



# CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

**MONDAY, JUNE 1, 2020**

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

Join Video Meeting: <https://zoom.us/j/91841610243?pwd=SnBCOFpNVUNjMlp5R2lTdEFaR25Ndz09>

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

Meeting ID: 918 4161 0243 | Password: 980176 (For Audio & Video)

YouTube Channel: [https://www.youtube.com/channel/UC207O\\_m7DfOP\\_FcDvoDR5og](https://www.youtube.com/channel/UC207O_m7DfOP_FcDvoDR5og)

## **SPECIAL COMMITTEE MEETING**

6:00 p.m.

### **MEETING CALLED TO ORDER**

#### **ENVIRONMENT, PUBLIC WORKS, PLANNING, ZONING & DEVELOPMENT** – Councilman Minek, Chair

- Discussion on Draft Res. 20-\_\_ | Establishing Temporary Outdoor Patio Dining Areas

### **BOARD & COMMISSIONS REPORTS**

### **ROUNDTABLE**

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## **REGULAR COUNCIL MEETING**

6:30 p.m. - Study Session

7:00 p.m. - Council Meeting

### **Meeting Called to Order**

### **Moment of Silent Prayer | Pledge of Allegiance**

### **Roll Call**

### **Written Communications, Petitions and Claims**

### **Committee Reports**

Finance – Councilwoman King, Chair | Councilwoman Adler, Vice Chair

## **~ LEGISLATIVE AGENDA ~**

### **Legislation on First Reading**

COUNCILMAN MINEK

Ord. 20-\_\_ | Authorizing Installation and Reimbursement for Sewer Flow Study Meters

***Agenda continued on back →***

**Legislation on Second Reading**

COUNCILWOMAN KING

Ord. 20-23 | Increasing Expenditure to Auditor of State for 2019 FY Audit

Res. 20-07 | Alternative Tax Budget 2021

Res. 20-08 | Application and Agreements for RRWWTP Final Clarifier Rehab Project

**Audience Input on Legislation Up for Passage**

**Legislation Up for Passage Without Three Readings**

COUNCILMAN MINEK

Res. 20-\_\_ | Establishing Temporary Outdoor Patio Dining Areas

**Legislation on Third Reading and Final Passage**

COUNCILWOMAN KING

Ord. 20-21 | Authorizing Acceptance and Administration of 2020 NOPEC Energized Community Grant

**Reports and Communications from Mayor, Directors and Other City Officials**

**Public Session**

**Miscellaneous Business and Reports from Council**

**Adjournment**

**UPCOMING MEETINGS OF COUNCIL**

*\*Please note that all council meetings will continue to be by videoconference as long as the Governor’s Order and provisions of HB 197 are in effect.*

MON., JUNE 8	Committee Meeting	7:00 p.m.
MON., JUNE 15	Council Meeting	7:00 p.m.
TUES., JUNE 22	Committee Meeting	7:00 p.m.

CITY OF FAIRVIEW PARK

RESOLUTION NO. 20-

REQUESTED BY: MAYOR PATRICK COONEY

SPONSORED BY: COUNCIL PRESIDENT KILBANE and COUNCILMAN MINEK

CO-SPONSORED BY: COUNCILMEMBERS SIMMERLY, ADLER, WERING, KING AND BURGER

A RESOLUTION ESTABLISHING TEMPORARY OUTDOOR PATIO DINING AREAS, AND DECLARING AN EMERGENCY.

WHEREAS, recently, Governor Mike DeWine announced that outdoor dining can resume in Ohio on May 15, 2020; and

WHEREAS, given the current COVID-19 crisis, City of Fairview Park dining establishments have endured the hardship of being temporarily closed; and

WHEREAS, to assist our local businesses so that they may be able to operate again per the rules set forth by the State of Ohio, this legislation would allow for administrative approval of conditionally permitted outdoor dining areas for existing restaurants during the COVID-19 pandemic; and

WHEREAS, the City of Fairview Park has prepared guidelines for the establishment of temporary outdoor dining areas for restaurants, while also ensuring the safety of its patrons; and

WHEREAS, the exemption would be temporary in nature until such statewide restrictions are lifted or until December 31, 2020.

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

SECTION 1: That the Temporary Approval of Outdoor Patio Dining Areas criteria, as set forth on the attached Exhibit "A", are hereby incorporated as though re-written herein and, further, are hereby adopted as a policy in the City of Fairview Park.

