

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

5 The regular meeting of Council was called to order by Council President Kilbane at 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, M. Kilbane, 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 approve the minutes of the regular meeting of February 17, 2020.

14 MOVED and SECONDED.

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

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

18 **COMMITTEE REPORTS**

19 COUNCILWOMAN WERING reported that The Local Government and Community Services committee
20 met on Monday, February 24th beginning at 7:02 PM. Present were members of Council, Mayor Cooney,
21 and Director Costello. The committee discussed three ordinances, beginning with **Ordinance 19-61**,
22 Authorizing Dedication of Property at 4200 Thomas Lane for a City Park. At the beginning of the discussion,
23 it was noted that the passage of this legislation approves the aforementioned site to be a known City Park.
24 This particular ordinance does not dictate the design, makeup, or any other specific characteristics of the
25 park. Those are items that will be decided at a later date. This legislation required the approval of both the
26 Parks & Rec Commission and the Planning and Design Commission. The Parks and Rec Commission
27 approved the site as a park on January 22nd. Planning and Design approved the site as a park on February
28 19th. Currently, the City has submitted two grant applications that could determine the end usage of the park,
29 should it be confirmed. To keep Council abreast of the administration’s plan for this parcel, Director Costello
30 presented City Council with a plan that includes a fenced in area on the sides and the Story Road entrance,
31 new trees, benches, and a dedicated walking path that connects Story Road to Thomas Lane. Limiting the
32 future use of this property, Director Costello notated that there is a stormwater management basin underneath
33 this property that includes two manholes which are required for maintenance. Additionally, the size of the
34 property is 0.285 acres surrounded by residential areas. The committee voted 7-0 to move Ordinance 19-61
35 to third reading and final passage. The Committee discussed **Ordinance 19-62**, Amending Chapter 921 to
36 include Grannis and Thomas Lane Parks. This legislation adds Thomas Lane Park and corrects the omission
37 of Grannis Park in Chapter 921 of Fairview Park’s codified ordinances. There was no further discussion on
38 this ordinance. A motion was made to place Ordinance 19-62 on third reading and final passage and passed
39 7-0. The Committee discussed **Ordinance 19-63**, Amending section 927.05 Persons Prohibited in
40 Playgrounds, Parks, and Recreational Facilities. This legislation adds Thomas Lane Park to the existing
41 legislation protecting the parcel and its surrounding areas from particular types of activities and persons.
42 There was no further discussion on this ordinance. A motion was made to place Ordinance 19-63 on third
43 reading and final passage. The motion passed 7-0. The Local Government and Community Services
44 committee concluded at 7:34 PM.
45

46 COUNCILWOMAN KING reported that the Finance Committee met on Monday, February 24, 2020 at
47 7:34pm. In attendance were the member of Council, Mayor Cooney, Chief Raffin, Director Costello, and
48 the press. **Ordinance 20-05** 2020 Appropriations; After a brief discussion on this ordinance, a motion was
49 made to put this on 2nd and subsequent 3rd reading passed with a vote 7-0. **Ordinance 20-06** Authorizing
50 Contract with State Auditor for FY 2019 Audit. After a few questions were answered a motion to place on
51 2nd and subsequent 3rd reading was made and passed with a vote 7-0. **Ordinance 20-07** Authorizing

52 Extension of Contract with Republic Service for Solid Waste Disposal; Due to fluctuations in the market,
53 the pricing for solid waste and recycling has been and will continue to increase. Director Costello reported
54 that currently the per house rate the city is charging is \$11.30 and it will increase to \$11.75 this year. In
55 other cities the rates have increased to an average of \$16.00 per house. In order to keep rates per house low,
56 the city, through the general fund has paid the difference. The city will look into programing to help educate
57 citizens about recycling other avenues to decrease the per household garbage. A motion was made for this
58 ordinance to be placed on 2nd read and remain in committee and it passed with a vote 7-0. The Finance
59 committee ended at 7:53 pm.

60 The Finance Committee met again on Saturday, February 29, 2020 at 8:00 am to discuss budgets for the
61 Recreation, Police, Fire and Public Service and Development Departments. In attendance were the members
62 of Council and, Finance Director Cingle, Assistant Finance Director Deanna Lebiedz, Mayor Cooney, Fire
63 Chief Raffin, Police Chief Upperman, Director Costello and Gemini Center Office Manager/Interim Diector
64 Mary Long. There were members of the community in attendance as well. Each department head provided
65 an overview of highlights from 2019 and reviewed significant changes in revenue and proposed expenditures
66 for 2020. The budget hearings will continue March 9, 2020 at 7pm to examine the remaining budgets for the
67 Senior Center, Finance Department, Law Department, Building, Council and Mayor's Office. The Finance
68 committee ended at 11:24 am

