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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, MARCH 16, 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 (*via teleconference**), M. Kilbane, S. Wering, B. King and
10 G. Burger

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

13 **COMMITTEE REPORTS**

14 COUNCILWOMAN KING reported that the Finance Committee met on Monday, March 9, 2020 at 7:05 pm
15 In attendance were the member of Council, Mayor Cooney, Chief Upperman, Director Riley, Director of
16 Senior Life, Director Cingle, the Commissioner Maynard, Clerk Westbrook and members of the
17 community. **Ordinance 20-09** Authorizes a Telecommunications Agreement with Cox. Chief Upperman
18 was in attendance to answer all questions we had about this ordinance. There were a few clerical amendments
19 that needed to be made. A motion to place this on 2nd subsequent 3rd read was made and passed with a vote
20 7-0. **Ordinance 20-05**, 2020 Appropriations, budgets for the Mayor’s Office, Senior Life, Law Department,
21 Finance, Building and City Council were reviewed. Each department head provided an overview of highlights
22 from 2019 and reviewed significant changes in revenue and proposed expenditures for 2020. A motion was
23 made to place this on 3rd reading and final passage was made and passed with a vote 7-0. **Ordinance 20-07**
24 Authorizes an Extension of Contract with Republic Services for solid waste disposal. Discussion was centered
25 around moving forward with this contract and this year and offering education to the community on recycling
26 and composting. A suggestion was to have a dedicated committee meeting to brainstorm on how to keep
27 costs low. A motion was made for this Ordinance to be placed on 3rd read and final passage and it passed
28 with a vote 7-0. The Finance committee ended at 8:52 pm.
29

30 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**

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32 **LEGISLATION ON FIRST READING**

33 COUNCILWOMAN WERING placed the following legislation up for first reading and introduction:

34 ORDINANCE NO: 20-10

35 REQUESTED BY: MAYOR PATRICK J. COONEY

36 SPONSORED BY: COUNCILWOMAN WERING

37 *AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FAIRVIEW PARK TO ENTER INTO*
38 *AN AGREEMENT WITH THE CUYAHOGA COUNTY JUVENILE COURT IN CONNECTION WITH A*
39 *COMMUNITY DIVERSION PROGRAM TO ADDRESS JUVENILE MISDEMEANOR AND STATUS*
40 *OFFENDERS IN THE CITY OF FAIRVIEW PARK, ESTABLISHING A COMMUNITY DIVERSION*
41 *PROGRAM FUND AS A SPECIAL REVENUE FUND, AND DECLARING AN EMERGENCY.*

42 ACTION: Ordinance 20-10 was placed on first reading and referred to the Local Government and
43 Community Services Committee.
44

45 RESOLUTION 20-04

46 REQUESTED BY: MAYOR PATRICK COONEY

47 SPONSORED BY: COUNCILWOMAN WERING

48 *A RESOLUTION TO EXPRESS THE NEED AND DESIRE OF THE CITY OF FAIRVIEW PARK, OHIO FOR*
49 *THE APPOINTMENT OF A VOLUNTEER HEARING OFFICER TO PRESIDE AT COMMUNITY*
50 *DIVERSION PROGRAM HEARINGS.*

51 ACTION: Resolution 20-04 was placed on first reading and referred to the Local Government and

52 Community Services Committee.

53

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

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

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

58 RESOLUTION NO. 20-05

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

60 SPONSORED BY: COUNCILWOMAN KING

61 *A RESOLUTION AUTHORIZING PARTICIPATION IN THE 2020 ODOT WINTER CONTRACT FOR*
62 *ROAD SALT AND DECLARING AN EMERGENCY*

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

65 Moved and Seconded.

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

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

68 THE CHAIR asked for any further discussion before passage.

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

70 Moved and Seconded.

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

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

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

74 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 20-05 passes.

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

76

77 ORDINANCE NO. 20-09

78 REQUESTED BY: MAYOR PATRICK COONEY

79 SPONSORED BY: COUNCILWOMAN KING

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

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

86 Moved and Seconded.

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

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

89 THE CHAIR asked for any further discussion before passage.

90 COUNCILWOMAN KING made a motion to amend Ordinance 20-09 to remove the Exhibit language in
91 intro and add General Fund number 100 in Section 1 as discussed in Committee.

92 Moved and Seconded.

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

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

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

96 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-09 passes.