SECTION 2: That this resolution is hereby declared to be an emergency measure necessary for the preservation of the welfare of the City and furthermore such measures are necessary to accommodate businesses affected negatively by the COVID-19 pandemic and, provided it receives the affirmative vote of a majority plus one of the members of 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:

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Patrick J. Cooney, Mayor

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Liz L. Westbrooks, Clerk of Council

## Temporary Approval of Outdoor Patio Dining Areas

Food service operations that currently have only indoor seating or limited outdoor seating, such as restaurants and bars, may desire to create outdoor patio dining areas or additional outdoor seating during the COVID-19 restrictions. The following requirements are hereby established in order to assist food service operations during this period. Once these requirements have been met and approved, the operator will be issued a Temporary Zoning Approval by the Fairview Park Building Commissioner for this outdoor patio dining area until December 31, 2020, or until state restrictions are lifted from the restaurant and bars for indoor seating, whichever comes first.

- The operator must provide a drawing to scale by a registered design professional of the proposed area and seating, specifically indicating the area to be used for the outdoor patio dining area and other temporary fences, tents, structures, vehicular protections or other temporary improvements.
- The operator must provide written approval from the property owner for the proposed temporary outdoor patio dining area.
- Temporary patios shall only be permitted to operate during the normal business hours and may not operate between 9:00 PM and 7:30 AM.
- The temporary improvements may not block any required means of egress, access to adjacent tenants or uses, or accessible path for the site of the building.
- Parking areas may be used but suitable barricades or protections shall be provided to protect pedestrians and diners.
- Alcohol may only be served in accordance with Cuyahoga County Board of and State of Ohio Liquor Control rules, restrictions and requirements. The operator is responsible to make themselves familiar with the same and comply with the applicable rules, restrictions and requirements.
- Seating or other improvements may not be placed on any public sidewalk or right of way.
- New or additional lighting will require plan review and permits for installation per the National Electric Code 2017.
- The operator shall ensure that the property is maintained free of trash and debris.
- The maintenance of any required social distancing or other operational requirements imposed by the State of Ohio and/or the Cuyahoga County Board of Health due to the COVID-19 epidemic are the responsibility of the operator.
- Tents or temporary structures must comply with the Ohio Building Code and the Ohio Fire Code.
- Temporary signage shall be in compliance the Chapter 1145 of the Codified Ordinances of the City of Fairview Park.
- Operation of the outdoor patio dining area must be maintained in accordance with the Temporary Zoning Approval issued by the Building Commissioner and the Temporary Zoning Approval is subject to revocation at the sole discretion of the City.
- Operation must be in compliance with all Federal, State and City of Fairview Park health, safety, fire and building codes.



# CITY OF FAIRVIEW PARK

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

Patrick J. Cooney, Mayor

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## MEMORANDUM

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**TO:** Council President Kilbane and Members of City Council

**FROM:** Patrick J. Cooney, Mayor

**RE:** Emergency Legislation – Temporary Approval of Outdoor Patio Dining Areas

**DATE:** May 28, 2020

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The Administration of the City of Fairview Park requests a suspension of the rules requiring three readings and passage of the following legislation with one (1) reading on Monday, June 1, 2020 at 7:00 p.m., as an emergency:

**Resolution 20-\_\_ A RESOLUTION ESTABLISHING TEMPORARY OUTDOOR PATIO DINING AREAS, AND DECLARING AN EMERGENCY**

As a result of the COVID-19 crisis dining establishments and restaurants closed their facilities for dine in options for a period of time. On May 15, 2020, the in dining restriction was lifted, however, those businesses have to limit their capacities in order to comply with the Ohio Department of Health's orders.

While the extent of this public health crisis is still unknown, it is clear a number of our local businesses are struggling. In an effort to assist our dining establishments at this time, the Administration is requesting a resolution that establishes Temporary Outdoor Patio Dining Areas provided the restaurant complies with the requirements that are attached to the Resolution. The requirements are designed to ensure a safe environment for patrons, employees, and the public. In addition, the requirements are designed to minimize any impact on neighboring properties. Please note the Ohio Division of Liquor Control ("Division") recently allowed liquor permit holders to temporary expand the areas where they can serve alcohol. Any type of expansion by a liquor permit holder must comply with the Division's requirements. We are trying to be as proactive as possible to assist our local businesses and believe this legislation is one way to do that.

