

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 21<sup>st</sup> 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 213<sup>th</sup> 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

427

428

429

430

---

431 Michael P. Kilbane, President of Council

432

433

---

434 Liz L. Westbrooks, Clerk of Council

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

458