

CITY OF FAIRVIEW PARK

CITY COUNCIL VIRTUAL MEETINGS



Due to current restrictions associated with the ongoing coronavirus pandemic (COVID-19), we're not meeting in person. However, we still want to hear from you!

AGENDA /LEGISLATION

Visit the City Council Meeting Information and Active Legislation web page site for access to meeting log/dial-in information, electronic agenda and attachments:



www.fairviewpark.org/government/city-council-members/meeting-information-and-materials/

YOUTUBE LIVE

This meeting will be live streamed on our YouTube channel at:
https://www.youtube.com/channel/UC207O_m7DfOP_FcDvoDR5og



EMAIL

Questions or comments can be sent in by 5:00 pm in advance of the meeting to clerkofcouncil@fairviewpark.org. Be sure to reference the agenda item in your email!



GENERAL INFO

For all other City information, please visit our website at www.fairviewpark.org or call **440.333.2200**.





CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

MONDAY, APRIL 20, 2020
REGULAR COUNCIL MEETING

6:30 p.m. - Study Session – Council Caucus Room
7:00 p.m. - Council Meeting – Council Chambers

(via Telephone/Video Conference on Zoom and Live Stream on YouTube)

Join Video Meeting: <https://zoom.us/j/96598599598?pwd=R25ZZXd1N2paYWoycFlza3Y3T3JyQT09>

Meeting Dial-In# (Audio Only): (312) 626 6799 or (301) 715 8592 US

Meeting ID: 965 9859 9598 | Password: 980176 (For Audio & Video)

YouTube Channel: https://www.youtube.com/channel/UC207O_m7DfOP_FcDvoDR5og

Meeting Called to Order

Moment of Silent Prayer | Pledge of Allegiance

Roll Call

Disposition of Minutes

Regular Meeting of Council March 2, 2020
Regular Meeting of Council March 16, 2020
Special Meeting of Council April 13, 2020

Written Communications, Petitions and Claims

Committee Reports

Local Government and Community Services - Councilwoman Wering, Chair | Councilwoman Adler, Vice Chair

~ LEGISLATIVE AGENDA ~

Legislation on First Reading

COUNCILWOMAN KING

Ord. 20-__ | Establishing the Retiree Accrued Benefits Fund

Ord. 20-__ | Authorizing Contract with Go2IT for Computer Services

Legislation on Second Reading

COUNCILWOMAN WERING

Ord. 20-10 | Authorizing Agreement for Community Diversion Program

Res. 20-04 | Appointing Volunteer Hearing Officer for Community Diversion Program

Audience Input on Legislation Up for Passage

Agenda continued on back →

Michael Kilbane, President of Council
Bryan Simmerly, Ward 1

Bill Minek, Ward 2
Maureen Fallon Adler, Ward 3

Sarah Wering, Ward 4
Bridget King, Ward 5

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

Legislation Up for Passage Without Three Readings

COUNCILMAN MINEK

Ord. 20-__ | Plans & Specifications for Sidewalk Replacements

Ord. 20-__ | Bids and Contracts for Sidewalk Replacements

Ord. 20-__ | Authorizing Agreement with ODOT for Lorain Road Guardrails

COUNCILWOMAN KING

Ord. 20-__ | Authorizing Agreement with ODOT for W 210 Street Resurfacing Project

Ord. 20-__ | Plans & Specifications for W 210 Street Resurfacing Project

Ord. 20-__ | Construction Admin and Inspection for West 210 Street Resurfacing

Ord. 20-__ | Acceptance of Bid and Award of Contract for W 210 St Resurfacing

Reports and Communications from Mayor, Directors and Other City Officials

Public Session

Miscellaneous Business and Reports from Council

Adjournment

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 COONEY thanked Lieutenant
218 Shepard and Lieutenant Mihalek for the awards ceremony honoring police officers on February 25. This
219 ceremony was brought back a few years ago, and at this year's ceremony a plaque honoring Patrolman Phil
220 Shoals, who died 50 years ago was unveiled and Patrolman Adam Reyes was honored as Officer of the Year.

221
222 DIRECTOR COSTELLO reported that last week 30 attendees were part of a young tree training seminar
223 was hosted by the Service Department along with the Ohio Dept of Natural Resources. She also reported
224 that the Service Department has painted and cleaned the inside of Bain Cabin, started correcting potholes
225 and make road repairs in parts of Ward 2 and 4. Tree trimming and work on tree boxes along Lorain were
226 also worked on between Wooster and West 210th. She reminded everyone that Mastick Road from Eaton to
227 Valley Parkway is closed while the Metro Parks and the Cuyahoga County Public Works Department have
228 begun project to rebuild the road in a bridge formation and add a trail connector to be continued in the future.

229
230 DIRECTOR CINGLE asked that if Council has any questions on Ordinance 20-05 as the process continues
231 to please let him know.

232
233 ENGINEER MACKAY reported that the City is waiting for the review from the Cleveland Water
234 Department for the West 213th St water line project, and once they are received they will be able to bid after.

235
236 **PUBLIC SESSION**

237 MR. PAUL HAVASI – 21271 Clifford Drive – MR. HAVASI said that he wanted to speak on City
238 Ordinance Chapter 543 and gave the following statement: First topic is City Ordinance under Chapter 543,
239 specifically 543.08 – Commercial snow removal; license and fee. Ordinance has failed, and is not working.
240 Continual violations of this code is violating and caused damage to my property for over 30 years, and
241 continues to this day. To paraphrase the part of the ordinance of my concern is: snow is not allowed to be
242 piled against adjacent fence or landscaping – it is to remain on the property from which it is cleared or hauled
243 away. This picture taken last week, clearly shows snow was piled against my new fence. This fence is not
244 even three years old. Too give some indication of what I have faced through the years. My old fence, for
245 which this was replaced, was continually damaged by snow being pushed against it – posts bent and broken-
246 completely ruined. In order to erect this new fence, which, in material alone, cost well over \$15,000, and I
247 had to do the work myself because no fence company would touch the situation. I spend two weeks, 6 days
248 a week, from sun-up to sun down, removing material that had been plowed into my property, from the
249 adjacent illegally constructed parking lot, just to get my old fence unburied and removed, and construction
250 lines placed. Then it took me another 2 weeks, 6 days a week, from sun up to sun down to remove material
251 enough for me to actually dig the holes to put the fence in. Less than six months later, the fence not even
252 complete the first winter– only the posts up, there was again snow and gravel pushed through into my yard.
253 To replace just one damaged fence post, I estimate over \$5,000 and two to three weeks of work. It is not
254 easy to replace a post that is incased in 5 feet of concrete, and tied together with the two adjacent posts.

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

292 COUNCILMAN BURGER asked Mr. Havasi for the city ordinance he was referencing.

293 MR. HAVASI responded that is was 543.08, and is provided on the reverse side of handout with pictures he
294 gave prior to speaking.

295 THE CHAIR thanked Mr. Havasi for bringing it to Council's attention and expressed his apologies for the
296 damage to the hard work he has done on his fence. He asked who the property owner was of the adjacent
297 property.

298 MR. HAVASI responded that it was Journey Community Church, whom he has talked to, but it seems their
299 Property Custodian position changes every few months.

300 THE CHAIR asked which City Departments he has reached out to regarding this issue.

301 MR. HAVASI responded the previous Mayor and the previous Service Department. He added that the
302 commercial licenses for snow plow operators have not been issued and they are probably unaware, though
303 ignorance is not an excuse.

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

306 MR. CHUCK SOTU – 20867 Fairpark Drive – MR. SOTU inquired how much damage was done to the
307 City’s fire truck in the Rocky River fire, and whether it was covered under insurance and still in service.
308 MAYOR COONEY said that it was the ladder truck, which had damage to the front windshield and some
309 of the running lights due to the heat and proximity to the fire. He said that it is covered by insurance and
310 there is an insurance deductible of \$1,000 and is also still under warranty. He said it will be taken to a repair
311 facility in the next week or so. He reported that Rocky River’s engine truck was damaged in the fire, so
312 consequently when the City has a call that might need a ladder they respond and when there is a call by
313 Rocky River requiring an engine, the City will automatically respond, so there should not be any break in
314 service.
315 MR. SOTU said that he had seen the truck on the news and it looked pretty bad.
316 MAYOR COONEY said that it could have been a lot worse, but we were able to move the truck out of the
317 way to prevent further damage.
318 MR. SOTU asked about monies being pursued to complete the path at the Metro Parks. He asked about the
319 amount and what happens if the grant is not successful.
320 DIRECTOR COSTELLO said that there are grants being pursued by the Metro Parks to connect what will
321 be installed during the current bridge and road project in place. She said that if it is not successful then there
322 will be other avenues of money. The \$1.1 million is their request for the grant, but they have not gone that
323 far into the design to know the exact cost, it is a little early to say, but they thought that that was a reasonable
324 request for something this scope.
325
326 MR. PAUL HAVASI – 21271 Clifford Drive – MR. HAVASI gave his personal feedback regarding the
327 Clifford Drive Sewer Improvement Project done last year: This is feedback that hopefully could be used in
328 future like projects. Before I potentially loose people, I appreciate all the work done, and who were involved.
329 As my shirt says, I was the unofficial observer, and only got this shirt for myself after the major work was
330 done. Kind of a joke to those who saw me all the time out there observing. The date says August 2, but there
331 was work being done well past that. I think it was October or November when they finally came out to clean
332 out the fire hydrant valve box, several hours a compressor was parked at the end of my driveway – I did not
333 mind and let them know I did not need to go out and it was okay for them to be there. Same thing I
334 experienced for the past months. I even had a system to tell the workers if I was going out that day or not,
335 without having to tell them day to day. I spent well over 800, probably over 1,000 hours in observing the
336 work as it was done. I would leave my house early morning, and watch all day, only leaving for lunch or
337 potty breaks. 8 hours, 10 hours, even the 12 to 13 hour days. Several days a week, sometimes blocks away
338 from my house. I was always interested, remember doing it when I was about 8. I had the time and it was
339 close why not? In all the time I spent observing, I was disappointed in seeing very few people from the city.
340 Maybe I missed them, but those days would have been few and far between. My house is located at the east
341 end of the street, so every work morning, I would hear the construction equipment startup and move out to
342 that days jobsite. They had their tool trailer locate near my house. Although I just talked about city codes, I
343 do realize many are not fully enforced. I do appreciate that the noise code was overlooked for this job. From
344 my previous employment at NASA, and involvement working with contractors there, I can see from their
345 viewpoint. They worked a four long day, work week, which is best suited for this industry. 20% less time
346 wasted in setting-up and cleanup each week. The few times they had to work long hours they left at 7 or 8
347 pm, not 9, 10, or, 11. This usually let Fridays to be nice and quiet. The people who lived or worked from
348 home during the day enjoyed this day. Found out, weather wise, working in the pipes was the best
349 environment, if you did not mind some of the smell. Understand this work was done for flooding problems
350 What type of monitoring will be done to see the effectiveness? I know during the project there still was
351 some flooding reported. Even the contractor was noting that some of the snow melt was showing up in the
352 sanitary, where the storm was dry. There were some problems corrected. At my end they experienced a
353 constant flow of chlorinated water. It was found a 2” commercial water feed line had broken in two places,
354 and was finding it’s way into the sewers. The drain in the back of lots installed years ago and forgotten at
355 the end of long forgotten an alley, was re-attached. This was an 8” pipe that did not show up in any drawing,
356 that when first broke into, was dry. After a rain and the backyards began to flood, this was uncovered and