69

70 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**

71

72 **LEGISLATION ON FIRST READING**

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

74 ORDINANCE NO. 20-09

75 REQUESTED BY: MAYOR PATRICK COONEY

76 SPONSORED BY: COUNCILWOMAN KING

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

81 ACTION: Ordinance 20-09 was placed on first reading and referred to the Finance Committee.

82

83 **LEGISLATION ON SECOND READING**

84 COUNCILWOMAN KING placed the following legislation up for second reading:

85 ORDINANCE NO. 20-05

86 ORIGINATED BY: GREG CINGLE, FINANCE DIRECTOR

87 REQUESTED BY: MAYOR PATRICK COONEY

88 SPONSORED BY: COUNCILWOMAN KING

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

92 ACTION: Ordinance 20-05 was placed on second reading.

93

94 ORDINANCE NO. 20-06

95 REQUESTED BY: GREGORY CINGLE, FINANCE DIRECTOR

96 SPONSORED BY: COUNCILWOMAN KING

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

100 ACTION: Ordinance 20-06 was placed on second reading.

101

102 ORDINANCE NO. 20-07

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

105 SPONSORED BY: COUNCILWOMAN KING

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

109 ACTION: Ordinance 20-07 was placed on second reading.

110

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

112 MR. TOM BERNS –19254 N. Sagamore - MR. BERNS read a prepared statement: My comments
113 concerning Thomas Lane Park are somewhat detailed, but should not require more than 5 minutes. As
114 presented at the Planning & Design Commission meeting, Mayor Cooney’s Administration intends that the
115 Thomas Lane Park be designed as a pass-through space - limited to a sidewalk and two benches. This may
116 be sufficient for able-bodied people who can ride bikes, jog and walk. But what about people with
117 disabilities and mobility issues? What about their needs for access to public parks, outdoor spaces and
118 recreation?

119

120 People with disabilities have access rights under the Americans with Disabilities Act - the ADA. This is not
121 open to debate. It is discriminatory and illegal to design a public park to exclude people with disabilities. It
122 also violates non-discriminatory provisions in the Fairview Park City Ordinances.

123

124 Since 2014, Mayor Patton and City Council have worked together to install ADA-compliant playground
125 equipment and amenities at Morton Park, Grannis Park and Nelson Russ Park. In 2015, Mayor Patton
126 promised the Coffinberry neighborhood that the site of the future Thomas Lane Park also would include
127 playground equipment.

128

129 In November 2019, Mayor Patton announced that the Thomas Lane Park would not include playground
130 equipment. Mayor Patton’s emails indicate she had a mis-impression that the Coffinberry neighborhood did
131 not desire playground equipment. After her announcement, Mayor Patton was contacted by my neighbors
132 and myself and advised that we desired playground equipment. In response, Mayor Patton revised her Master
133 Plan for the Thomas Lane Park to include playground equipment and to keep the promise she made in 2015.

134

135 On December 23, 2019, as one of her last acts in office, Mayor Patton signed a Community Development
136 grant application, which sets forth her vision for the Thomas Lane Park. This vision, Mayor Patton’s Master
137 Plan, states: “The project will allow the City to meet its goal of providing more ADA-accessible recreational
138 amenities”; “A significant number of seniors and children will benefit from implementation of the proposed
139 project”; and “There is ample on-street parking for those traveling by vehicle.”

140

141 Not only is Mayor Patton’s Master Plan consistent with the City’s efforts at Morton Park, Grannis Park and
142 Nelson Russ Park, it also is required under the ADA. There is a federal mandate to provide people with
143 disabilities equal access to public parks. Violating the ADA could expose Fairview Park to fines up to
144 \$150,000. That is, up to \$150,000 PER VIOLATION. In addition, if Fairview Park is sued for violating the
145 ADA and loses, the City could be obligated to pay many hundreds of thousands of dollars of plaintiffs’ legal
146 expenses.

147

148 Unfortunately, Mayor Cooney’s Administration has indicated that they are opposed to the installation of
149 ADA-playground equipment. Equipment which would be used by disabled children. Failing to install such
150 equipment would restrict children with disabilities from using Thomas Lane Park. This would limit their
151 access and violate the ADA. Not only is this discriminatory and illegal, but it also is the opposite of what
152 the City has been striving to achieve for the past several years. I will share a quote from Mayor Patton

153 relating to the grant money received in 2014 for ADA playground equipment at Morton Park. She says, and
154 I quote: “All kids belong in our city parks - That’s what we believe here in Fairview.” End quote.

155
156 My next-door neighbor requires a walker for mobility. The only way that she can access Thomas Lane Park
157 is if she drives and parks at the end of the cul-de-sac. Upon entering the Park, she will require a place to sit
158 in order to enjoy the park, and visit with friends and family. Unfortunately, Mayor Cooney’s Administration
159 has indicated that they want to reduce the number of benches from four to two. Mayor Cooney’s
160 Administration is opposed to having any picnic tables. Mayor Cooney’s Administration is opposed to having
161 people parking their cars on the street in order to access the park - such as families with children in
162 wheelchairs, who would like to have a picnic and play in the park.