Based on the above, we ask for the emergency passage of legislation that will authorize the City to establish outdoor patio dining areas. Thank you for your consideration.

cc: Mary Kay Costello, Director of Public Service & Development  
Timothy Riley, Law Director  
Anthony Raffin, Fire Chief  
Erich Upperman, Police Chief  
Walter Maynard, Building Commissioner  
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

CO-SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE AUTHORIZING THE CITY OF FAIRVIEW PARK TO REIMBURSE THE ROCKY RIVER WASTE WATER TREATMENT PLANT FOR THE INSTALLATION OF SEWER METERS FOR STUDY AND ANALYSIS AND DECLARING AN EMERGENCY

WHEREAS, the Rocky River Waste Water Treatment Plant has used sanitary sewer flow meters and rain gauges to study the flow and content of sanitary flow to the Rocky River Waste Water Treatment Plant; and

WHEREAS, the Rocky River Waste Water anticipated requiring sanitary sewer flow meters for a new study to determine flows from the various cities sewer flow and content, had issued a Request for Proposals and has selected the firm ADS, LLC (ADS) to install and manage the required meters; and

WHEREAS, the metered data for flow to the Rocky River Waste Water Treatment Plant is required for the analysis to be completed by the Rocky River Waste Water Treatment Plant's engineers to determine future charges and will be used to determine feasibility of removing the release of undertreated flow from the Rocky River Waste Water Treatment Plant during rain events; and

WHEREAS, the Director of Public Service and Development desires to add five (5) extra meters to measure sanitary flow to the City of North Olmsted in order to study flow in the sanitary system during wet weather events; which data will be analyzed by Fairview Park engineers to guide endeavors to mitigate flooding.

**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 Director of Public Service and Development is hereby directed and authorized to approve payment to the Rocky River Waste Water Treatment Plant for costs of the required sanitary flow meters and gauges and maintenance of data retrieved by the meters.

SECTION 2. That the costs for the meters shall be paid for from Fairview Park Sanitary Sewer Fund (Fund 510) in an amount not to exceed One Hundred and Fifteen Thousand Nine-Hundred Dollars (\$115,900.00) - from that total \$85,400.00 is required for the flow study meters and \$30,500.00 is required for the additional 5 meters.

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 provide for the services in a timely manner, 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:

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Patrick J. Cooney, Mayor

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Liz L. Westbrooks, Clerk of Council



# Memo

**To:** Council President Kilbane and All Members of Council

**From:** Mary Kay Costello, Director of Public Service and Development

**Date:** May 29, 2020

**Re:** Sewer Flow Meters – Ordinance (Emergency)

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The Administration of the City of Fairview Park is requesting passage of the following Ordinance, after three reads, as an emergency.

Regularly (usually every 3 years), the Rocky River Waste Water Treatment Plant ('Plant') will conduct a sewer flow and strength study that measures sanitary flow to the Plant from each of the contributing cities by installing meters into the system and collecting samples that are analyzed at strategic measuring points. This year, the Plant is metering flow as part of the "No Feasible Alternative" study being completed for the EPA regarding storm discharge from primary treatment. The Plant Superintendent has allowed cities to add meters to collect data, in addition to those required for the Plant's purposes.

The City of Fairview Park is responsible for 14 meters in the system to measure flow for the Plant and the City requested 5 additional meters for collection sites in Ward 5 to measure sanitary flow to the North Olmsted Plant. This project requires the meters stay installed for 4 months.

The cost for all 19 meters is \$115,900.00 (the required 14 meters will cost \$85,400.00 and the extra 5 meters will cost \$30,500.00) for three months.