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

98

99 **LEGISLATION ON THIRD READING AND FINAL PASSAGE**

100 COUNCILWOMAN WERING placed the following legislation up for third reading and final passage.

101 ORDINANCE NO. 20-05

102 ORIGINATED BY: GREG CINGLE, FINANCE DIRECTOR

103 REQUESTED BY: MAYOR PATRICK COONEY
104 SPONSORED BY: COUNCILWOMAN KING
105 *AN ORDINANCE APPROPRIATING FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES*
106 *OF THE CITY OF FAIRVIEW PARK, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND*
107 *ENDING DECEMBER 31, 2020 AND DECLARING AN EMERGENCY*
108 THE CHAIR asked for any further discussion before passage.
109 COUNCILWOMAN KING made a motion to amend Ordinance 20-05 to include changes to Fund 7780 for
110 2.5% increase for employees as discussed in committee.
111 Moved and Seconded.
112 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
113 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
114 THE CHAIR asked for any further discussion before passage. No Discussion.
115 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-05 passes.
116 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
117
118 ORDINANCE NO. 20-06
119 REQUESTED BY: GREGORY CINGLE, FINANCE DIRECTOR
120 SPONSORED BY: COUNCILWOMAN KING
121 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO*
122 *AUDITOR OF STATE TO AUDIT THE BASIC FINANCIAL STATEMENTS OF THE CITY OF FAIRVIEW*
123 *PARK FOR FY 2019*
124 THE CHAIR asked for any further discussion before passage. No Discussion.
125 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-06 passes.
126 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
127
128 ORDINANCE NO. 20-07
129 REQUESTED BY: MARY KAY COSTELLO, DIRECTOR OF PUBLIC SERVICE AND
130 DEVELOPMENT
131 SPONSORED BY: COUNCILWOMAN KING
132 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION WITH*
133 *BROWNING FERRIS INDUSTRIES OF OHIO, INC. A SUBSIDIARY OF REPUBLIC SERVICES, INC.*
134 *AND DECLARING AN EMERGENCY*
135 THE CHAIR asked for any further discussion before passage.
136 COUNCILWOMAN WERING thanked Mayor Cooney and the Administration for their work is going into
137 looking at this ordinance and contract, the services offered and what is the most economical. She understands
138 that the cost of services is at a significantly lower rate than a lot of our surrounding neighbors, but feels we
139 are missing the mark on the level of service that is expected by the residents. She said whether this passes or
140 not, she recommends that the Administration as they consider the next contract truly evaluates the level of
141 services needed for this city, so we can move forward with that.
142 THE CHAIR asked for any further discussion before passage. No Discussion.
143 ROLL ON PASSAGE: Vote: YES-6, NO-1 | Ordinance 20-07 passes.
144 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, B. King and G. Burger | NO: S. Wering
145
146 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
147 **OFFICIALS**
148 MAYOR COONEY thanked Council and Council Clerk Westbrook for putting this meeting together in
149 these unchartered waters we are in. He said as we proceed lines of communication will be open, first
150 responders are ready to go, and encouraged people to be patient and help each other as best we can.
151
152 DIRECTOR CINGLE thanked Council for the passage of the Finance legislation on the agenda.
153

154 **PUBLIC SESSION**

155 JOHN TAYLOR - 22405 Macbeth Ave – MR. TAYLOR asked about the pink paint along West 220th St.

156 DIRECTOR COSTELLO said that that was just engineering for a future study.

157 MR. TAYLOR asked about the curbs falling in on West 220th St turning from Brookpark. It is very dangerous
158 as when people go around there is nowhere to go to avoid but into the turning lane in the opposite direction.

159 DIRECTOR COSTELLO said that we are attempting to get that section repaired if they fit in the Street
160 Repair Program budget for this year. She said that she is also in communications with ODOT to repair
161 bridges and they are saying they are about 3 years out, but they are looking to see if they can come make
162 interim repairs in the meantime.

163 MR. TAYLOR said that he is still interested to see the lighting addressed on the Brookpark Road bridge as
164 well as the repairs to it.

165

166 MR. CHUCK SOTU – 20867 Fairpark Drive – MR. SOTU inquired about the City’s rate of on recyclables
167 and whether it has gone up, as it is a hot issue in Rocky River. He also asked about Brookpark Road in
168 Fairview done.

169 MAYOR COONEY said that it is not on the schedule for our city, but North Olmstead’s portion will be
170 done this year.

171

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

173 COUNCILMAN SIMMERLY thanked Mayor Cooney and the Administration for their communications this
174 past week.

175

176 COUNCILMAN MINEK said that there will be a Planning & Design Commission meeting this Wednesday
177 at 7:00pm.

178

179 COUNCILWOMAN ADLER thanked Council Clerk Westbrook for arranging the opportunity to
180 participate remotely and the Mayor and Law Director for their communications.

181

182 COUNCILWOMAN WERING thanked Mayor Cooney and the Administration for being proactive in the
183 current unprecedented health challenge in our community and across the world and hopes that it will just be
184 blip on the radar, and in years to come that we will all be able to laugh about. In the meantime, she
185 encouraged everyone to follow the CDC and state guidelines and warnings for social distancing, gatherings
186 and hygiene. She said that she will keep the first responders and the Service Department and all employees
187 in her prayers and thoughts. She said that there are things that can still be done to unite and communicate
188 with others in the communitive, some parents have committed to social story times so that kids can have
189 different voices, and encouraged everyone to do so.

190

191 COUNCILWOMAN KING said the situation that we are in with COVID-19 is a strange time and constantly
192 changing, and she feels the Mayor did a great job with communication this week and hopes that he continues
193 to do so

194

195 COUNCILMAN BURGER asked that is we are cancelling meetings, would now be the appropriate time.

196 THE CHAIR explained that he will be making a motion to do so following his comments.

197

198 THE CHAIR said that out of an abundance of caution regarding COVID-19 next Monday’s Committee
199 meeting is now cancelled. He entertained a motion to cancel the regularly scheduled April 6th Council
200 meeting.

201 Moved and Seconded.

202 THE CHAIR asked for any further discussion. No Discussion.

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

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

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206 COUNCILWOMAN KING made a motion to extend the interim appointment of Mary Long as Recreation
207 Director for an additional 60 days.
208 Moved and Seconded.
209 THE CHAIR asked for any further discussion. No Discussion.
210 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
211 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
212
213 THE CHAIR made a motion to adjourn the regular meeting with no further business.
214 MOVED and SECONDED.
215 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 7:20 p.m.
216 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
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218 **This meeting was available to access/participate by teleconference under COVID-19 Open Meetings Law*
219 *Amendments by General Assembly and legal guidance provided by the OH Attorney General's Office.*
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223 _____
224 Michael P. Kilbane, President of Council
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227 _____
228 Liz L. Westbrooks, Clerk of Council
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