163
164 In closing, as you consider the development of this parcel, it is important that you consider which plan will
165 be pursued.

166
167 Is it #1-The first phase of Mayor Patton’s Master Plan, to which will be added the ADA-accessible
168 recreational amenities noted in her grant application, such as playground equipment and picnic tables.

169
170 Or is it #2 - Mayor Cooney’s Plan, which excludes ADA-playground equipment and picnic tables, illegally
171 discriminates against disabled children and adults, and puts the City at risk for hundreds of thousands of
172 dollars of fines and costs, which may not be covered by insurance.

173
174 This concludes my remarks. Thank you for your attention.

175
176 **LEGISLATION ON FOR PASSAGE WITHOUT THREE READINGS**

177
178 **LEGISLATION ON THIRD READING AND FINAL PASSAGE**

179 COUNCILWOMAN WERING placed the following legislation up for third reading and final passage.
180 ORDINANCE 19-61

181 REQUESTED BY: MAYOR PATRICK COONEY

182 SPONSORED BY: COUNCILWOMAN WERING

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

185 THE CHAIR asked if there was any discussion.

186 COUNCILWOMAN WERING made a motion to amend Ord. 19-61 to change the address to 4000 Thomas
187 Lane in the title.

188 MOVED and SECONDED.

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

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

191 THE CHAIR asked if there was any further discussion prior to passage. No Discussion.

192 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 19-61 Amended passes.

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

194
195 ORDINANCE NO. 19-62

196 REQUESTED AND SPONSORED BY: COUNCILWOMAN WERING

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

199 THE CHAIR asked if there was any discussion prior to passage. No Discussion.

200 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 19-62 passes.

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

202
203 ORDINANCE NO. 19-63

204 REQUESTED AND SPONSORED BY: COUNCILWOMAN WERING
205 AN ORDINANCE AMENDING SECTION 927.05(a)(2) OF THE CODIFIED ORDINANCES OF THE CITY
206 OF FAIRVIEW PARK, OHIO TO ADD THOMAS LANE PARK
207 THE CHAIR asked if there was any discussion prior to passage. No Discussion.
208 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 19-63 passes.
209 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

210
211 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
212 **OFFICIALS**

213 MAYOR COONEY thanked the Fire Department for their efforts for the Rocky River Condo fire on
214 Sunday, February 23. He said it was a historic fire in West Shore area and through the efforts of our fire
215 Department and many others, thankfully no one was hurt. He also thanked the Metro Parks and County EMA
216 for their help at the scene as well. He spoke of the praise that has been given for the work done by the Fire
217 Departments and their collaboration with working together. **DIRECTOR MAYOR** COONEY thanked
218 Lieutenant Shepard and Lieutenant Mihalek for the awards ceremony honoring police officers on February
219 25. This ceremony was brought back a few years ago, and at this year's ceremony a plaque honoring
220 Patrolman Phil Shoals, who died 50 years ago was unveiled and Patrolman Adam Reyes was honored as
221 Officer of the Year.

222
223 **DIRECTOR COSTELLO** reported that last week 30 attendees were part of a young tree training seminar
224 was hosted by the Service Department along with the Ohio Dept of Natural Resources. She also reported
225 that the Service Department has painted and cleaned the inside of Bain Cabin, started correcting potholes
226 and make road repairs in parts of Ward 2 and 4. Tree trimming and work on tree boxes along Lorain were
227 also worked on between Wooster and West 210th. She reminded everyone that Mastick Road from Eaton to
228 Valley Parkway is closed while the Metro Parks and the Cuyahoga County Public Works Department have
229 begun project to rebuild the road in a bridge formation and add a trail connector to be continued in the future.

230
231 **DIRECTOR CINGLE** asked that if Council has any questions on Ordinance 20-05 as the process continues
232 to please let him know.

233
234 **ENGINEER MACKAY** reported that the City is waiting for the review from the Cleveland Water
235 Department for the West 213th St water line project, and once they are received they will be able to bid after.

236
237 **PUBLIC SESSION**

238 **MR. PAUL HAVASI** – 21271 Clifford Drive – **MR. HAVASI** said that he wanted to speak on City
239 Ordinance Chapter 543 and gave the following statement: First topic is City Ordinance under Chapter 543,
240 specifically 543.08 – Commercial snow removal; license and fee. Ordinance has failed, and is not working.
241 Continual violations of this code is violating and caused damage to my property for over 30 years, and
242 continues to this day. To paraphrase the part of the ordinance of my concern is: snow is not allowed to be
243 piled against adjacent fence or landscaping – it is to remain on the property from which it is cleared or hauled
244 away. This picture taken last week, clearly shows snow was piled against my new fence. This fence is not
245 even three years old. Too give some indication of what I have faced through the years. My old fence, for
246 which this was replaced, was continually damaged by snow being pushed against it – posts bent and broken-
247 completely ruined. In order to erect this new fence, which, in material alone, cost well over \$15,000, and I
248 had to do the work myself because no fence company would touch the situation. I spend two weeks, 6 days
249 a week, from sun-up to sun down, removing material that had been plowed into my property, from the
250 adjacent illegally constructed parking lot, just to get my old fence unburied and removed, and construction
251 lines placed. Then it took me another 2 weeks, 6 days a week, from sun up to sun down to remove material
252 enough for me to actually dig the holes to put the fence in. Less than six months later, the fence not even
253 complete the first winter– only the posts up, there was again snow and gravel pushed through into my yard.

