



CITY OF FAIRVIEW PARK CITY COUNCIL MEETING AGENDA

MONDAY, JUNE 15, 2020

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

Join Video Meeting: <https://zoom.us/j/94621671734?pwd=dkgxdDRESzVobUNlcm43MC93Y3VmQT09>

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

Meeting ID: 946 2167 1734 | Password: 980176 (For Audio & Video)

YouTube Channel: https://www.youtube.com/channel/UC2070_m7DfOP_FcDvoDR5og

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

Environment, Public Works, Planning, Zoning and Development – Councilman Minek, Chair | Councilman Burger, Vice Chair
Finance – Councilwoman King, Chair | Councilwoman Adler, Vice Chair

~ LEGISLATIVE AGENDA ~

Audience Input on Legislation Up for Passage

Legislation Up for Passage Without Three Readings

COUNCILMAN MINEK

Ord. 20-24 | Authorizing Installation and Reimbursement for Sewer Flow Study Meters

COUNCILWOMAN WERING

Ord. 20-__ | Amending Section 929.06 Solid Waste Collection Charges Expiration Date

COUNCILWOMAN KING

Ord. 20-__ | Establishing the Local Coronavirus Relief Fund

Ord. 20-__ | Authorizing Expenditures for Pavement Marking Services

Ord. 20-__ | Solid Waste Fee Special Assessment for Tax Year 2021

Res. 20-__ | Authorizing and Supporting Application for RRWTP CEPT Project

Agenda continued on back →

Legislation on Third Reading and Final Passage

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

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.*

TUES., JUNE 22

Committee Meeting

7:00 p.m.

CITY OF FAIRVIEW PARK

ORDINANCE NO. 20-24

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:

1st reading: 06.01.20
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

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)

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-
REQUESTED BY: THE FINANCE DEPARTMENT
SPONSORED BY: COUNCILWOMAN WERING

AN ORDINANCE AMENDING SECTION 929.06 OF CHAPTER 929 ENTITLED, "SOLID WASTE COLLECTION CHARGES" OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK AND DECLARING AN EMERGENCY

WHEREAS, Section 929.06 of the Codified Ordinances of the City of Fairview Park was amended by Ordinance No. 19-19 Amended to provide that the solid waste collection charges established by Chapter 929 shall expire December 31, 2020; and

WHEREAS, it is in the best interest of the City of Fairview Park to extend the charges established by Chapter 929 until December 31, 2021.

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

SECTION 1. That Section 929.06 of the Codified Ordinances of the City of Fairview Park shall be and is hereby amended as follows:

“ 929.06 EXPIRATION

The charges established under this Chapter shall expire on December 31, 20201.”

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 timely provide for the continuation of the charges under this ordinance, 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 J. COONEY
SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE ESTABLISHING THE LOCAL CORONAVIRUS RELIEF FUND AND AFFIRMING THAT MONIES PLACED THEREIN WILL BE EXPENDED ONLY FOR LAWFUL PURPOSES

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the “Coronavirus Aid, Relief, and Economic Security Act” in House Bill 481 of the 133rd General Assembly (H.B. 481); and

WHEREAS, S.B. 481 requires subdivisions receiving funds under Section 1 of the act, to pass an legislation affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations before receiving said funds; and

WHEREAS, the City of Fairview Park is requesting its share of funds from the County Coronavirus Relief Distribution Fund.

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

SECTION 1. That all funds received from the County Coronavirus Relief Distribution Fund pursuant to H.B. 481 be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations and guidance only to cover expenses that:

- (a) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (b) Were not accounted for in the City of Fairview Park’s most recently approved budget as of March 27, 2020; and
- (c) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

SECTION 2. In compliance with H.B. 481, the Finance Directors shall take all necessary action to:

- (a) To create a special revenue fund, designated the Local Coronavirus Relief Fund, for the purpose of receiving and expending monies received pursuant to H.B. 481, as a

special revenue fund to separately account for revenues and expenditures associated with the fund.

- (b) On or before October 15, 2020, pay any unencumbered balance of money in the City of Fairview Park's Local Coronavirus Relief Fund to the County Treasurer;
- (c) On or before December 28, 2020, pay the balance of any money in the City of Fairview Park's Local Coronavirus Relief Fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management; and
- (d) Provide any information related to any payments received under H.B. 481 to the Director of the Ohio Office of Budget and Management as requested.

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. The Clerk of Council shall certify a copy of this ordinance to the Cuyahoga County Fiscal Officer and its Director of Budget and Management.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare 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

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 – Local Coronavirus Relief Fund
DATE: June 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, June 15, 2020, as an emergency:

Ordinance 20-__ AN ORDINANCE ESTABLISHING THE LOCAL CORONAVIRUS RELIEF FUND AND AFFIRMING THAT MONIES PLACED THEREIN WILL BE EXPENDED ONLY FOR LAWFUL PURPOSES AND DECLARING AN EMERGENCY

The City Administration respectfully requests passage of this legislation on first reading in anticipation of the enactment of Senate Bill 310 (“S.B. 310”). S.B. 310 outlines guidelines and provides a means of distribution of Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) funding by the State of Ohio to local government entities with populations below 500,000.

