO reported that the Metroparks and the County Public Works personnel will be
136 hosting a meeting to the public regarding the Mastick Road Bridge Reconstruction and Connector Trail
137 Projects on Thursday, February 20 at 6:30pm in the Gemini Center Oak Room. There will be discussion on
138 the Thomas Lane Park Project at the Planning & Design Commission meeting on Wednesday, February 19
139 at 7:00pm. DIRECTOR COSTELLO advised that Jason Knowles will be out in the community beginning
140 the tree inventory as part of the ODNr grant tree canopy project. She advised that there has been various
141 clean-up going on in and around the city by the Service Department and by residents. She reminded that
142 there is still currently no yard waste pick-up yet and it can be left for compost or put into bags and receptacles
143 for refuse pick-up. Sewer personnel from the Service Department have been working on reconstructors in
144 areas in the city as part of a plan and on recommendation of the Black & Veatch report done previously.

145
146 DIRECTOR CINGLE reported that the 2020 budget is being finalized for presenting to council next week.
147 The auditors have started the 2019 audit and will be on site for the entire month of February and back in
148 March to complete work.

149
150 ENGINEER MACKAY reported that the plans & specifications for the West 213th Street water line and
151 paving project and should be to water department for review in the next few weeks. He announced that there
152 will be a meeting with the contractor regarding the Lorain Road Water Slide Project and he will report back

153 with the tentative schedule. He congratulated Mayor Patton on her 26 years of service and hard work and
154 accomplishments. He said that it was a pleasure for him, his father and his firm to with her.
155 THE CHAIR asked if the Lorain Road Slide Project was on schedule.
156 ENGINEER MACKAY said that the project was bid and awarded in the late fall and has been awarded to
157 Great Lakes construction and believes the intent was always to begin work in the spring or summer. The
158 project will be completed in this year's construction season.
159

160 **PUBLIC SESSION**

161 MR. THOMAS BERNS – 19254 N Sagamore Dr – MR. BERNS spoke about a public records request he
162 submitted regarding the Thomas Lane Park Project and related plan application. He read the public policy
163 available on the website and inquired about the policy's statements on availability of records and
164 acknowledgement of receipt of the request. He said that he submitted a request on December 16 and January
165 24 for the recording of the Parks and Recreation Commission meeting of January 22, and has not received
166 acknowledgement nor receipt of the records. MR. BERNS said that he understands that there have been
167 some technical difficulties in getting the file available, but he it has been for weeks and asked that his request
168 now be considered a third request to have these records so that he has time to prepare for the February 19th
169 Planning and Design meeting where the plans for the park will be discussed. He thanked Mayor Patton for
170 her fine work for the city over the years.

171 DIRECTOR RILEY said that he did respond upon taking over as Law Director letting him know about
172 difficulties of getting the recording to a flash drive, and was going to send everything altogether once that
173 was done. He offered to send the paper files available and to get the recording to him separately once it is
174 available.

175 MR. BERNS said that would be fine.
176

177 MS. MEGHAN DISBROW – 4072 Story Road – MS. DISBROW thanked Council on behalf of the Patton
178 family for the resolution presented to her mother. She said that that her parents, her sibling and her children
179 will cherish.
180

181 MR. JOHN DONELON – 4583 Concord Dr – MR. DONELON said that a resolution for Mayor Patton was
182 very nice, but feels it falls short of the recognition deserved for the 26 years of extraordinary service. He
183 said he believes there should be more than a resolution.
184

185 MS. DEB HAMMERLE – 22326 Haber Dr – MS. HAMMERLE said that the parking lot of Andrako was a
186 headache at times, but has turned out nicely and she can't wait to see the completed landscaping the lot. She
187 said that she is also happy to see that the NASA property redevelopment is moving forward. MS.
188 HAMMERLE asked if there have been any proactive moves with the planned closing of EarthFare.

189 MAYOR COONEY said that they just heard this bad news today, and he knows that Director Costello has
190 reached out to the Property Manager at Westgate to speak with them. He said that sometimes reports and
191 information are inaccurate and they want to follow-up before they make any moves.

192 DIRECTOR COSTELLO stated that she has placed a phone call, but they are playing phone tag at this point.
193

194 MR. CHUCK SOTU – 20607 Fairpark Drive – MR. SOTU asked why nearly every piece of legislation is
195 declared as an emergency.

196 THE CHAIR explained that the language of emergency is put on so that the legislation will go into effect as
197 early as possible. He said that this does not mean there will not be an opportunity for the public to speak on
198 it. Council typically does proceed with three readings for most pieces of legislation, particularly when the
199 legislation deals with spending of monies. He suggested that residents attend committee meeting to see what
200 goes on behind the scenes.
201

202 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**
203

204 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.
205 MOVED and SECONDED.
206 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 7:32 p.m.
207 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

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211 _____
212 William F. Minek, Council President Pro Tem

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216 Liz L. Westbrooks, Clerk of Council

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***Amended 02.17.20**

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