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

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

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

410

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

414

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

418

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

431

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

434

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

441

442 THE CHAIR commended Officer Reyes on his being honored by his colleagues and the Community on his
443 heroism, and just all around being an awesome guy. He also commended the rest of our first responders on
444 the gallant job they did confronting the unbelievably huge fire last week. THE CHAIR made the following
445 statement: I was not at the regular meeting of Council, Feb. 17th, 2020 where Fire Chief, Tony Raffin, read
446 a prepared statement regarding Ordinance 20-04 (The installation of the Exhaust Removal System for the
447 Fire Station. I was out of town on a planned vacation with family) but, from what I was told, it was very
448 well attended by Fire Fighters from not only our Department, but neighboring departments? As much as I
449 love to see large groups of our first responders attend our meetings, it really is a rare occurrence. So I can
450 only assume that this spike in attendance was the result of an attempt to frame Council's request that the
451 proper legislative process for public bidding be followed as some sort of an attack on Fire Fighters safety?
452 This is very unfortunate. And the furthest thing from the truth. This Council has a long and proud history of
453 being supportive and responsive to the needs of our first responders, especially when it comes to the issue
454 of their personal health and safety. But there is also a long-standing process, rich with transparency, that
455 this Council has instituted and shown, and is, most importantly, expected to adhere to as public servants.
456 First off, for the record, no one needs to emphasize to me the urgency of mitigating a hazardous work
457 environment. I have spent the last 30 years of my life working in one of the most hazardous occupations that

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

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

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

546 MOVED and SECONDED.

547 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 8:22 p.m.

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

549
550
551
552 _____
553 Michael P. Kilbane, President of Council

554
555
556 _____
557 Liz L. Westbrooks, Clerk of Council
558
559

1
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 Westbrooks 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**

31
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**

55

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

205
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
217
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.*
220
221
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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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2 **MINUTES OF THE SPECIAL MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, APRIL 13, 2020**
4

5
6 **Meeting was held via video conference*

7 The special meeting of Council was called to order by Council President Kilbane at 8:19 p.m.

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
11

12 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**

13 THE CLERK read and inquiry was received from Mrs. Debra Hammerle in regard to the City’s Small
14 Business Grant Program on the agenda and explained that she had forwarded it to the Administration for
15 answer and follow-up.

16 THE CHAIR asked Mrs. Hammerle about her question.

17 MRS. HAMMERLE responded that she felt the Clerk addressed her questions.
18

19 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE**
20

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

22 COUNCILWOMAN KING placed an Ordinance before Council for emergency passage.

23 ORDINANCE 20-11

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

26 SPONSORED BY: COUNCILWOMAN KING

27 *AN ORDINANCE AUTHORIZING THE MAYOR TO DISTRIBUTE GRANT FUNDS AWARDED*
28 *THROUGH CUYAHOGA COUNTY’S SBA SMALL BUSINESS PERFORMANCE GRANT PROGRAM*
29 *(“PROGRAM”) FOR THE PURPOSE OF PROVIDING PERFORMANCE GRANTS TO LOCAL*
30 *BUSINESSES THAT ARE IMPACTED BY COVID-19 AND AUTHORIZING THE MAYOR TO RECEIVE*
31 *AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO AWARD SAID*
32 *GRANT FUNDS AND DECLARING AN EMERGENCY*

33 COUNCILWOMAN KING moved that the Charter Provision and Rule 49, requiring that legislation be
34 read at three separate meetings be suspended and that it be placed before Council for emergency passage.
35 MOVED and SECONDED.

36 THE CHAIR asked if there was any discussion. No discussion.

37 ROLL ON THE MOTION: Vote: YES-7, NO-0 | Motion carries.

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

39 COUNCILWOMAN KING made a motion that Rule 53 requiring reference to Committee be dispensed
40 with and Ordinance 20-11 be placed on final passage.

41 MOVED and SECONDED.

42 THE CHAIR asked if there was any discussion. No discussion.

43 ROLL ON THE MOTION: Vote: YES-7, NO-0 | Motion carries.

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

45 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-11 passes.
46

47 COUNCIL PRESIDENT KILBANE placed a resolution before Council for emergency passage
48 RESOLUTION 20-06

49 REQUESTED BY: COUNCIL PRESIDENT KILBANE

50 SPONSORED BY: CITY COUNCIL AS A WHOLE

51 *A RESOLUTION ENCOURAGING THE UNITED STATES CONGRESS AND THE OHIO LEGISLATURE*
52 *TO ENACT LEGISLATION THAT WILL PROHIBIT BOND RATING COMPANIES FROM*
53 *DOWNGRADING THEIR RATINGS OF MUNICIPALITIES DUE TO CONDITIONS CAUSED BY*
54 *COVID-19, AND DECLARING AN EMERGENCY.*

55 THE CHAIR moved that the Charter Provision and Rule 49, requiring that legislation be read at three
56 separate meetings be suspended and that it be placed before Council for emergency passage.

57 MOVED and SECONDED.

58 THE CHAIR asked if there was any discussion. No discussion.

59 ROLL ON THE MOTION: Vote: YES-7, NO-0 | Motion carries.

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

61 THE CHAIR made a motion that Rule 53 requiring reference to Committee be dispensed with and
62 Resolution 20-06 be placed on final passage.

63 MOVED and SECONDED.

64 THE CHAIR asked if there was any discussion. No discussion.

65 ROLL ON THE MOTION: Vote: YES-7, NO-0 | Motion carries.

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

67 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 20-06 passes

68

69 THE CHAIR announced that Pursuant to Fairview Park Charter Article 4, Section 7(b) and Council Rule
70 5, no other subject(s) will be considered.

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

72 MOVED and SECONDED.

73 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 8:29 p.m.

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

75

76 **This meeting was available to access/participate by video and teleconference under COVID-19 Open*
77 *Meetings Law Amendments by General Assembly and legal guidance provided by the OH Attorney*
78 *General's Office.*

79

80 _____
81 Michael P. Kilbane, President of Council

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85 Liz L. Westbrooks, Clerk of Council

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

AN ORDINANCE ESTABLISHING THE RETIREE ACCRUED BENEFITS FUND, AND
DECLARING AN EMERGENCY

WHEREAS, The Auditor of the State of Ohio has advised that said fund be approved by City Council.

WHEREAS, The City of Fairview Park wishes to maintain funding in order to pay accrued benefits due to retirees upon retirement from the City.

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

SECTION 1. There is hereby established within the City of Fairview Park accounting system the Retiree Accrued Benefits Fund (733) for the purpose of paying retirement benefits.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and immediately establishing the necessary special revenue fund, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:

APPROVED:

1st reading:

2nd reading:

3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrook, Clerk of Council

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

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GO2IT GROUP FOR PROFESSIONAL SUPPORT SERVICES FOR THE CITY'S COMPUTER SYSTEMS AND DECLARING AN EMERGENCY

WHEREAS, the City's computer systems require monthly maintenance and periodic support services; and

WHEREAS, Go2IT Group has been selected to provide the necessary professional computer services to maintain and operate the City's computer systems from June 1, 2020 to May 31, 2022 to provide pro-active support services, anticipate and prevent IT problems, successful installation and configuration of necessary technologies to monitor and maintain critical technology systems.

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

SECTION 1. The Mayor is hereby authorized to enter into a contract with Go2IT Group to provide managed professional computer maintenance and support services for the City's computer systems in the amount of \$1,980.00 per month, new projects to be billed at the amount of \$115.00 per hour and online backup of data at \$0.50 per gigabyte of online backup storage per month.

SECTION 2. The cost of the professional services contract with Go2IT Group shall be paid from the General Fund (100), the Recreation Fund (232) and the Permanent Improvement Fund (260) as determined by the Finance Director.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and to immediately provide for continued computer maintenance service, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

Statement of Work

Project Number: GO2ITMSP SOW02252002

This Statement of Work ("**SOW No SOW02252002 GO2ITMSP SOW**") dated _____ ("**SOW Effective Date**") supplements the Master Customer Agreement") by and between Go2IT Group ("**MSP**") and **The City of Fairview Park**, a municipality located at 20777 Lorain Road, Fairview Park, OH 44126 ("**Customer**").

GO2ITMSP SOW02252002 consists of the terms below, the signature page, and any unique attachments to **GO2ITMSP SOW02252002** which are all incorporated into the Agreement by this reference and are made a part of the Agreement by all intents and purposes.

Capitalized terms used herein, unless otherwise defined, will have the meanings given to them in the Agreement.

1. Services Description.

- a. The Service is designed to provide pro-active support services that anticipate and prevent IT problems before they occur. The Service is built upon the successful installation and configuration of technologies that Go2IT's Technical Support Personnel utilize to monitor and maintain critical technology systems.