254 To replace just one damaged fence post, I estimate over \$5,000 and two to three weeks of work. It is not
255 easy to replace a post that is incased in 5 feet of concrete, and tied together with the two adjacent posts.
256 This is not the only fence on my property being damaged, and mine is not the only property being violated.
257 In a past year I helped the neighbor across the street remove gravel and rocks, from tree lawn so his lawn
258 mower blades were not ruined. The material coming from, been plowed from across the street, the property
259 next to me. New grass planted during last year's sewer construction on the street is now damaged. What
260 have I done? – Over the past 30 years, I have talked to property owners, I have talked to building department,
261 council people, I have filed numerous police reports. I even had a meeting with the past mayor and the then
262 property owner doing the damage. That meeting went nowhere. The meeting was rushed so that the mayor
263 could talk to the property owner who happened to be the former city law director, the one who is not
264 following the laws. I was told by many that you cannot fight city hall, and I began to believe them. I have
265 given up bothering the police department, I do not want to be labeled a whiner. 3 Years Ago, I went to the
266 police, last year to the Director of Public Service and Development, this year to this council. What am I
267 Supposed to do? I feel this code was put in place to protect city residents and their property, just like me,
268 from work done outside of their control. City codes are in place so that contractor working in the city are
269 held responsible and not hurt residents like fly-by-night scammers. But it seems that snow removal is a fly
270 by night operation, since most plowing is done during those hours. This code is not working! How many
271 licenses were issued this season? Any refused? I had been informed last year, and unless I got it wrong, the
272 last license for snow removal was issued in the late 1980s. I understand it is a financial and logistical
273 situation for the city and snow plow operators, but what do you think it is for me! Where is my protection?
274 How can this be enforced when there is no backing? Any case would probably be thrown out of court seeing
275 as what the city is not doing. I need your help in protecting my property. I know it is controversial to begin
276 again something so broken. But something needs to happen. I do not want to see my new fence, for which
277 I tolled for months over, be ruined. I am not getting any younger, I won't be able to replace it. The least
278 that should happen is that certain property owners be informed. The situation has been going on far too long.
279 Enforce? Change? Remove? One of those should never happen, one is not happening, and I hope another
280 or more will be happening in the future regarding this ordinance. Possible drop the fee for those who are
281 responsible and increase it for those who are irresponsible. A simple picture can show clear violation.
282 Simple yearly city income not being realized. I am not looking for answers today, or appeasing responses.
283 Would you want my involvement? What aout a High school or other internship – seems like a perfect
284 project for that. Gather information- am I the only one in this city? What do other cities do? Who are all
285 of the parties involved? Is it wide spread? I am not only speaking for me and properties near me, but for all
286 those residents that look outside their front window after a snow storm to see a great big pile of snow on
287 their tree lawn, and the house across the street has a nice clean driveway. Some people cannot for weeks
288 put their garbage cans out where they want to. I know it would be never be possible to fully enforce this
289 code, imagine how many sidewalks have never had themselves cleared of snow just once this season?
290 Remember my concern is on the topic of damage to adjacent properties. For a recap – Residential property
291 that has continually been damaged in the past and well as current, is covered by a city code which is broken,
292 in the sense it needs to be fixed. Thank You
293 COUNCILMAN BURGER asked Mr. Havasi f or the city ordinance he was referencing.
294 MR. HAVASI responded that is was 543.08, and is provided on the reverse side of handout with pictures he
295 gave prior to speaking.
296 THE CHAIR thanked Mr. Havasi for bringing it to Council's attention and expressed his apologies for the
297 damage to the hard work he has done on his fence. He asked who the property owner was of the adjacent
298 property.
299 MR. HAVASI responded that it was Journey Community Church, whom he has talked to, but it seems their
300 Property Custodian position changes every few months.
301 THE CHAIR asked which City Departments he has reached out to regarding this issue.
302 MR. HAVASI responded the previous Mayor and the previous Service Department. He added that the
303 commercial licenses for snow plow operators have not been issued and they are probably unaware, though
304 ignorance is not an excuse.

305 THE CHAIR said that the ordinances aside he is the owner of the property that is being violated and he will
306 look to have this issue assigned to committee for review and discussion in the future.