Data from the 14 meters will be used by the Rocky River Waste Water Treatment Plant engineers for their final report and the data for the 5 additional meters will be used by the City of Fairview Park's consulting engineers to analyze flow in Ward 5. If you have any questions in this regard, please do not hesitate to contact me.

cc: Patrick Cooney, Mayor  
Liz Westbrooks, City Council Clerk  
Tim Riley, Law Director  
Greg Cingle, Finance Director

CITY OF FAIRVIEW PARK  
ORDINANCE NO. 20-23  
REQUESTED BY: FINANCE DIRECTOR, GREG CINGLE  
SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE AUTHORIZING THE MAYOR TO ENGAGE THE OHIO AUDITOR OF STATE. TO PROVIDE ADDITIONAL SERVICES AS PART OF THE 2019 FISCAL YEAR AUDIT AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park is required to have an independent audit of its financial records each year; and

WHEREAS, Ordinance 20-06, passed by Council on March 16, 2020 authorized the Mayor to enter into an agreement with the Ohio Auditor of State to audit the basic financial statements of the City of Fairview Park for Fiscal Year 2019; and

WHEREAS, due to the City expending over \$750,000 in Federal grant funding during 2019, the City is subject to a Single Audit and as a result, the cost of the 2019 audit is estimated to increase by \$1,066, bringing the total fee for audit services to an amount not to exceed \$30,996; and

WHEREAS, it is necessary to amend the agreement with the Ohio Auditor of State. to include services as set forth herein..

**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 an amendment of the agreement with the Ohio Auditor of State in the amount of One Thousand Sixty-Six Dollars (\$1,066.00), to provide additional services to include a Single Audit, to be paid from the General Fund (100) as set forth in Exhibit A attached hereto..

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 m emergency measure necessary for the preservation of the public peace, health, safety and welfare and to complete FY 2019 audit process, 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:

1<sup>st</sup> reading: 05.18.20  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Patrick J. Cooney, Mayor

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Liz L. Westbrooks, Clerk of Council

# OHIO AUDITOR OF STATE KEITH FABER



Lausche Building, 12<sup>th</sup> Floor  
615 Superior Avenue, NW  
Cleveland, Ohio 44113-1801  
(216) 787-3665 or (800) 626-2297  
NortheastRegion@ohioauditor.gov

## AMENDMENT #1 TO ENGAGEMENT LETTER

April 24, 2020

Greg Cingle, Finance Director  
City of Fairview Park

Dear Mr. Cingle:

The Auditor of State will amend the engagement letter dated December 11, 2019 to reflect additional procedures required by the Single Audit Act for the year ended December 31, 2019. We will conduct our audit in accordance with U.S. generally accepted auditing standards (GAAS) and the Comptroller General of the United States' standards for financial audits included in *Government Auditing Standards*, the Single Audit Act Amendments of 1996, and *Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)*. Those standards require that we plan and perform the audit to reasonably assure that the financial statements are free of material misstatement.

*Your Responsibilities and Identification of the Applicable Reporting Framework:*

We will audit assuming that management and those charged with governance acknowledge and understand they are responsible for preparing supplementary information, including the Schedule of Expenditures of Federal Awards.

### **Additional Responsibilities and Reporting Under the Uniform Guidance**

*Our Responsibilities:*

For grant funding subject to the Uniform Guidance, as the Guidance requires, we will test controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to opine on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

Additionally, the Uniform Guidance requires that we also plan and perform the audit to reasonably assure whether the auditee has complied with applicable federal statutes, regulations, and terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB *Compliance Supplement* for the types of compliance requirements that could directly and materially affect each of your major programs.

In accordance with the Uniform Guidance, we will prepare the following report:

*Independent Auditor's Report on Compliance with Requirements Applicable To the Major Federal Program and on Internal Control Over Compliance Required by the Uniform Guidance*

City of Fairview Park  
April 24, 2020  
Page 2

Our report on compliance will include our opinion on compliance with major federal financial assistance programs and also describe instances of noncompliance with Federal requirements we detect that require reporting per the Uniform Guidance. This report will also describe any significant deficiencies and/or material weaknesses we identify relating to controls used to administer Federal award programs. However, this report will not opine on internal control used to administer Federal award programs.

We are also responsible for completing certain parts of OMB Form SF-SAC (the Data Collection Form).

*Your Responsibilities:*

You are responsible for identifying federal statutes, regulations and the terms and conditions relating to Federal award programs, and for complying with them. You are responsible for compiling the Schedule of Expenditures of Federal Awards and accompanying notes.

For grant funding subject to the Uniform Guidance, you are required to establish and maintain effective internal controls to reasonably assure compliance with federal statutes, regulations and terms and conditions of federal awards and controls relating to preparing the Schedule of Expenditures of Federal Awards. Additionally, you are responsible for evaluating and monitoring noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; taking prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly following up and taking corrective action on reported audit findings; and for preparing a summary of schedule of prior audit findings and a separate corrective action plan.