2. Deliverables Description.

- a. MSP will deliver the Service pursuant to the terms of this SOW. This SOW will serve to describe the on-going Services in detail.
- b. Help Desk Support and Network Monitoring
Remote Help Desk for Customer's IT Network will be provided through remote means by MSP to Customer during normal business hours, Monday through Friday from 8:30 am to 5:00 pm EST. Access to the Go2IT Help Desk by authorized personnel is made via the Go2IT MSP live chat and trouble ticket management system. Network Monitoring Services will be provided 24/7/365. All services qualifying under these conditions, as well as Services that fall outside this scope will fall under the provisions of Section 5 of this SOW. Hardware costs of any kind are not covered under the terms of this Agreement.
- c. Support Tickets and Escalation
Go2IT will respond to Customer's Support Tickets under the provisions of attached Section 5.0. Support Tickets begin at Level 1 and must be opened by the Go2IT Helpdesk Team which will also handle Level 2 Support Tickets. If the Helpdesk team is unable to remediate the issue, the Support Ticket is escalated to Level 3 at which time the Go2IT Professional Services Team will take over. Each Customer Issue will be assigned a Support Ticket number for tracking.
- d. Hardware and Software Licensing and Support
MSP shall provide support of all hardware and systems specified in Section 5.0, provided that all Hardware is covered under a currently active Vendor Support Contract; or replaceable parts are readily available, and all Software is Genuine, Currently Licensed and Vendor-Supported. Should any hardware or systems fail to meet these provisions, they will be excluded from this Service Agreement. Should 3rd Party Vendor Support Charges be required in order to resolve any issues, these will be passed on to the Customer after first receiving the Customer's authorization to incur them.
- e. Virus Recovery for Current, Licensed Antivirus Protected Systems
Damages caused by, and recovery from, virus infection not detected and quarantined by the latest Antivirus definitions are covered under the terms of this Agreement. This Service is limited to those systems protected with a Currently Licensed, Vendor-Supported Antivirus Solution and/or Guardian protected system.
- f. Monitoring Services
MSP will provide on-going monitoring and security services of all critical devices as indicated in attached Section 5.0. MSP will provide monthly reports as well as document critical alerts, scans and event resolutions to Customer. Should a problem be discovered during monitoring, MSP shall make every attempt to rectify the condition in a timely manner through remote means.
- g. Support Services Outside Standard Business Hours
Emergency support based services performed outside of the hours of 8:30 am – 5:00 pm Monday through Friday, excluding public holidays, shall be subject to provisions of Section 5.0. A 24/7/365 emergency support telephone number will be provided for Customer to call outside of normal business hours. This number rings directly to the mobile phone of the emergency technician on call.

3. GO2ITMSP SOW02252002 Terms

3.1 Minimum Compliance Standards

In order for Customer's existing environment to qualify for MSP Services, the following requirements must be met:

- a. All Servers with Microsoft Windows Operating Systems must be running Windows 2003 Server or later, and have all of the latest Microsoft Service Packs and Critical Updates installed.
- b. All Desktop PC's and Notebooks/Laptops with Microsoft Windows Operating Systems must be running Windows 98 or later, and have all of the latest Microsoft Service Packs and Critical Updates installed.
- c. All Server and Desktop Software must be Genuine, Licensed and Vendor-Supported.
- d. The environment must have a currently licensed, up-to-date and Vendor-Supported Server-based Antivirus Solution protecting all Servers, Desktops, Notebooks/Laptops, and Email.
- e. The environment must have a currently licensed, Vendor-Supported Server-based Backup Solution.
- f. The environment must have a currently licensed, Vendor-Supported Hardware Firewall between the Internal Network and the Internet.
- g. Any Wireless data traffic in the environment must be secured with a minimum of 128bit data encryption.

Costs required to bring Customer's environment to Minimum Standards are additional and outlined on the attached Section 5.0.

3.2 Included Services

Service rendered under this Agreement includes the following features:

- a. Go2IT Helpdesk
- b. 24/7 Network Monitoring
- c. Virus Definition Updates
- d. Microsoft Patch Management
- e. On-Site and Remote Backup Monitoring
- f. Online Support Portal (Monitor Support Tickets)
- g. Spyware Monitoring and Removal
- h. Creation of Acceptable Use Policy (AUP)
- i. Add and Remove Users from Server (Active Directory)
- j. Executive Monthly Report
- k. Quarterly On-Site Strategy Meeting (Virtual CIO, or VCIO)
- l. Design Desk Services
- m. Vendor Liaison

3.3 Excluded Services

Service rendered under this Agreement does not include:

- a. Parts, equipment or software not covered by vendor/manufacturer warranty or support.
- b. The cost of any parts, equipment, or shipping charges of any kind.
- c. The cost of any Software, Licensing, or Software Renewal or Upgrade Fees of any kind.
- d. The cost of any 3rd Party Vendor or Manufacturer Support or Incident Fees of any kind.
- e. The cost to bring Customer's environment up to minimum standards required for Service Compliance.
- f. Failure due to acts of God, building modifications, power failures or other adverse environmental conditions or factors.
- g. Service and repair made necessary by the alteration or modification of equipment other than that authorized by Go2IT, including alterations, software installations or modifications of equipment made by Customer's employees or anyone other than Go2IT.
- h. Maintenance of Application software packages, whether acquired from MSP or other source unless specified in Section 5.0.
- i. Programming (modification of software code) and program (software) maintenance unless as specified in Section 5.0.
- j. Travel Costs if company is outside of our 25 mile radius.
- k. Training Services of any kind.

3.4 Travel costs to and from Customer's primary and other department/building locations within the City of Fairview Park for on-site support is included within this agreement.

4.0 Fee Schedule and Contract Duration

Fees for the service will be **\$1,980.00** per month.. Hourly fees for support of non-managed hardware and new projects will be billed at **\$115.00 per hour**. Fees for Go2IT Online Backup will be **\$0.50 per GB** of Online Backup Storage per month. Customer will be billed on the 1st of each month. The Service will begin on **June 1, 2020**. The Service will be suspended if payment is not received within 30 days following date due. Customer agrees to an initial **24 month contract** and will automatically renew each month thereafter and remain in force until a 30 day written notice of termination is delivered to Go2IT by Customer or by Go2IT to Customer. Additional Services may be added by Customer by signing a new SOW outlining additional service.

5.0 **Supported Technologies and Personnel**

All servers, workstations, printers, wireless networks, and other related network infrastructure equipment located at all City of Fairview Park facilities.

GO2ITMSP SOW02252002 is effective only upon execution by Go2IT and Customer. Each party hereto warrants and represents that GO2ITMSP SOW02252002, the Agreement, constitute the legal, valid and binding obligation of such party as of the SOW Effective Date.

Go2IT

City of Fairview Park

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

CITY OF FAIRVIEW PARK
ORDINANCE NO. 20-10
REQUESTED BY: MAYOR PATRICK J. COONEY
SPONSORED BY: COUNCILWOMAN WERING

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

WHEREAS, Ohio Revised Code Chapter 2151 and the Rules of Juvenile Procedure give general authority for the Cuyahoga County Juvenile Court to establish legal mechanisms to divert complaints before they are filed for formal court action, while protecting the constitutional due process rights of accused juveniles; and

WHEREAS, Ohio Revised Code Section 2151.11 permits the Cuyahoga County Juvenile Court to participate with other public agencies in programs which have as their objective the prevention and control of juvenile delinquency; and

WHEREAS, the Cuyahoga County Juvenile Court desires to promote and develop a Community Diversion Program to address juvenile misdemeanor and status offenders, in order to divert youths who are juvenile offenders involving misdemeanor and status offenses from formal court action and to utilize community resources to ameliorate such situations; and

WHEREAS, the Cuyahoga County Juvenile Court has agreed to develop and implement a Community Diversion Program for misdemeanor and status offense complaints against juveniles in the City of Fairview Park for offenses that are committed elsewhere by residents; and

WHEREAS, this Council desires to enter into an agreement with the Cuyahoga County Juvenile Court to assist the City in addressing juvenile misdemeanor and status offenses, and to request financial assistance thereunder;

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

SECTION 1. That the Mayor of the City of Fairview Park is hereby authorized to enter into an Inter-agency Agreement with the CUYAHOGA COUNTY JUVENILE COURT to assist the City in addressing juvenile misdemeanor and status offenses and to request financial assistance in connection with a Community Diversion Program established by the Cuyahoga County Juvenile Court, a copy of which is attached hereto as Exhibit" A."

SECTION 2. There is already established the Community Diversion Program Fund as a special revenue fund of the City known as Fund Number 750 to process all receipts and expenditures in connection with this Program.

SECTION 3. That the Director of Finance be and is hereby authorized and directed to certify a copy of this Ordinance to the Auditor of State for approval pursuant to Ohio Revised Code Section 5705.12.

SECTION 4. That funds received from the Cuyahoga County Juvenile Court in connection with the Community Diversion Program shall be placed in the Community Diversion Program Fund; and any local funds necessary to carry out the Community Diversion Program shall be paid from the Community Diversion Program Fund.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to participate with the Cuyahoga County Juvenile Court in the Community Diversion Program to assist the City in dealing with juvenile misdemeanor and status offenses, provided this Ordinance receives the affirmative vote of a majority plus one of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 03.16.20
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

**CUYAHOGA COUNTY
COURT OF COMMON PLEAS, JUVENILE COURT DIVISION
COMMUNITY DIVERSION PROGRAM
CITY OF FAIRVIEW PARK
AGREEMENT**

THIS AGREEMENT is entered into this ____ day of _____, 2019 by and between the County of Cuyahoga, Ohio (hereinafter called the "COUNTY"), the Cuyahoga County Court of Common Pleas, Juvenile Court Division (hereinafter called the "COURT") and the **City of Fairview Park**, a government entity, with principal offices located at 20777 Lorain Road, Fairview Park, Ohio 44126 (hereinafter called the "VENDOR").