307 MR. CHUCK SOTU – 20867 Fairpark Drive – MR. SOTU inquired how much damage was done to the
308 City’s fire truck in the Rocky River fire, and whether it was covered under insurance and still in service.
309 MAYOR COONEY said that it was the ladder truck, which had damage to the front windshield and some
310 of the running lights due to the heat and proximity to the fire. He said that it is covered by insurance and
311 there is an insurance deductible of \$1,000 and is also still under warranty. He said it will be taken to a repair
312 facility in the next week or so. He reported that Rocky River’s engine truck was damaged in the fire, so
313 consequently when the City has a call that might need a ladder they respond and when there is a call by
314 Rocky River requiring an engine, the City will automatically respond, so there should not be any break in
315 service.

316 MR. SOTU said that he had seen the truck on the news and it looked pretty bad.

317 MAYOR COONEY said that it could have been a lot worse, but we were able to move the truck out of the
318 way to prevent further damage.

319 MR. SOTU asked about monies being pursued to complete the path at the Metro Parks. He asked about the
320 amount and what happens if the grant is not successful.

321 DIRECTOR COSTELLO said that there are grants being pursued by the Metro Parks to connect what will
322 be installed during the current bridge and road project in place. She said that if it is not successful then there
323 will be other avenues of money. The \$1.1 million is their request for the grant, but they have not gone that
324 far into the design to know the exact cost, it is a little early to say, but they thought that that was a reasonable
325 request for something this scope.

326

327 MR. PAUL HAVASI – 21271 Clifford Drive – MR. HAVASI gave his personal feedback regarding the
328 Clifford Drive Sewer Improvement Project done last year: This is feedback that hopefully could be used in
329 future like projects. Before I potentially loose people, I appreciate all the work done, and who were involved.
330 As my shirt says, I was the unofficial observer, and only got this shirt for myself after the major work was
331 done. Kind of a joke to those who saw me all the time out there observing. The date says August 2, but there
332 was work being done well past that. I think it was October or November when they finally came out to clean
333 out the fire hydrant valve box, several hours a compressor was parked at the end of my driveway – I did not
334 mind and let them know I did not need to go out and it was okay for them to be there. Same thing I
335 experienced for the past months. I even had a system to tell the workers if I was going out that day or not,
336 without having to tell them day to day. I spent well over 800, probably over 1,000 hours in observing the
337 work as it was done. I would leave my house early morning, and watch all day, only leaving for lunch or
338 potty breaks. 8 hours, 10 hours, even the 12 to 13 hour days. Several days a week, sometimes blocks away
339 from my house. I was always interested, remember doing it when I was about 8. I had the time and it was
340 close why not? In all the time I spent observing, I was disappointed in seeing very few people from the city.
341 Maybe I missed them, but those days would have been few and far between. My house is located at the east
342 end of the street, so every work morning, I would hear the construction equipment startup and move out to
343 that days jobsite. They had their tool trailer locate near my house. Although I just talked about city codes, I
344 do realize many are not fully enforced. I do appreciate that the noise code was overlooked for this job. From
345 my previous employment at NASA, and involvement working with contractors there, I can see from their
346 viewpoint. They worked a four long day, work week, which is best suited for this industry. 20% less time
347 wasted in setting-up and cleanup each week. The few times they had to work long hours they left at 7 or 8
348 pm, not 9, 10, or, 11. This usually let Fridays to be nice and quiet. The people who lived or worked from
349 home during the day enjoyed this day. Found out, weather wise, working in the pipes was the best
350 environment, if you did not mind some of the smell. Understand this work was done for flooding problems
351 What type of monitoring will be done to see the effectiveness? I know during the project there still was
352 some flooding reported. Even the contractor was noting that some of the snow melt was showing up in the
353 sanitary, where the storm was dry. There were some problems corrected. At my end they experienced a
354 constant flow of chlorinated water. It was found a 2” commercial water feed line had broken in two places,
355 and was finding it’s way into the sewers. The drain in the back of lots installed years ago and forgotten at