You are responsible for informing us of significant subrecipient relationships and contractor relationships (previously known as vendor relationships), when the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are responsible for completing your Government's Data Collection Form and assuring the reporting package (including the Data Collection Form) is filed in accordance with the electronic submission requirements.

You are responsible for providing electronic files that are unlocked, unencrypted and in an 85% text searchable PDF format for your Government's single audit submission of the reporting package to the Federal Audit Clearinghouse.

**Access to Our Reports and Working Papers**

AU-C 905—*Alert That Restricts the Use of the Auditor's Written Communication* requires our reports to disclose the following:

*Independent Auditor's Report on Compliance with Requirements Applicable to the Major Federal Program and on Internal Control Over Compliance Required by the Uniform Guidance:*

This report only describes the scope of our internal control compliance tests and the results of this testing based on Uniform Guidance requirements. Accordingly, this report is not suitable for any other purpose.

City of Fairview Park  
April 24, 2020  
Page 3

The engagement letter dated December 11, 2019 between the Auditor of State and the City is hereby amended to reflect the following:

<u>Description of / Causes for Amendment</u>	<u>Estimated Fee Effect</u>
Testing of major Federal program not previously detected, as required by the	
1 Single Audit Act	\$984.00
2 Supervisor review of additional testing	82.00
Total this amendment	\$1,066.00
Previous fee estimate	<u>\$29,930.00</u>
Revised fee estimate	<u><u>\$30,996.00</u></u>

Please sign the copy of this letter in the space provided and return it to us. If you should have any questions, please call Evan Witte at 216-787-3220.

Sincerely,

KEITH FABER  
Auditor of State



Allen Allred, CPA  
Chief Auditor, Northeast Region

cc: Mayor  
City Council

\_\_\_\_\_  
ACCEPTED BY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE

City of Fairview Park  
 April 24, 2020  
 Page 4

**2CFR Part 200 REPORTING PACKAGE**

2CFR Part 200 Ref.	Item	Responsibility	
		Auditee	Auditor
.508(b); .510(a)	Financial Statements	✓	
.515(a)	Report (opinion) on financial statements		✓
508(b); .510(b)	Schedule of Expenditures of Federal Awards	✓	
.515(a)	Report ("in-relation-to" opinion) on Schedule of Expenditures of Federal Awards		✓
.515(b)	Report on Compliance and Internal Controls - Financial Statements		✓
.515(c)	Report on Compliance and Internal Controls - (Major) Federal Awards		✓
.515(d)	Schedule of Findings and Questioned Costs		✓
.508(c); .511(a),(b)	Schedule of Prior Audit Finding	✓	
.512(a), (b)	Data Collection Form	✓	✓
.511(c)	Corrective Action Plan	✓	

CITY OF FAIRVIEW PARK  
RESOLUTION NO. 20-07  
ORIGINATED BY: THE FINANCE DEPARTMENT  
REQUESTED BY: MAYOR PATRICK J. COONEY  
SPONSORED BY: COUNCILWOMAN KING

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE CITY OF FAIRVIEW PARK, STATE OF OHIO, FOR FISCAL YEAR BEGINNING JANUARY 1, 2021, AND SUBMITTING THE SAME TO THE CUYAHOGA COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY

WHEREAS, the Mayor has heretofore prepared a tentative budget for the City of Fairview Park, State of Ohio, for the fiscal year beginning January 1, 2021 showing estimates of all balances that will be available at the beginning of the year 2021 for the purpose of such year, and all revenues to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites and all other types of classes of revenue; also estimates of all expenditures of changes in or for the purpose of such fiscal year to be paid or met from said revenues or balances; and otherwise conforming with the requirements of law; and

WHEREAS, said budget has been made conveniently available to public inspection for at least ten (10) days by having at least two (2) copies thereof on file in the Office of the Director of Finance.

**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 budget of the City of Fairview Park, Ohio, for the fiscal year beginning January 1, 2021, heretofore prepared by the Mayor, and submitted to this Council, copies of which have been and are on file in the office of the Director of Finance be and it is hereby adopted as the official budget of the City of Fairview Park, Ohio for the fiscal year beginning January 1, 2021.

SECTION 2. That the Clerk be, and is hereby authorized and directed to certify a copy of said budget, and a copy of this resolution, and to submit the same to the Cuyahoga County Fiscal Officer.