WITNESSETH THAT:

WHEREAS, the COURT desires to engage the VENDOR'S services to develop and implement the Community Diversion Program (hereinafter called the "CDP"), or utilize another COURT-approved CDP to hear status, misdemeanor, or felony offense complaints that occur in the **City of Fairview Park** or are committed elsewhere by **Fairview Park** residents and the VENDOR can provide these services from March 1, 2020 to December 31, 2020.

NOW THEREFORE, the parties hereto do mutually agree as follows:

- I. TARGET POPULATION - The youth referred to the project shall be males and females, ages ten (10) to seventeen (17). These youth shall be residents of Cuyahoga County referred by the COURT'S Intervention Center Staff (hereinafter called the "YOUTH").

- II. DESCRIPTION OF SERVICES - The CDP shall implement effective diversion services with a focus on rehabilitation and accountability versus deterrence-based sanctions. Effective diversion services are responsive to preserving protective and prosocial factors for YOUTH. Diversion Techniques that have been proven through research to be ineffective or harmful to adolescent development such as scared straight, boot camps, prison site visits or other intimidation or punitive techniques are not permitted types of programming.
 - A. The VENDOR shall utilize funds to support CDP activities only. Such allowable expenditures include the following:
 1. Specialized diversion groups/services may include:
 - i. Online diversion program expense(s) provided under the supervision of the CDP;
 - ii. Skills building groups;
 - iii. Restorative Justice Programs; and
 - iv. Truancy Prevention/Intervention Programs.
 2. Reimbursement to staff time while engaging in CDP youth activities, such as:
 - i. Community Service;
 - ii. Hearings/family meeting;
 - iii. Family group conferencing;
 - iv. Mentoring youth;
 - v. Face to face follow up; and

vi. Phone call check in with youth, family, or community provider.

B. The following items are excluded from allowable reimbursement activities:

1. Gift cards, cash or cash equivalents for volunteers, CDP staff, or contracted staff;
2. Travel expenses or conference attendance; and
3. Furniture or Office Equipment (eg: computers, printers, laptop, cell phones).

III. BUDGET - Funding for this AGREEMENT is contingent upon the availability of funds and shall not exceed newly allocated amount of **\$1,816.96** with the additional carryover from previous contract years for the term of the AGREEMENT. Funding allocation is based upon internal Court reports of percentage of overall youth served by each Community Diversion Program. Funds are allocated based upon the percent of youth served in previous two (2) consecutive calendar years. All funds disbursed to the VENDOR from the COURT shall be monitored by the COURT via monthly invoices submitted to the COURT's Fiscal Department. Upon depletion of the carryover funds, the AGENCY shall receive monthly stipends not to exceed **\$151.41** per month for services rendered. Failure to provide adequate or substantial verification of receipt and expenditure of funds shall result in the COURT discontinuing funding. Should the COURT discontinue funding, the VENDOR must reimburse all remaining funds for which substantial documentation of receipt or expenditure cannot be produced. If allocated funding is not spent at the end of this AGREEMENT, the VENDOR will return the funding to the COURT.

- A. VENDORS who maintain a balance of monies from prior contracts with the COURT (as calculated by the COURT pursuant to the COURT's audit practices) shall utilize all carryover monies prior to requesting payment of new funds. New funds will not be issued by the COURT until all carryover monies are exhausted and accounted for via the monthly invoice process for approved CDP expenditures of the current contract.
- B. Both carryover monies and any additional funds paid through this CONTRACT may only be spent on the above-described activities.
- C. VENDORS that charge fees to participants may not reject a youth's participation in the program merely based upon inability to pay. Any fee charged may not exceed the VENDOR's actual cost of the program.
- D. The amount of new funds paid to the VENDOR will not exceed the allocated funds for the current contractual period.
- E. VENDORS shall invoice the COURT for all programmatic activities, whether for new funding or spending of carryover monies.
- F. The VENDOR shall return any residual and unspent new funds that exceed 10% of the allocated amount at the end of the contractual period. The funds shall be returned no later than thirty (30) days after the expiration of the current contract.
- G. The VENDOR is subject to verification of funding by the COURT and shall maintain accurate records of the following:
 - i. Name and case number of youth served;
 - ii. Contact type;
 - a. Face to face
 - b. Phone call

c. Letter/mail notification

iii. Specific Diversion Service provided; and

iv. Total number of hours spent with diversion service.

- H. The VENDOR shall submit monthly invoices to the COURT's Fiscal Department. The VENDOR shall utilize the attached invoice sheet which details all activities for youth. Failure to do so by the tenth of each month may result in non-reimbursement by the COURT and potential termination of the contract.
- I. Incurring Costs: The COURT shall not be responsible for any cost incurred by the VENDOR prior to the commencement and subsequent to the termination of this AGREEMENT. However, if the effective date of this contract is after 1/1/2020, VENDOR may, with prior court authorization, submit an invoice for the month(s) prior to contract execution.
- J. The VENDOR shall provide any data or reports requested by the COURT in a timely manner in preparations and at the time of the yearly audit.
- K. All invoices shall include the VENDOR'S name, program name, address, phone, invoice number, federal tax ID number, VENDOR number and month on it. All invoices must be signed and dated for verification by the VENDOR.
- L. Additional or corrected invoicing for services beyond the previous month must be requested separately in writing describing the reasons for the additional billing along with specific supporting documentation to substantiate the requested claim. Under no circumstance will the COURT accept or process any initial invoices received after sixty (60) days following the end of the month that the service was provided in. For example, if the service was provided within January, then the 60 day period expires on March 31.
- M. Invoice Review: The COURT shall review invoices for completeness before making payment. The invoices submitted are subject to adjustment for computational or processing errors, incorrect rates, non-covered services and to audit by the COURT.
- N. Payment: The COURT shall review invoices for completeness and accuracy before processing for payment. The invoices submitted are subject to adjustment for computational or processing errors, incorrect rates, non-covered services and to audit by the COURT. Incomplete invoices shall be returned for correction. Original "wet" signatures are required on all invoices submitted. Please submit invoices to the following address:

Juvenile Court, 4th Floor Fiscal
9300 Quincy Avenue, Cleveland, Ohio 44106

IV. OPERATIONAL DETAILS

- A. Service Site: All services shall be provided at a mutually agreed upon site.
- B. Contact Person:

Vendor Programmatic Contact	Court Programmatic Contact
Gail Nanowsky	Bridget Gibbons
20777 Lorain Road	9300 Quincy Avenue
Fairview Park, Ohio 44126	Cleveland, Ohio 44106
Gnanowsky@cox.net	bgibbons@cuyahogacounty.us
Vendor Fiscal Contact	Court Fiscal Contact
Name	Sarah Baker
Address	9300 Quincy Avenue
CSZ	Cleveland, Ohio 44106
E-mail	sbaker@cuyahogacounty.us

V. OBJECTIVES

Performance Objectives

1. 70% of YOUTH served during the CONTRACT period will successfully complete the program without referral to COURT for official COURT Processing.
2. 80% of YOUTH referred will be engaged in services.
3. 90% of YOUTH engaged in services will complete services within targeted timeframe of 90 days.

Performance Indicators

1. Number of YOUTH successfully terminated from program divided by the number of YOUTH referred to the program during the contract period.
2. Number of youth engaged divided by number of YOUTH referred.
3. Number of YOUTH completing services within 90 days divided by Number of YOUTH engaged in services .

VI. RETENTION OF ACCOUNTING AND REPORTING PROCEDURES - The VENDOR

shall maintain and preserve all fiscal and programmatic records, books, documents and papers that pertain to the performance of this AGREEMENT. VENDOR shall maintain a ledger that specifies funds received from the COURT for this CONTRACT. Any other funds, such as fee payments, fines, or any other fees for services must be accounted for separately from the funds for the operational services for the Community Diversion Program. Such records shall be subject to inspection, review and audit by COURT personnel. The VENDOR shall maintain the aforementioned records for at least five (5) years following the termination of this AGREEMENT or longer period, as may be required by the applicable records retention schedule.

- VII. PROFESSIONALLY WRITTEN RECORDS - All correspondence and reports to the COURT shall be computer-generated and shall appear professional, with the VENDOR'S name, address, and contact information included.
- VIII. ON SITE VISITS - The COURT shall be allowed to access, review and discuss activities and records and shall be allowed to interview individual youth, family, and/or VENDOR'S staff that are served or paid in whole or in part under this AGREEMENT.
- IX. BUILDING CODES-SAFETY ORDINANCES - If applicable, all buildings, offices and facilities utilized by the program where the YOUTH shall be present shall conform to and abide by all Federal, State, County and City building codes and safety ordinances. Documentation of such shall be presented to the COURT upon request.
- X. INSURANCE – The VENDOR shall procure, maintain and pay premiums for the insurance coverage and limits of liability indicated below with respect to products, services, work and/or operations performed in connection with this AGREEMENT.
1. Municipality's Insurance Requirements: Municipality shall carry and continuously maintain throughout the Term of this Agreement, at its sole cost and expense and in the amounts specified, the following types of insurance:
- (a) **Worker's Compensation Insurance** if and to the extent required by the State of Ohio to protect Municipality's employees. Such insurance requirement may be met by either purchasing coverage from the Ohio State Insurance Fund or by maintaining Qualified Self-Insurer status as granted by the Ohio Bureau of Workers Compensation (BWC). Such insurance shall be written on the National Council on Compensation Insurance (NCCI) form or its equivalent.
 - (b) **Commercial General Liability** insurance with limits of liability not less than:
 - \$1,000,000 each occurrence bodily injury & property damage;
 - \$1,000,000 personal & advertising injury;
 - \$2,000,000 general aggregate; and
 - \$2,000,000 products/completed operations aggregate.

Such insurance shall be written on an occurrence basis on the Insurance Services Office (ISO) form or its equivalent.