356 the end of long forgotten an alley, was re-attached. This was an 8" pipe that did not show up in any drawing,
357 that when first broke into, was dry. After a rain and the backyards began to flood, this was uncovered and
358 it took 3 hours of pumping before they could attach it to the new system. The contractor was very
359 knowledgeable, responsible, courteous, friendly. Information dissemination. Great at beginning with city
360 involvement. Through the job it would have been nice to receive, as the residents involved, a biweekly
361 update and future plans. Wednesday evening coming home to find a notice saying your driveway would not
362 be usable for the next two weeks, beginning tomorrow. When I found out there were weekly meetings to
363 discuss next week's plans. I know it is potentially dangerous, to send such information out as some people
364 might believe it is written in stone. But these are plans not schedules, and the residents should be aware of
365 the difference. I was not as at ease with the engineering firm. They were good, but there was room for
366 improvement. I would question something, go to the onsite person from the engineering firm, and be told I
367 was wrong, but plans showed otherwise. Before the beginning of project working with the Public Service
368 & Development Director, I signed a change affecting my property, less work actually, and on the day the
369 work was to be done, the local field engineer did not know about the change. Luckily, I had a copy and
370 upon showing it, the writing was recognized as from that engineering company, so calls were made and
371 changes done. The biggest concern I have with the entire project was what I will call Fairview/Flint water
372 problem. I understand this was a sewer project, but do you realize just how close this city came to getting 16
373 gold stars – it only got 2, and they were not quite full gold. Meeting with city was just for appeasement, and
374 stuff that was said would happen never did. 16 residents affected. Dog dudo – bags in pipes not yet in ground
375 Bags thrown into sewer drains. Dog walkers might pick up after their animals, but the bags never make it
376 home. Accommodating residents and residents accommodating; there was a pastry lady, cookie man, I did
377 a hot dog lunch on my trucks tailgate. Landscaping- big positive there were several trees that had to be
378 removed, and some were big stately trees. At one time this was designated a tree city. I have children of a
379 friend see the trees I live near, and did not believe a tree could grow that big. They live in an ant colony on
380 someone's former farm. Thank you for getting the project, hopefully it will solve some of the problems.
381 THE CHAIR thanked Mr. Havasi for his comments and said that he could personally appreciate his
382 comments.
383 ENGINEER MACKAY said that it was a long and difficult project and there were certainly some issues
384 that came up, and h thinks that our inspector did the best he could in solving them. The project was done on
385 time and under budget, and they feel it was a success.
386 MR. HAVASI asked if the upcoming water project on West 213th St will be following the new EPA
387 regulations regarding notifications for lead.
388 ENGINEER MACKAY said that they will be following the new EPA regulations and that there are also new
389 protocols from Cleveland Water, and any lead lines that are encountered and disturbed will be replaced.
390 DIRECTOR COSTELLO added that the Rocky River Wastewater will be watching the flow with flow
391 meters that will be installed for data collection.
392 MR. HAVASI said he knows there was a new type of manhole installed and asked if that will be monitored
393 for efficiency.
394 ENGINEER MACKAY said that it is a stormwater water quality manhole that will clean up and filter debris
395 as it goes into the sewer.
396 DIRECTOR COSTELLO said that they will be looked at on at least a bi-annual basis, and asked for
397 photographs so they can document that they are being maintained and removing debris.
398 MR. HAVASI asked about catch basins under curb drains and asked about concerns for mosquito larvae.
399 ENGINEER MACKAY said that he believes he is referring to the sumps in the catch basins, and that they
400 are designed to catch debris in the basis and have been around for years. He said it is common to put them
401 in and if there are mosquito issues, there are tablets and other remedies that the Board of Health can come
402 out and put in.
403 DIRECTOR COSTELLO said that she has a call into the Board of Health regarding mosquito concerns.
404 THE CHAIR thanked Mr. Havasi for his contribution this evening and said that it is residents like him that
405 make the community such a great place to live.
406

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

408 COUNCILMAN SIMMERLY thanked the Fire Department for their efforts last week and those that attended
409 the budget hearings on Saturday as they were very informative. He encouraged residents to use the new
410 airport portal to report any issues they may have.

411
412 COUNCILMAN MINEK said that he had the honor to attend the Police Officer award ceremony for the best
413 department in the West. He thanked Director Costello for the copy of the Lorain Road Corridor Study. He
414 told Mr. Havasi they will continue to be in touch.

415
416 COUNCILWOMAN ADLER said that she also applauds the firefighters who fought the fire last week and
417 the many people from Fairview Park City who came and shared their reports, they did a fine job in helping
418 to get a handle on the budget.

419
420 COUNCILWOMAN WERING said that it was a very busy week with our safety services and gave a big
421 thank you to the Fire Departments for the efforts that they put in, as it could have been a very costly fire and
422 shows how trained and skilled they are. She also thanked the Fire Department for the tour they gave her
423 children this week. COUNCILWOMAN WERING said that she also had a tour of the Police Department
424 renovations and that it was a project that was severely overdue, but glad that it is coming along. She also
425 complimented the Service Department for the wonderful job they did with snow removal this past week.
426 COUNCILWOMAN WERING said that she attended the Planning and Design Commission meeting where
427 plans for Thomas Lane Park were discussed, and she was impressed with the number of attendees there and
428 wanted them to know that she heard their concerns, and have taken them into consideration as the process
429 moves forward, and anytime residents can be vocal about what it is that they're feeling, thinking and wanting
430 in the city we can all make better decisions so she appreciates that. She thanked her daughter, Katelynn, for
431 her help and support for attending the meeting tonight.

432
433 COUNCILWOMAN KING reminded everyone that early voting is now open at the County Board of
434 Elections for the March 17th Primary Election and encouraged everyone to exercise their right to vote early.