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 Resolution 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 it may be certified to the Cuyahoga County Fiscal Officer by date prescribed by law; 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 from immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading: 05.18.20  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Patrick J. Cooney, Mayor

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Liz L. Westbrooks, Clerk of Council

## ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit FAIRVIEW PARK CITY

For the Fiscal Year Commencing JANUARY 1, 2021

Fiscal Officer Signature \_\_\_\_\_ Date \_\_\_\_\_

# COUNTY OF CUYAHOGA

### **Background**

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

### **Ohio Revised Code Section 5705.281**

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

### **County Budget Commission Duties**

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

### **County Budget Commission Action**

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

### **Alternative Tax Budget Information Filing Deadline**

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

**2021 BUDGET TRANSFERS**

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
100 General Fund	240 Police & Fire Pension Fund	\$805,000.00
100 General Fund	733 Retiree Accrued Benefits Fund	\$150,000.00
231 Recreation Capital Fund	300 Bond Retirement Fund	\$175,000.00

**DIVISION OF TAXES LEVIED**

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)  
 (List All Levies Of The Taxing Authority)

**SCHEDULE 1**

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authorized	\$ AMOUNT Requested Of Budget Commission
GENERAL	CHARTER	00/00/1959		CONT	1/20-12/20	1/21-12/21	8.33 MILLS	\$4,083,139
PERMANENT IMP	CHARTER	5/31/1994		CONT	1/20-12/20	1/21-12/21	0.87 MILLS	\$426,450
FIRE OPERATING LEVY	SPECIAL	11/8/2016		5 YEARS	1/20-12/20	1/21-12/21	1.00 MILLS	\$352,377
RECREATION	CHARTER	11/5/1996		CONT	1/20-12/20	1/21-12/21	1.00 MILLS	\$490,173
POLICE PENSION	INSIDE				1/20-12/20	1/21-12/21	0.30 MILLS	\$147,052
FIRE PENSION	INSIDE				1/20-12/20	1/21-12/21	0.30 MILLS	\$147,052
Totals							11.80 MILLS	\$5,646,243.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