2. Insurance Coverage Terms and Conditions
- a. The insurance policies of the Municipality required for this Agreement, shall:
 - i. Name the "County of Cuyahoga, Ohio and its employees" as an Additional Insured. This does not apply to Workers Compensation.
 - ii. Contain a waiver of subrogation provision wherein the insurer(s) waives all rights of recovery against the County.
 - 1. Be primary and not in excess or contingent on any other basis;

2. The Certificates of Insurance evidencing these coverages shall contain the following additional insured and waiver of subrogation language where applicable:
 - a. “Cuyahoga County and its employees are additional insureds for purposes of commercial general liability”; and/or
 - b. “Waiver of subrogation in favor of the County.”
 - b. The insurance required for this Agreement shall be provided by insurance carrier(s) licensed to transact business and write insurance in the state(s) where operations are performed and shall carry a minimum A.M. Best’s rating of A-VII or above.
 - c. The terms of this Agreement shall be controlling and shall not be limited by any insurance policy provision.
 - d. These insurance provisions shall not affect or limit the liability of the Municipality stated elsewhere in this Agreement or as provided by law.
 - e. The Municipality shall require any and all of its subcontractors to procure, maintain, and pay premiums for the insurance coverages and limits of liability outlined above with respect to services, work and/or operations performed in connection with this Agreement.
 - f. Where coverages are made on a claims made basis the claims-made retroactive date on the policy shall be prior to the commencement of activity related to this Agreement.
 - g. Municipality shall submit certificates of insurance evidencing the existence and amounts of insurance as required hereunder. Acceptance of a non-conforming certificate of insurance by the County shall not constitute a waiver of any rights of the parties under this Agreement.
 - h. To the extent that Municipality is self-insured for claims related to personal injury, death and/or property damage which may occur during the course of rendering services under this Agreement, Municipality shall provide proof of its self-insured status.
- XI. ANTI-DISCRIMINATION – The County will follow its policies of non-discrimination. VENDOR hereby agrees that in all matters pertaining to the employment of labor, skilled or unskilled, in the performance of this AGREEMENT, the VENDOR shall at all times conduct its business in a manner that assures there shall be no discrimination exercised against any person because of race, color, national origin, religion, age, handicap, veteran status or any factor as specified in the Civil Rights Act of 1964 and subsequent amendments. It is further agreed that the VENDOR shall fully comply with all appropriate Federal and State laws regarding such regulations including the Americans

with Disabilities Act.

- XII. ASSIGNABILITY - None of the work or services covered by this AGREEMENT shall be subcontracted without the prior written approval of the COURT.
- XIII. RELIGIOUS AFFILIATIONS - Religious programs/programming if offered shall be voluntary and non-denominational. Non-participation by YOUTH shall not result in any penalty.
- XIV. CONFIDENTIALITY - The parties will comply with all laws regarding confidentiality including, but not limited to, R.C. 2151.421, R.C. 5153.17 and, as applicable, R.C. 5101.131. In addition, products of mediation, mediators' notes, mediation records and mediation communications are confidential and subject to the restrictions set forth in O.R.C. 2317.02, O.R.C. 2317.023, and O.R.C. 3109.052. Authorized COURT representatives shall be allowed reasonable access to VENDOR'S records for review of activities that pertain to the performance of this AGREEMENT, and to interview individual participants served and/or VENDOR staff paid under this AGREEMENT only after permission is obtained from the affected mediation participants and suitable written assurances of confidentiality are given to the VENDOR. This does not authorize a jurist, public defender, prosecutor, COURT employee, or State of Ohio employee to obtain information about a specific mediation in contravention of the specified statutes. The VENDOR shall comply with the provisions of the Privacy Act of 1974 and instruct its employees to use the same degree of care as it uses with its own data to keep confidential information concerning client data, the business of the COURT, its financial affairs, its relations with its citizens and its employees as well as any other information which may be specifically classified as confidential by the COURT. Client related information is highly confidential. All Federal and State regulations and statutes related to confidentiality shall be applicable to the VENDOR and it shall have an appropriate contract with its employees to that effect.
- XV. LICENSURE - The VENDOR shall have the appropriate license(s) or certification(s) necessary to provide the services of this AGREEMENT. The VENDOR shall also immediately notify the COURT of any change in licensure status affected by the certifying authority.
- XVI. AMENDMENT - This AGREEMENT constitutes the entire agreement of the parties in the subject matter hereof and may not be changed, modified, discharged or extended except by written agreement executed by the COURT and the VENDOR. The VENDOR agrees that no representation or warranties shall be binding upon the COURT unless expressed in writing herein or in a duly executed amendment hereof.
- XVII. TERMINATION - This AGREEMENT may be terminated by the COURT or the VENDOR upon thirty (30) days prior written notice to the VENDOR. Termination pursuant to this paragraph shall not affect the COURT'S obligation to pay the VENDOR pursuant to the Budget Section of this AGREEMENT for services performed and expenses incurred prior to termination.

- XVIII. BREACH OF AGREEMENT REMEDIES** - Upon breach or default of any of the provisions, obligations or duties embodied in this AGREEMENT, the parties may exercise any administrative, contractual, equitable, or legal remedies available, without limitation. The waiver of any occurrence of breach or default is not a waiver of subsequent occurrences, and the parties retain the right to exercise all remedies hereinabove mentioned. If the VENDOR fails to perform an obligation or obligations under this AGREEMENT and thereafter such failure(s) is (are) waived by the COURT, such waiver is limited to the particular failure(s) so waived and shall not be deemed to waive other failures hereunder. Waiver by the COURT is not effective unless it is in writing and signed by the COURT.
- XIX. SERVICE CONTINUITY** - In the event that the funding for the CDP is not renewed, the VENDOR shall develop a plan for cases still receiving mediation services at the end of the AGREEMENT period and submit to the COURT.
- XX. ETHICS REQUIREMENTS** - The VENDOR shall comply with all County ethics as well as all requirements within the provisions set forth in State of Ohio, Office of the Governor, Executive Order 2007-01S which establishes new ethics requirements.
- XXI. FINDINGS FOR RECOVERY** - The VENDOR represents and warrants that it is not subject to an “unresolved” finding for recovery under Ohio Revised Code Section 9.24.
- XXII. CRIMINAL RECORDS CHECK** - The VENDOR shall comply with the provisions as specified in the Ohio Revised Code 109.572 regarding criminal records checks for prospective employees and volunteers. The COURT shall receive upon request verification of police checks, reference checks and confirmation of educational requirements for all employees and volunteers of the VENDOR assigned to this program.
- XXIII. PUBLIC RECORDS** - All parties hereto acknowledge that the COUNTY is a political subdivision in the State of Ohio and as such is subject the Ohio Revised Code and other law related to the keeping and access to Public Records, including any and all applicable Sunshine Laws, open meeting requirements, and retention schedules effecting any and all manner of communication with the COUNTY and any and all documents in any format or media.
- XXIV. GOVERNING LAW AND JURISDICTION** - This AGREEMENT shall be governed by and construed under the laws of the State of Ohio without regard to conflicts of law provisions. The parties agree that the state and federal courts sitting in Ohio will have exclusive jurisdiction over any claim arising out of this AGREEMENT, and each party consents to the exclusive jurisdiction of such courts. The VENDORS hereby agree not to challenge any provision in this AGREEMENT, including this Governing Law and Jurisdiction provision, and not to attempt to remove any legal action outside of Cuyahoga County for any reason.
- XXV.** This AGREEMENT has been properly authorized pursuant to the required provisions of any and all charter provisions, ordinances, resolutions and regulations of COUNTY and

the VENDOR. The individuals signing on behalf of the parties to this AGREEMENT are authorized to execute this AGREEMENT on behalf of the COURT and the COUNTY and the VENDORS.

XXVI. ELECTRONIC SIGNATURES - By entering into this AGREEMENT, the VENDOR agrees on behalf of the contracting business entity, its officers, employees, subcontractors, subgrantees, agents or assigns, to conduct this transaction by electronic means by agreeing that all documents requiring county signatures may be executed by electronic means and that the electronic signatures affixed by the COUNTY to said documents shall have the same legal effect as if the signature was manually affixed to a paper version of the document. The VENDOR also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

IN WITNESS WHEREOF, the COUNTY, the COURT and the VENDOR have executed this AGREEMENT as of the date first above written.

City of Fairview Park

By: _____

Cuyahoga County Juvenile Court

By: _____

Terease Z. Neff, Court Administrator

Cuyahoga County, Ohio

By: _____

Armond Budish, County Executive

CITY OF FAIRVIEW PARK
RESOLUTION NO. 20-04
REQUESTED BY: MAYOR PATRICK COONEY
SPONSORED BY: COUNCILWOMAN WERING

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

WHEREAS, the City of Fairview Park, Ohio is within the jurisdiction of the Cuyahoga County Court of Common Pleas: Juvenile Division (Court), which pursuant to ORC. 2151.23(A)(1) has exclusive original jurisdiction concerning any child who charged in a complaint to be a delinquent or unruly child; and

WHEREAS, the City of Fairview Park files delinquency and unruly complaints with the Court; and

WHEREAS, the Community Diversion Program (CDP) is a program sponsored by the Court in cooperation with the City of Fairview Park featuring Volunteer Hearing Officer selected by the City of Fairview Park and trained by the Court;

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

SECTION 1. That the City of Fairview Park, Ohio has a need for and desire for participation in the Community Diversion Program (CDP) sponsored by the Cuyahoga County Juvenile Court.

SECTION 2. That the City of Fairview Park, Ohio has a need for and desire for a Volunteer Hearing Officer to be appointed by the Cuyahoga County Juvenile Court.

SECTION 3. That this Volunteer Hearing Officer shall hear and pronounce disposition on all complaints involving minor first time delinquency and unruly offenses committed by minor Fairview Park City youth, or minors committing crimes in the City of Fairview Park, which are referred by the Cuyahoga County Juvenile Court.

SECTION 4. That the City of Fairview Park, Ohio requests that attorney John Castele, whose resume is hereto attached, to be appointed by the Cuyahoga County Juvenile Court to serve as a Volunteer Hearing Officer for the City of Fairview Park.