435
436 COUNCILMAN BURGER clarified that the action taken in regard to Thomas Lane Park tonight was to
437 dedicate the parcel as a park with the City, that it will never be owned by the school (district) again, and that
438 the specifics in regard to benches and other detail was not voted on and will be decided in other votes. He
439 said he received an email from the Strategic Planner for the MetroParks stating that she has received letters
440 from residents regarding the path dedication and has included them in the grant application which was
441 submitted to Columbus today.

442
443 THE CHAIR commended Officer Reyes on his being honored by his colleagues and the Community on his
444 heroism, and just all around being an awesome guy. He also commended the rest of our first responders on
445 the gallant job they did confronting the unbelievably huge fire last week. THE CHAIR made the following
446 statement: I was not at the regular meeting of Council, Feb. 17th, 2020 where Fire Chief, Tony Raffin, read
447 a prepared statement regarding Ordinance 20-04 (The installation of the Exhaust Removal System for the
448 Fire Station. I was out of town on a planned vacation with family) but, from what I was told, it was very
449 well attended by Fire Fighters from not only our Department, but neighboring departments? As much as I
450 love to see large groups of our first responders attend our meetings, it really is a rare occurrence. So I can
451 only assume that this spike in attendance was the result of an attempt to frame Council's request that the
452 proper legislative process for public bidding be followed as some sort of an attack on Fire Fighters safety?
453 This is very unfortunate. And the furthest thing from the truth. This Council has a long and proud history of
454 being supportive and responsive to the needs of our first responders, especially when it comes to the issue
455 of their personal health and safety. But there is also a long-standing process, rich with transparency, that
456 this Council has instituted and shown, and is, most importantly, expected to adhere to as public servants.
457 First off, for the record, no one needs to emphasize to me the urgency of mitigating a hazardous work

458 environment. I have spent the last 30 years of my life working in one of the most hazardous occupations that
459 exists. Performing the work of my craft in chemical plants, power houses, car plants, steel mills, foundries,
460 lime kilns, sewage treatment plants, and other assorted industrial areas, sometimes, hundreds of feet in the
461 air. Usually with a burning torch or a welding stinger in my hand, exposed to air that would make the
462 occasional plume of diesel exhaust seem almost pleasant. I know better than most- much better,
463 unfortunately, the hazards that working people are expected to endure on a daily basis. For someone to try
464 and insinuate that I would intentionally hold up the installation of a piece of equipment meant to make the
465 workplace safer- for no good reason whatsoever- is completely indefensible. From the start this discussion,
466 the Fire Chief insisted on following his own set of rules. He initially brought this to Council- unannounced-
467 on a Special Tuesday Council Meeting (Jan. 21st) at our pre-meeting Caucus. This is NOT the forum to
468 introduce new legislation. It was not on the meeting agenda for the evening and had no business being
469 discussed. When it was placed on the actual agenda for the following weeks Finance committee meeting,
470 (Monday, Jan 2nd) many questions had arisen once Council had actually had a chance to wrap their collective
471 heads around what was happening. This is the reason this was not moved to the floor for 2nd reading and
472 was returned to committee. This was the only delay in the entire process. And again, it was shortly thereafter
473 passed on emergency 2nd reading. But, back to the process. When The Chief showed up at the Finance
474 Committee Meeting 2 weeks later and was questioned about the “out-of-the-norm” way he went about this,
475 he told Council that he had followed the procedure he “had always used” for the bidding process. No,
476 actually, he had only done it twice in the past- both times for what he called “emergency purchases” (the
477 new pumper truck and some breathing apparatus). He had certainly never done this for the funding of public
478 construction work at City Hall. In response to repeated questions about why council was unaware of this
479 grant during the 18 month process of pursuing it, the advertisements being placed and the off-track bid
480 review process done by only himself and the Mayor’s Assistant, the Chief said, “pick up the paper” and
481 “Welcome to the Tony Show”. This was not only disrespectful, but counter-productive, as well. Especially
482 when the final decision making is ultimately being made by this body. And, in all honesty, the fact that he
483 was able to pull this off twice before falls entirely on Councils shoulders. My shoulders. But again, who
484 likes to tell First Responders with emergency “the sky is falling” requests for breathing apparatus and a new
485 fire truck that they need to slow down and follow proper procedure. So, we allowed ourselves to be swayed
486 in the past. Evidently, the Chief now feels a precedent has been set and that he has Carte Blanche power to
487 do as he pleases. He does not. Proper procedure will be followed from now on. And while I’ve been very
488 vocal in my criticisms of the need for a Board of Control in the City of Fairview Park, we do have one and,
489 its use is mandatory for all bids for public projects/purchases above the State spending threshold. Last
490 Monday I reached out to the State Attorney General’s Office and the State Department of Administrative
491 Services and was told that the Fire Chief, nor anyone else in this City government, has any business,
492 whatsoever, using Chapter 125 of the ORC to circumvent Fairview Parks Charter and Codified Ordinances.
493 I was told that this Chapter that The Chief used is meant to be interpreted for State Bidding purposes only-
494 and even then, only when an emergency is declared by the Governor or President of the United States. I am
495 hoping that all of this was done unwittingly and will follow up with the Law Director who is charged with
496 ensuring that the law is followed with regard to the bidding process and the awarding of municipal contracts.
497 Unfortunately, I cannot entertain a motion to reconsider this legislation due to the prohibition of interfering
498 with actions already put into motion. I am also hopeful that this particular grant and contract never come
499 under review for the process and actions subsequently taken based on the formally written and espoused
500 reasons that were repeatedly and inaccurately given to Council on no less than 5 separate occasions. Should
501 that be the case, I have hereby stated the reasons why that should have never been done. Lastly, the Fire
502 Chief also asserted in his statement that a conflict of interest exists for myself because I stated my opinion
503 to him, the Mayor and The Fire Fighters Union President about how disappointed I was that while at the
504 same time I was enthusiastically supporting the fire fighters union contract: a contract, that, btw, provides
505 well-deserved, generous, taxpayer-paid, pay-raises and excellent benefits to the Chief and the rest of the
506 City’s fire fighters; the Chief was asking me- a life-long union tradesman, to approve an ordinance hiring-
507 again- “the lowest-bidder”- a company from Cincinnati- to perform construction work in the fire station. For
508 one thing, my views on this topic are well known and very consistent: being that I believe all working-people