I Fund BY Type	SCHEDULE 2					
	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
100 GENERAL	\$2,400,000.00	\$4,442,202.00	\$6,500,000.00	\$13,342,202.00	\$11,500,000.00	\$1,842,202.00
101 Contingent Reserve	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
210 S.C.M.& R.	\$40,000.00	\$0.00	\$1,000,000.00	\$1,040,000.00	\$1,000,000.00	\$40,000.00
220 STATE HIGHWAY	\$10,000.00	\$0.00	\$81,500.00	\$91,500.00	\$80,000.00	\$11,500.00
230 RECREATION	\$1,240,000.00	\$490,173.00	\$3,750,000.00	\$5,480,173.00	\$4,800,000.00	\$880,173.00
231 RECREATION CAPITAL	\$929,059.00	\$0.00	\$0.00	\$929,059.00	\$175,000.00	\$754,059.00
240 POLICE/FIRE PENSION	\$5,000.00	\$294,104.00	\$805,000.00	\$1,104,104.00	\$1,100,000.00	\$4,104.00
250 STREET LIGHTING	\$180,000.00	\$0.00	\$300,000.00	\$480,000.00	\$290,000.00	\$190,000.00
255 SOLID WASTE	\$4,000.00	\$0.00	\$720,000.00	\$724,000.00	\$720,000.00	\$4,000.00
260 PERMANENT IMPROVEMENT	\$500,000.00	\$426,450.00	\$0.00	\$926,450.00	\$750,000.00	\$176,450.00
270 FIRE OPERATING	\$20,000.00	\$352,377.00	\$100.00	\$372,477.00	\$350,000.00	\$22,477.00
285 FEMA GRANT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
290 FEDERAL GRANTS	\$10,000.00	\$0.00	\$79,500.00	\$89,500.00	\$89,500.00	\$0.00
295 STATE GRANTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
300 BOND RETIREMENT	\$5,479.46	\$0.00	\$1,085,000.00	\$1,090,479.46	\$1,083,559.38	\$6,920.08
500 WATER REIMBURSEMENT	\$15,000.00	\$0.00	\$20,000.00	\$35,000.00	\$25,000.00	\$10,000.00
510 F.P. SANITARY SEWER	\$3,100,000.00	\$0.00	\$2,115,000.00	\$5,215,000.00	\$2,300,000.00	\$2,915,000.00
550 WATER LINE RECONDITIONING	\$25,000.00	\$0.00	\$0.00	\$25,000.00	\$25,000.00	\$0.00
611 SPECIAL HOLDING ACCOUNT	\$275,000.00	\$0.00	\$68,000.00	\$343,000.00	\$60,000.00	\$283,000.00
700 TRUST & AGENCY FUNDS	\$10,000.00	\$0.00	\$30,000.00	\$40,000.00	\$30,000.00	\$10,000.00
709 REDEVELOPMENT FUND	\$286,487.94	\$0.00	\$40,000.00	\$326,487.94	\$0.00	\$326,487.94
710 SENIOR CENTER CONSTRUCTION	\$1,086.07	\$0.00	\$0.00	\$1,086.07	\$0.00	\$1,086.07
711 BAIN PARK RESTORATION	\$100,000.00	\$0.00	\$16,000.00	\$116,000.00	\$20,000.00	\$96,000.00
713 STATE BLDG ASSESSMENT	\$1,850.00	\$0.00	\$3,000.00	\$4,850.00	\$3,000.00	\$1,850.00
714 LAW ENFORCEMENT TRUST	\$44,000.00	\$0.00	\$5,000.00	\$49,000.00	\$10,000.00	\$39,000.00
715 D.U.I. EDUCATION	\$10,000.00	\$0.00	\$2,400.00	\$12,400.00	\$3,000.00	\$9,400.00
716 P.O.P.A.S.	\$45,000.00	\$0.00	\$25,000.00	\$70,000.00	\$25,000.00	\$45,000.00
731 HEALTH INSURANCE	\$200,000.00	\$0.00	\$1,600,000.00	\$1,800,000.00	\$1,605,000.00	\$195,000.00
732 EMPLOYEE SECTION 125	\$3,000.00	\$0.00	\$6,800.00	\$9,800.00	\$8,300.00	\$1,500.00
733 RETIREE ACCRUED BENEFITS	\$200,000.00	\$0.00	\$150,000.00	\$350,000.00	\$250,000.00	\$100,000.00
741 CABLE FRANCHISE FEE	\$950,000.00	\$0.00	\$255,000.00	\$1,205,000.00	\$0.00	\$1,205,000.00
750 JUVENILE DIVERSION	\$13,000.00	\$0.00	\$0.00	\$13,000.00	\$2,000.00	\$11,000.00
761 SENIOR LIFE DONATIONS	\$8,500.00	\$0.00	\$3,000.00	\$11,500.00	\$5,000.00	\$6,500.00
781 EMS COLLECTIONS	\$25,000.00	\$0.00	\$340,000.00	\$365,000.00	\$350,000.00	\$15,000.00
811 CAPITAL PROJECTS	\$500,000.00	\$0.00	\$3,730,000.00	\$4,230,000.00	\$3,980,000.00	\$250,000.00
Total	\$11,156,462.47	\$6,005,306.00	\$22,730,300.00	\$39,892,068.47	\$30,439,359.38	\$9,452,709.09

## UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)

(Do Not Include General Obligation Debt Being Paid By Other Sources)

(Do Not Include Special Obligation Bonds & Revenue Bonds)

### SCHEDULE 3

I Purpose Of Bonds Or Notes	II Date Of Issue	III Final Maturity Date	IV Principal Amount Outstanding At The Beginning Of The Calendar Year	V Amount Required To Meet Calendar Year Principal & Interest Payments	VI Amount Receivable From Other Sources To Meet Debt Payments
2012 G.O. BONDS (Gemini)	12/01/12	12/01/30	\$16,150,000.00	\$1,606,062.50	
<b>Totals</b>			<b>\$16,150,000.00</b>	<b>\$1,606,062.50</b>	



CITY OF FAIRVIEW PARK

RESOLUTION NO. 20-08

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

SPONSORED BY: COUNCILWOMAN KING

CO-SPONSORED BY: COUNCILMAN MINEK

A RESOLUTION REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR FINANCIAL ASSISTANCE FROM THE WATER POLLUTION CONTROL LOAN FUND PROGRAM FOR THE FUNDING OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT FINAL CLARIFIER REHABILITATION PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, the Water Pollution Control Loan Fund (WPCLF) provides financial and technical assistance to public or private applicants for planning, design, and construction of a wide variety of projects to protect or improve the quality of Ohio's water resources and,