SECTION 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 6: That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 03.16.20
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 20 -

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

SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING MACKAY ENGINEERING & SURVEYING CO. (“CITY ENGINEER”) TO PREPARE PLANS AND SPECIFICATIONS AND PROVIDE CONSTRUCTION ADMINISTRATION, INSPECTION, AND BIDDING SERVICES FOR THE TARGETED REPAIR OF CITY SIDEWALKS AND CURB RAMPS AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park (“City”) has been awarded funding in the amount of One Hundred Fifty Thousand Dollars (\$150,000) through Cuyahoga County’s 2019 Municipal Grant Program to make targeted repairs to deteriorated sidewalks and curb ramps along areas designated as Low- and Moderate-Income (“LMI”) or Improvement Target Areas (“ITA”); and

WHEREAS, the City has identified Belvidere Avenue, Stanford Avenue, Northwood Avenue, and Eastwood Avenue as streets for which targeted sidewalk repair and replacement is necessary; and

WHEREAS, many sidewalks along the above-mentioned streets are deteriorating and are in need of immediate repair; and

WHEREAS, the services of the City Engineer are required in a timely manner to ensure construction takes place during the 2020 construction season and by the grant completion deadline of March 31, 2021; and

WHEREAS, said grant funds will be used for the cost of construction in the amount of One Hundred Thirty Thousand Seven Hundred Dollars (\$130,700), and for engineering, design, construction administration, and inspection in the amount of Nineteen Thousand Three Hundred Dollars (\$19,300); and

WHEREAS, Fairview Park City Council passed Ordinance No. 19-47 on October 29, 2019 authorizing the City’s 2019 Municipal Grant Program application and supporting the proposed project.

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

SECTION 1. That the City of Fairview Park extends its appreciation to Cuyahoga County and accepts 2019 Municipal Grant funding in the amount of One Hundred Fifty Thousand Dollars (\$150,000) to be used solely for the purposes described herein.

SECTION 2. That the City Engineer is hereby authorized and directed to prepare plans and specifications, and provide construction administration, inspection, and bidding services for targeted sidewalk and curb ramp repairs on Belvidere Avenue, Stanford Avenue, Northwood Avenue, and Eastwood Avenue.

SECTION 3. That the City Engineer shall be paid for the services rendered in accordance with the Engineer's Estimate for the project in the amount not to exceed Nineteen Thousand Three Hundred Dollars (\$19,300) to be paid from the Capital Projects Fund (Fund 811) and reimbursed in full by Cuyahoga County's 2019 Municipal Grant Program funds.

SECTION 4. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that sidewalk repairs must be completed by the grant deadline of March 31, 2021; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 20-
REQUESTED BY: MARY KAY COSTELLO, DIRECTOR OF PUBLIC SERVICE &
DEVELOPMENT
SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL TO REPAIR UNSAFE AND DETERIORATING SIDEWALKS AND CURB RAMPS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park (“City”) has been awarded funding in the amount of One Hundred Fifty Thousand Dollars (\$150,000) through Cuyahoga County’s 2019 Municipal Grant Program to make targeted repairs to deteriorated sidewalks and curb ramps along areas designated as Low- and Moderate-Income (“LMI”) or Improvement Target Areas (“ITA”); and

WHEREAS, the City has identified Belvidere Avenue, Stanford Avenue, Northwood Avenue, and Eastwood Avenue as streets for which targeted sidewalk repair and replacement is necessary; and

WHEREAS, many sidewalks along the above-mentioned streets are deteriorating and are in need of immediate repair; and

WHEREAS, said grant funds will be used for the cost of construction in the amount of One Hundred Thirty Thousand Seven Hundred Dollars (\$130,700), and for engineering, design, construction administration, and inspection in the amount of Nineteen Thousand Three Hundred Dollars (\$19,300); and

WHEREAS, Fairview Park City Council passed Ordinance No. 19-47 on October 29, 2019 authorizing the City’s 2019 Municipal Grant Program application and supporting the proposed project.

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

SECTION 1. That the City of Fairview Park extends its appreciation to Cuyahoga County and accepts 2019 Municipal Grant funding in the amount of One Hundred Fifty Thousand Dollars (\$150,000) to be used solely for the purposes described herein.

SECTION 2. That the Director of Public Service and Development is hereby authorized to advertise for and accept bids for the targeted repair of sidewalks and curb ramps on Belvidere Avenue, Stanford Avenue, Northwood Avenue, and Eastwood Avenue.

SECTION 3. That the Mayor is authorized to enter into a contract with the lowest responsive and responsible bidder as determined by the Board of Control for the repair of sidewalks and curb ramps in the above-specified locations, in an amount not to exceed One Hundred Thirty Thousand Seven Hundred Dollars (\$130,700) to be paid from the Capital Projects Fund (Fund 811), and reimbursed in full through Cuyahoga County's 2019 Municipal Grant Program funds.

SECTION 4. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that sidewalk repairs must be completed by the grant deadline of March 31, 2021; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrook, Clerk of Council



CITY OF FAIRVIEW PARK

20777 Lorain Road
Fairview Park, Ohio 44126-2018
- Established in 1910 -

Patrick J. Cooney, Mayor

MEMORANDUM

TO: Council President Kilbane and Members of City Council

FROM: Mary Kay Costello
Director of Public Service & Development

RE: Emergency Legislation – West 210 Street Resurfacing Project

DATE: April 10, 2020

The Administration of the City of Fairview Park requests suspension of the rules requiring three (3) readings and passage of the following legislation with one (1) reading on Monday, April 20, 2020, as an emergency:

Ordinance 20-__ AN ORDINANCE AUTHORIZING MACKAY ENGINEERING & SURVEYING CO. (“CITY ENGINEER”) TO PREPARE PLANS AND SPECIFICATIONS AND PROVIDE CONSTRUCTION ADMINISTRATION, INSPECTION, AND BIDDING SERVICES FOR THE TARGETED REPAIR OF CITY SIDEWALKS AND CURB RAMPS AND DECLARING AN EMERGENCY

Ordinance 20-__ AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL TO REPAIR UNSAFE AND DETERIORATING SIDEWALKS AND CURB RAMPS, AND DECLARING AN EMERGENCY

On October 29, 2019, Ordinance No. 19-47 was passed by Fairview Park City Council to authorize the submission of the City’s 2019 Municipal Grant Program application and support the proposed project. The project is comprised of the targeted repair of deteriorated and unsafe sidewalks on Belvidere Avenue, Stanford Avenue, Northwood Avenue, and Eastwood Avenue. On April 1, 2020, Cuyahoga County notified the City of its successful grant application and award of One Hundred Fifty Thousand (\$150,000) dollars, which is to fund the project in full. Grant funds will be used for the cost of construction in the amount of One Hundred Thirty Thousand Seven Hundred Dollars (\$130,700), and for engineering, design, construction administration, and inspection in the amount of Nineteen Thousand Three Hundred Dollars (\$19,300).

Cuyahoga County’s Municipal Grant Program, which is funded by the U.S. Department of Housing and Urban Development’s (“HUD”) Community Development Block Grant (“CDBG”), provides grant

funding on a competitive basis for a variety of eligible projects to help strengthen cities and improve the quality of life for County residents.

In order to qualify for CDBG funding, projects must be located in a Low- and Moderate-Income (“LMI”) eligible area or an Improvement Target Area (“ITA”), for which designations are determined by Cuyahoga County. All areas for which sidewalk repairs are proposed are contained within an ITA or LMI area, and some repairs are being made to areas designated as both ITA and LMI.

Municipal Grant Program funding has been successfully utilized in previous funding cycles to improve upon the quality of life for City of Fairview Park residents. In 2016 and 2017, funding was used to make repairs to unsafe and deteriorated sidewalks and curb ramps located in ITA and LMI areas. In 2018, this funding was used to replace the Senior Center roof. The proposed project is a continuation of the efforts of the City Administration to address the needs of the community.

The City Administration respectfully requests passage on first reading in order to successfully complete the project by Cuyahoga County’s project completion deadline of March 31, 2021.

cc: Mary Kay Costello, Director of Public Service & Development
Timothy Riley, Law Director
Gregory Cingle, Finance Director
Monica Rossiter, Community Development Planner
Liz Westbrooks, City Council Clerk

CITY OF FAIRVIEW PARK

ORDINANCE NO. 20-

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

SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (“ODOT”) TO EXECUTE THE LORAIN ROAD GUARDRAIL PROJECT (“PROJECT”) ON BEHALF OF THE CITY OF FAIRVIEW PARK, HEREIN AFTER KNOWN AS THE LOCAL PUBLIC AGENCY (“LPA”) AND DECLARING AN EMERGENCY

WHEREAS, the State has determined the need for the described project:

Upgrade guardrail end treatments on Lorain Road (SR-10) in the City of Fairview Park. This work is part of a larger ODOT project to upgrade guardrail end treatments on National Highway System routes within Cuyahoga and Lake Counties.

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

SECTION 1. Project Description

Upgrade guardrail end treatments on Lorain Road (SR-10) in the City of Fairview Park. This work is part of a larger ODOT project to upgrade guardrail end treatments on National Highway System routes within Cuyahoga and Lake Counties.

SECTION 2. Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION 3. Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The entire cost and expense of the construction will be provided by the Department. No financial participation will be required by the LPA.

The LPA agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION 4. Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be

responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5. Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 6. Authority to Sign

The Mayor of said City is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above described project.

SECTION 7. Adoption

It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 8. Emergency Measure

That this Ordinance is hereby declared to be an emergency measure by reason of the need for expediting highway improvement to promote highway safety, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council



CITY OF FAIRVIEW PARK

20777 Lorain Road
Fairview Park, Ohio 44126-2018
- Established in 1910 -

Patrick J. Cooney, Mayor

MEMORANDUM

TO: Council President Kilbane and Members of City Council

FROM: Patrick J. Cooney, Mayor

RE: Emergency Legislation – ODOT Lorain Road Guardrail Replacement

DATE: April 10, 2020

We are submitting legislation (Ordinance 20-__) Authorizing Participation in the ODOT Guardrail End Replacement Program for two (2) guardrails on Lorain Road. The Ordinance and related information was prepared by ODOT and is attached.

In February we received an email from ODOT regarding guardrail replacement work on Lorain Road. We initially thought it might impact the Lorain Road slide project that was scheduled to begin this year (and has since started). Additionally, Director Riley had concerns about the language that the City was responsible for the costs of moving utilities. Before sending the legislation to Council we wanted to investigate those things to determine how we would proceed and so we could answer these likely questions from Council.