509 deserve to be paid a good wage, good benefits, pension and as safe as possible working environment- not
510 just fire fighters. But I certainly support our City’s unions. They are the people who actually run this city.
511 Just ask the representatives of the City’s 3 unions who the one Councilperson who has consistently been in
512 their corner for the past decade plus. This is who I am. I don’t hide from it from anyone. And this not only
513 because I’m a union member myself, it is because I vehemently believe that you get what you pay for. Pay
514 for the best and will you get the best. If you need examples of what always going with the lowest bidder gets
515 you look no further than the recent failure of the 10 year old Gemini Center roof and the \$1.5 million dollars
516 it cost the taxpayers to repair/replace it. It was designed and installed improperly in the first place and we’ve
517 had issues with it from day one. Also, Council was just advised after specific questioning at budget hearings
518 over the weekend, that there are yet more issues with the roof on the east side of the facility that will require
519 repair. We were also notified this weekend of the proposed and impending replacement of the swimming
520 pools “Diamond Bright” coating at the rec center. I believe this is also well before its expected “end of life”
521 usage. I voiced my concerns back in 2008 my about the company who initially did this work, as well. This
522 will - of course - ultimately will fall on this Council to appropriate funds for. So, I think it should go without
523 saying that anyone who actually cares about being good stewards of the taxpayer’s dollars would agree that
524 It is essential that city contracts be awarded to companies whose employees have the proper training,
525 expertise and experience. This is evident in the work consistently performed by local Union Labor or, at the
526 very least, companies whose employees were trained under a Registered Apprenticeship Program that has
527 been validated by the U.S. Department of Labor or a State Apprenticeship Agency. If we settle for less we
528 always end up paying way more in the end. I’ll close by saying this, As public servants, we must be able to
529 look above and past the noise and mirages that may arise the midst of doing our jobs. To all members of this
530 Council, I say this: Your independence and ability to rise above what is perceived, versus what is right, and
531 doing right, will no doubt again be tested in the remaining years of your terms. The majority of you are
532 literally learning “on the fly” the nuances of this position. I urge you to continue to dig in, ask the questions
533 for as long as is necessary, for those things that you desire more clarity about, and do not to be swayed by
534 the chastisement that may come for doing so. To the Fire Fighters, other City employees, their families, all
535 others in attendance and this great community as a whole, I sincerely apologize for any attempts made to
536 create an unpleasant atmosphere or to make this a pitting of one group vs another. My sole and only issue
537 with this Ordinance, was THE PROCESS. Please know that this council has been, and will always be, in full
538 support of our safety forces. Know also, that everyone on this dais has taken an oath to uphold and defend
539 the laws of this country, state and local laws. I have not, nor will I ever, sacrifice my integrity or duties as a
540 member of this council to pass a test of public perception. So with that, I will conclude very much in
541 agreement of Chief Raffin’s final points that there needs to be a stop to the long-standing nonsense, of the
542 lack of communications between the branches and departments of this city government. We ARE here to do
543 the business that needs to be done and we do NEED to treat each other with respect and humility while doing
544 so and REMAIN focused on the vision of making Fairview Park “A Great Place to Grow”. Thank You.

545
546 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.
547 MOVED and SECONDED.
548 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 8:22 p.m.
549 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

550
551
552
553 _____
554 Michael P. Kilbane, President of Council

555
556
557 _____
558 Liz L. Westbrooks, Clerk of Council

559 **Approved as amended on 04.20.20**