WHEREAS, the assistance provided by the WPCLF is in the form of low or no interest loans; and

WHEREAS, the City of Rocky River is planning to make capital improvements via the project known as the Rocky River Waste Water Treatment Plant (WWTP) Final Clarifier Rehabilitation Project which will replace/repair aging equipment and structures within the Rocky River WWTP; and

WHEREAS, it has been determined by the WWTP Long Term Capital Improvements plan submitted with the annual WWTP budget that it is necessary for the City of Rocky River to submit applications for financial assistance for the management of the Rocky River Wastewater Treatment Plant on behalf of all member Cities, including Bay Village, Fairview Park and Westlake; and

WHEREAS, the infrastructure improvements described herein are considered to be an environmental priority need for the City of Rocky River Wastewater Treatment Plant and is a qualified project under the WPCLF programs; and

WHEREAS, a nomination form was submitted to the Ohio Environmental Protection Agency in September 2019, and a response was received in April of 2020 approving this nomination, and requesting the completion of a loan application.

**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 Rocky River is hereby requested to apply to the Water Pollution Control Loan Fund (WPCLF) with cooperation from DEFA (Division of Environmental and Financial Assistance) and the Ohio EPA for financial assistance for capital infrastructure improvements projects for the management of the Rocky River Wastewater Treatment Plant on behalf of the City of Fairview Park.

SECTION 2. That the City of Fairview Park supports the City of Rocky River entering into any agreements as may be necessary and appropriate for the City of Rocky River to obtain this financial assistance for the Rocky River Waste Water Treatment Plant in a form approved by the Director of Law.

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

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety and for the further reason that services referred to above must be expedited due to deteriorating conditions of the WWTP clarifier mechanisms and infrastructure and NPDES requirements, and provided it 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, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:  
APPROVED:

1<sup>st</sup> reading: 05.18.20  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Patrick J. Cooney, Mayor

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Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 20-21

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

SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE ACCEPTING THE 2020 NORTHEAST OHIO PUBLIC ENERGY COUNCIL ENERGIZED COMMUNITY GRANT TO PROVIDE FINANCIAL ASSISTANCE FOR ENERGY EFFICIENCY PROJECTS OR ENERGY INFRASTRUCTURE IMPROVEMENTS AND AUTHORIZING THE CITY ADMINISTRATION TO FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park (“City”) is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and is eligible for the 2020 NOPEC Energized Community Grant (“NEC Grant”), as provided for in the NEC Grant program guidelines; and

WHEREAS, the City has been awarded Sixty Five Thousand One Hundred Eighty-Two Dollars (\$65,182) through the 2020 NEC Grant program to fund energy efficiency and/or energy infrastructure projects in the community; and

WHEREAS, the City previously entered into a grant agreement with NOPEC, Inc. on April 3, 2018, to receive one or more NEC grants; and

WHEREAS, the City will submit project proposal/s for approval by NOPEC for which 2020 NEC Grant funds will be requested, or the City will request that funds be held for the City for a future use; and

WHEREAS, the NEC Grant Program covers one hundred percent (100%) of all project costs up to the amount awarded.

**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 hereby accepts the 2020 NEC Grant award in the amount of Sixty Five Thousand One Hundred Eighty-Two Dollars (\$65,182) and extends its appreciation to NOPEC.

SECTION 2. That the Mayor and City Administration are authorized to file all documents and execute all agreements necessary to accept the award of the 2020 NEC Grant and receive any grant funds, and appropriate such funds solely for purposes described in this Ordinance.

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 public peace, health, safety and welfare; and provided it received an 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:

1<sup>st</sup> reading: 05.04.20  
2<sup>nd</sup> reading: 05.18.20  
3<sup>rd</sup> reading:

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Michael P. Kilbane, President of Council

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Patrick J. Cooney, Mayor

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Liz L. Westbrooks, Clerk of Council

# 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/](http://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](https://www.youtube.com/channel/UC207O_m7DfOP_FcDvoDR5og)



### EMAIL

Questions or comments can be sent in by 4:30 pm in advance of the meeting to [clerkofcouncil@fairviewpark.org](mailto: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](http://www.fairviewpark.org) or call **440.333.2200**.