By the time Director Costello confirmed there would be no impact on the slide project and that no utilities had to be moved in order to replace the guardrails, we were in the midst of the COVID-19 crisis and making sure the budget was passed before March 31st. At my request the legislation was not sent to Council at that time.

We were recently contacted by ODOT about the status of the legislation and are requesting its passage for a number of reasons. First, the initial concerns have been addressed. Secondly, the installation will provide a safer guardrail on a busy and winding stretch on Lorain Road. Finally, the costs to the City will only involve maintenance costs.

For the above reasons, we are asking that the attached be passed on first read at the April 20, 2020 Council meeting. If you have any questions, please let me know. Thank you.

cc: Mary Kay Costello, Director of Public Service and Development
Tim Riley, Director of Law
Liz Westbrooks, City Council Clerk

PRELIMINARY LEGISLATION

RC 5521.01

ORDINANCE NO. _____

PID NO. 111157

CTY-RTE-SEC D12-GR-FY2020 SAFETY

The following is an ordinance enacted by the City of Fairview Park, Cuyahoga County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Upgrade guardrail end treatments on Lorain Road (SR-10) in the City of Fairview Park. This work is part of a larger ODOT project to upgrade guardrail end treatments on National Highway System routes within Cuyahoga and Lake counties.

NOW THEREFORE, be it ordained by the Council of the City of Fairview Park, Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The entire cost and expense of the construction will be provided by the Department. No financial participation will be required by the LPA.

The LPA agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The Mayor of said City is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above described project.

Passed: _____, 2020
DATE

Attested: _____
CLERK

MAYOR

Attested: _____
Title: _____
PRESIDENT OF COUNCIL

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Fairview Park, Cuyahoga County, Ohio

I, _____, as Clerk of the City of Fairview Park, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of Fairview Park on the _____ day of _____, 202____, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 202____.

CLERK
CITY OF FAIRVIEW PARK, OHIO

(SEAL)
(If Applicable)

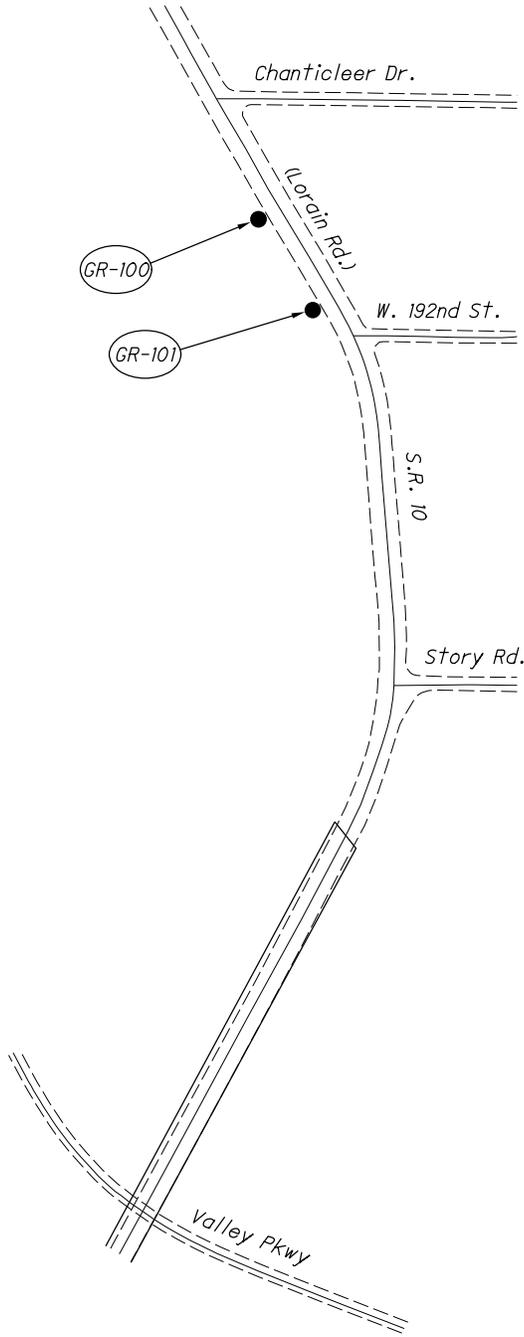
The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Fairview Park, Ohio

Attest: _____, Date _____
MAYOR

For the State of Ohio

Attest: _____, Date _____
DIRECTOR, OHIO DEPARTMENT OF TRANSPORTATION



CALCULATED
JDA
CHECKED
JDA

FAIRVIEW PARK GUARDRAIL LOCATION MAP

FAIRVIEW PARK





U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **ACTION:** Roadside Safety Hardware

Date: MAY 26 2015

From: Tony Furst
Associate Administrator

In Reply Refer To:
HSST

To: Division Administrators
Federal Lands Division Engineers
Safety Field

Purpose

The purpose of this memorandum is to bring to your attention two primary issues related to guardrail end terminals that will require you to take action. As you are aware, we have been closely examining the performance of guardrail end terminals. It's recognized that there are installation and maintenance challenges with these devices. As the construction season starts, and after the heavy winter, this is the appropriate time to pay particular attention to installation and maintenance issues. In this memo, FHWA emphasizes the need to have in place policies and procedures to evaluate the selection of roadside safety hardware relative to the roadway type, configuration and terrain; ensure its proper installation and maintenance; and periodically evaluate its in-service condition. In addition, we are aware there are some obsolete, non-crashworthy guardrail end terminals that still exist on the nation's highway system. We have raised awareness regarding these terminals through previous memoranda issued over a number of years. We strongly recommend that you encourage the removal of pre-NCHRP-350 guardrail end terminals.

Background

It is FHWA policy that roadside safety hardware installed on the National Highway System (NHS) should be in compliance with the crash testing and evaluation criteria contained in the Manual for Assessing Safety Hardware (MASH) or its predecessor the National Cooperative Highway Research Program (NCHRP) Report 350. Devices that are compliant with either of these two sets of criteria are currently considered crashworthy devices.

It is critical that devices be installed and maintained properly so they are in the best position to perform as designed and tested. Attached is a technical brief titled "Selection, Installation, and Maintenance of W-beam Guardrail End Terminals" which highlights general guidelines regarding the selection, installation, and maintenance of W-beam

guardrail end terminals. In addition, common issues of concern are identified with generally accepted practices to address these concerns.

Even when a successfully crash tested device is properly selected, installed, and maintained, individual crashes in the field are unique events and may result in performance that was not observed during crash testing. For this reason, a crash tested device should be monitored for its in-service performance, as indicated in both NCHRP 350 and MASH.

It is known that roadside safety hardware installed prior to the implementation of NCHRP 350 in 1993 remains on the NHS or other roadways across the nation. However, as indicated in the FHWA action memorandum, "Traffic Barrier Safety Policy and Guidance," dated 9/29/1994, non-crashworthy hardware should be removed and replaced with crashworthy roadside hardware at the earliest possible opportunity in concert with the maintenance of the roadway. It has been more than twenty years since that memo was issued and devices listed in that memo are still in service. We strongly recommend that pre-NCHRP 350 guardrail end terminals be removed and replaced.

Action

Please share this memorandum and its enclosure with your State DOT and any city, county or municipality in your State with responsibility for the operation and maintenance of their roadways.

Please ask them to review and, if necessary, update their policies, procedures, standards, and guidelines relative to the selection, installation, maintenance, and in-service evaluations of crashworthy roadside safety hardware on their roadways, specifically:

1. Relative to installation and maintenance of crashworthy roadside safety hardware, it is strongly recommended that they put in place the necessary protocols to ensure that any entity installing or maintaining roadside safety hardware, including contractors or State or local personnel, are capable (e.g., trained, credentialed or authorized by the roadside hardware manufacturer for the installation and maintenance of their hardware) of doing this work.
2. Review standard plans and specifications to ensure that only crashworthy devices are used on the National Highway System (NHS).

Finally, strongly encourage the highway agencies to increase their efforts to systematically upgrade pre-NCHRP 350 guardrail end terminals, particularly those that are on the NHS.

Resources

FHWA's Office of Safety and the Safety and Design Team in FHWA's Resource Center can provide training and technical assistance that focus on the proper selection, installation, and maintenance of guardrail end terminals to State Departments of Transportation (DOTs). Many states have taken advantage of this resource.

FHWA's Office of Safety will offer assistance to help set up pooled fund arrangements to conduct in-service performance evaluations.

For more information, accessing the above resources, or if you have questions or comments, please contact Will Longstreet at (202)366-0087 or Nick Artimovich at (202)366-1331.

References

- The September 29, 1994, FHWA memorandum, "[Traffic Barrier Safety Policy and Guidance](#)", called for replacement of "blunt ends" and discontinued the use of turned down ends and Breakaway Cable Terminals. The memorandum also suggested a policy to upgrade these terminals.
- The August 18, 1998, FHWA memorandum, "[National Cooperative Highway Research Program \(NCHRP\) Report 350 Hardware Compliance Dates](#)," announced the FHWA-AASHTO Implementation Plan for NCHRP Report 350 hardware. This plan required the upgrade of terminals not meeting NCHRP Report 350 as part of 3R projects on the NHS.
- The October 26, 2004, FHWA memorandum, "[Guidelines for the Selection of W-Beam Barrier Terminals](#)" identified several characteristics of W-beam terminals that need to be understood in order to select the appropriate system including site grading, type of terminal, and terminal layout.
- The November 17, 2005, FHWA memorandum, "[In-service Performance Evaluation and Continuous Monitoring of Roadside Safety Features](#)," identified the need to routinely conduct in-service performance evaluations of crash tested roadside safety hardware.
- The June 26, 2012, FHWA memorandum, "[AASHTO Roadside Design Guide 4th Edition](#)," encourages State DOTs to have a written roadside policy that aligns with the AASHTO Roadside Design Guide, 4th edition.

Attachment

- Technical brief titled "Selection, Installation, and Maintenance of W-Beam Guardrail End Terminals."

CITY OF FAIRVIEW PARK

ORDINANCE NO. 20-

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

SPONSORED BY: COUNCILWOMAN KING

CO-SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (“ODOT”) TO EXECUTE THE WEST 210 STREET RESURFACING PROJECT (“PROJECT”) ON BEHALF OF THE CITY OF FAIRVIEW PARK, HEREIN AFTER KNOWN AS THE LOCAL PUBLIC AGENCY (“LPA”) AND DECLARING AN EMERGENCY

WHEREAS, Section 5501.03 (C) of the Ohio Revised Code provides that the Director of ODOT may coordinate the activities of the Department with other appropriate public authorities and enter into contracts with such authorities as necessary to carry out its duties, powers and functions; and

WHEREAS, the Project includes pavement rehabilitation on West 210 Street from Mastick Road to Lorain Road (SR-10). The segment of roadway for which rehabilitation is proposed exhibits signs of cracking, base failure, and upheaval; and

WHEREAS, the Project is a transportation activity eligible to receive federal/state funding; and

WHEREAS, the LPA has been awarded a total of One Million Three Hundred Seventy Thousand Seven Hundred Twenty-Six Dollars (\$1,370,726) for the proposed project, of which the Northeast Ohio Areawide Coordinating Agency (“NOACA”) is contributing One Million One Hundred Twenty Thousand Seven Hundred Twenty-Six Dollars (\$1,120,726) and the Cuyahoga County Department of Public Works (“County”) is contributing Two Hundred Fifty Thousand Dollars (\$250,000); and

WHEREAS, it is the mutual desire of both ODOT and the LPA to have the LPA serve as the responsible lead agency for the administration of the project; and

WHEREAS, the LPA authorizes the Mayor to enter into an agreement with ODOT for the Project.

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

SECTION 1. That the Mayor is authorized to enter into any agreements as may be necessary and appropriate for executing the Project, and as approved by the Director of Law, all in accordance with all authority granted to and limitations upon the Director of Finance.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare; and to ensure the project takes place prior to the end of construction season; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 20 -

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

SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND PROVIDE BIDDING SERVICES FOR THE RESURFACING OF WEST 210 STREET FROM MASTICK ROAD TO LORAIN ROAD AND DECLARING AN EMERGENCY

WHEREAS, the proposed project includes pavement rehabilitation on West 210 Street from Mastick Road to Lorain Road (SR-10). The segment of roadway exhibits signs of cracking, base failure, and upheaval; and

WHEREAS, the above-mentioned section of West 210 Street is deteriorating and in need of immediate repair; and

WHEREAS, the City of Fairview Park (“City”) has been awarded a total of One Million Three Hundred Seventy Thousand Seven Hundred Twenty-Six Dollars (\$1,370,726) for the proposed project, of which the Northeast Ohio Areawide Coordinating Agency (“NOACA”) is contributing One Million One Hundred Twenty Thousand Seven Hundred Twenty-Six Dollars (\$1,120,726) and the Cuyahoga County Department of Public Works is contributing Two Hundred Fifty Thousand Dollars (\$250,000); and

WHEREAS, the City is required to pay for the cost of engineering and design.

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

SECTION 1. That the City Engineer is hereby authorized and directed to prepare plans and specifications and provide bidding services for the resurfacing of West 210 Street from Mastick Road to Lorain Road.

SECTION 2. That the City Engineer shall be paid for the services rendered in accordance with the Engineer’s Estimate for the project, in the amount not to exceed One Hundred Ten Thousand Dollars (\$110,000), to be paid from the Capital Projects Fund (Fund 811).

SECTION 3. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that the street is in need of repair and should be done as soon as weather permits,

and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrook, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 20 -

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

SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES WITH AN OHIO DEPARTMENT OF TRANSPORTATION PREQUALIFIED CONSULTANT FOR THE RESURFACING OF WEST 210 STREET FROM MASTICK ROAD TO LORAIN ROAD AS DETERMINED BY THE BOARD OF CONTROL AND DECLARING AN EMERGENCY

WHEREAS, the proposed project includes pavement rehabilitation on West 210 Street from Mastick Road to Lorain Road (SR-10). The segment of roadway for which rehabilitation is proposed exhibits signs of cracking, base failure, and upheaval; and

WHEREAS, the above-mentioned section of West 210 Street is deteriorating and in need of immediate repair; and

WHEREAS, the City of Fairview Park ("City") has been awarded a total of One Million Three Hundred Seventy Thousand Seven Hundred Twenty-Six Dollars (\$1,370,726) for the proposed project, of which the Northeast Ohio Areawide Coordinating Agency ("NOACA") is contributing One Million One Hundred Twenty Thousand Seven Hundred Twenty-Six Dollars (\$1,120,726) and the Cuyahoga County Department of Public Works ("Cuyahoga County") is contributing Two Hundred Fifty Thousand Dollars (\$250,000); and

WHEREAS; Ohio Department of Transportation (ODOT) procedures require that the City retain an ODOT pre-qualified consultant for construction administration and inspection services for the Project; and

WHEREAS; the Board of Control shall adhere to and be in compliance with State of Ohio during its Request for Proposal ("RFP") solicitation, proposal evaluation, and selection of a firm for the required services.

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

SECTION 1. That the City of Fairview Park extends its appreciation to NOACA and Cuyahoga County and accepts grant funding in the amount of One Million Three Hundred Seventy Thousand Seven Hundred Twenty-Six Dollars (\$1,370,726).

SECTION 2. The Mayor is hereby authorized to execute an agreement for construction administration and inspection services for the resurfacing of West 210 Street with an ODOT pre-qualified consultant as determined by the Board of Control for an amount not to exceed Sixty-Five Thousand Dollars (\$65,000) to be paid from the Capital Projects Fund (811).

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that construction should begin as soon as weather permits; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 20 -

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

SPONSORED BY: COUNCILWOMAN KING

CO-SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL FOR THE RESURFACING OF WEST 210 STREET FROM MASTICK ROAD TO LORAIN ROAD AND DECLARING AN EMERGENCY

WHEREAS, the proposed project includes pavement rehabilitation on West 210 Street from Mastick Road to Lorain Road (SR-10). The segment of roadway for which rehabilitation is proposed exhibits signs of cracking, base failure, and upheaval; and

WHEREAS, the above-mentioned section of West 210 Street is deteriorating and in need of immediate repair; and

WHEREAS, the City of Fairview Park ("City") has been awarded a total of One Million Three Hundred Seventy Thousand Seven Hundred Twenty-Six Dollars (\$1,370,726) for the proposed project, of which the Northeast Ohio Areawide Coordinating Agency ("NOACA") is contributing One Million One Hundred Twenty Thousand Seven Hundred Twenty-Six Dollars (\$1,120,726) and the Cuyahoga County Department of Public Works ("County") is contributing Two Hundred Fifty Thousand Dollars (\$250,000); and

WHEREAS, the City must advertise and enter into an agreement with an Ohio Department of Transportation ("ODOT") Pre-Qualified Contractor to complete said construction; and

WHEREAS, per the City Engineer, the total estimated construction cost is One Million One Hundred Forty-Three Thousand One Hundred Seventy-Three Dollars and Seventy Cents (\$1,143,173.70).

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

SECTION 1. That the City of Fairview Park extends its appreciation to NOACA and Cuyahoga County and accepts grant funding in the amount of One Million Three Hundred Seventy Thousand Seven Hundred Twenty-Six Dollars (\$1,370,726).

SECTION 2. That the Director of Public Service and Development is hereby authorized to advertise for and accept bids for the resurfacing of West 210 Street from Mastick Road to Lorain Road, based on the plans and specifications prepared by the City Engineer.

SECTION 3. That the Mayor is authorized to enter into a contract with the lowest most responsive and responsible bidder as determined by the Board of Control for said project, in an amount not to exceed One Million Three Hundred Thirty-Five Thousand Nine Hundred Eight Dollars (\$1,335,908), which includes contingency, to be paid from the Capital Projects Fund (Fund 811).

SECTION 4. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 5. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that the improvements and repairs should be done as soon as weather permits; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrook, Clerk of Council



CITY OF FAIRVIEW PARK

20777 Lorain Road
Fairview Park, Ohio 44126-2018
- Established in 1910 -

Patrick J. Cooney, Mayor

MEMORANDUM

TO: Council President Kilbane and Members of City Council

FROM: Mary Kay Costello
Director of Public Service & Development

RE: Emergency Legislation – West 210 Street Resurfacing Project

DATE: April 10, 2020

The Administration of the City of Fairview Park is requesting suspension of the rules requiring three (3) readings and passage of the following legislation with one (1) reading on Monday, April 20, 2020, as an emergency:

Ordinance 20-__ AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND PROVIDE BIDDING SERVICES FOR THE RESURFACING OF WEST 210 STREET FROM MASTICK ROAD TO LORAIN ROAD AND DECLARING AN EMERGENCY

Ordinance 20-__ AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND DEVELOPMENT TO ADVERTISE FOR BIDS AND THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER AS DETERMINED BY THE BOARD OF CONTROL FOR THE RESURFACING OF WEST 210 STREET FROM MASTICK ROAD TO LORAIN ROAD AND DECLARING AN EMERGENCY

Ordinance 20-__ AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES WITH AN OHIO DEPARTMENT OF TRANSPORTATION PREQUALIFIED CONSULTANT FOR THE RESURFACING OF WEST 210 STREET FROM MASTICK ROAD TO LORAIN ROAD AS DETERMINED BY THE BOARD OF CONTROL AND DECLARING AN EMERGENCY

Ordinance 20-__ AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (“ODOT”) TO EXECUTE THE WEST 210 STREET RESURFACING PROJECT (“PROJECT”) ON BEHALF OF THE CITY OF FAIRVIEW PARK, HEREIN AFTER KNOWN AS THE LOCAL PUBLIC AGENCY (“LPA”) AND DECLARING AN EMERGENCY

The City Administration respectfully requests passage on first reading to allow the bidding process to begin in May and provide sufficient time to award the contract upon completion of a successful bidding process as requested.

cc: Mary Kay Costello, Director of Public Service & Development
Timothy Riley, Law Director
Gregory Cingle, Finance Director
Monica Rossiter, Community Development Planner
Liz Westbrooks, City Council Clerk