In order for the City to receive CARES Act funding, legislation must be passed stating that the City will follow the federal guidelines on eligible expenditures and create a fund solely for the purpose of receiving and expending said funds. In order to qualify for and receive the funds, copies of the ordinance must be submitted to Cuyahoga County and the Ohio Office of Budget and Management.

On June 4, 2020, the Ohio House of Representatives passed an amended version of S.B. 310 in order to distribute this federal assistance, and now the Senate must vote on the amended bill. It is anticipated that this vote will occur within the next few days, and passage of the above legislation will enable the City to act quickly in securing the CARES Act funds. We are hopeful that this bill will be passed and sent immediately to Governor DeWine for his signature, so that the City can receive funds and begin its recovery from the finance hardship caused by the COVID-19 pandemic.

Again, should S.B. 310 be passed by the Senate prior to the City Council meeting of Monday, June 15, 2020, it is requested that the above legislation be passed with one (1) reading.

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

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 & DEVELOPMENT TO PURCHASE PAVEMENT MARKING SERVICES AND DECLARING AN EMERGENCY

WHEREAS, certain City streets have center and/or edge line pavement markings; and

WHEREAS, these pavement markings are necessary for the safety of motorists and pedestrians utilizing City streets, and

WHEREAS, the City does not have the equipment necessary to properly install and maintain these center and/or line pavement markings and purchases of this service shall be from businesses specializing in applying pavement markings.

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 & Development is hereby authorized to purchase pavement markings services to remark center and other street markings on certain City streets.

SECTION 2. That the cost of road markings for longitudinal lines on major roads is \$13,603.00 to be paid to AeroMark Co. (10423 Danner Dr., Streetsboro, Ohio 44241)) and for road markings at major intersections to be completed by Midwest (1539 E. 367th St. Eastlake, Ohio 44095) at \$11,335.30 – all costs to be paid from the Capital Projects Fund – Road Supplies (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 preservation of public peace, health, safety and welfare; and in order to complete these road improvements for safety reasons in a timely, efficient and economical means, 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:

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
Patrick Cooney, Mayor

Memo

To: Council President Kilbane and All Members of Council

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

Date: June 9, 2020

Re: Ordinance to Approve Road Marking Services

Legislation is being proposed to satisfy the Charter and potential auditor review of our road improvement processes. Two vendors are being used to improve road markings which combined, total services exceed \$15,000. Therefore, an ordinance to approve these companies' work and payment is being proposed to City Council.

I would appreciate this being passed after one read on an emergency basis. The nature of this work makes it imperative that dry weather be in place and that passage occurs prior to the conclusion of paving projects at the end of the construction season.

If you have any questions, please do not hesitate to contact me. Thank you.

cc: Mayor Cooney
Council Clerk Westbrook
Director of Law Riley
Director of Finance Cingle

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

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR COLLECTION OF THE MONTHLY CHARGE FOR COLLECTION OF SOLID WASTE IN THE CITY OF FAIRVIEW PARK, OHIO FOR THE TAX YEAR 2021 AND DECLARING AN EMERGENCY

WHEREAS, the City has levied special assessments for the collection of refuse in the City of Fairview Park.

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 cost and expense of solid waste collection for the tax year 2021, in the amount of \$120 per year per residential parcel for the tax year, as reported to the Finance Director and now on file in the office of the Finance Director; be and the same is hereby adopted and confirmed, and that for the tax year 2021, there be and are hereby levied and assessed upon each residential parcel that is subject to collection of solid waste by the City's vendor, the amount reported as aforesaid, which are not in excess of any statutory limitation; and said properties are hereby determined to be specially benefited by said improvement.

SECTION 2. That the remainder of the entire cost of said improvement shall be paid out of the General Fund of the City of Fairview Park, Ohio.

SECTION 3. That this Council hereby finds and determines that the assessments now on file in the office of said Director are in the same proportion to the previous assessments as originally filed, related to the cost of the above-described improvement and the cost of the improvement as originally filed.

SECTION 4. That the assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after the passage of this Ordinance, or at the option of the owner, in two (2) annual installments. All cash payments shall be made to the Director of Finance of the City. All assessments remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of council to the County Fiscal Officer as provided by law, to be placed on the tax duplicate and collected as other taxes are collected.

SECTION 5. That the Clerk of this Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City, and to continue on file in this office said assessments.

SECTION 6. That the Clerk of this Council is hereby directed to deliver a certified copy of this Ordinance to the County Fiscal Officer no later than September 14, 2020.

SECTION 7. 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. 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 for the further reason that it is necessary to provide funds for solid waste collection to protect the health, convenience, and welfare of the inhabitants of the City of Fairview Park 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
Patrick Cooney, Mayor

Memo

To: Council President Kilbane and All Members of Council

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

Date: June 9, 2020

Re: Ordinance to Levy Special Assessment for Collection of Solid Waste

Legislation is being proposed to place the assessment of the cost and expense of the solid waste collection for the tax year 2021 to be levied to each household. The amount remains the same as last year at \$120 per year per household.

If you have any questions, please do not hesitate to contact me.

cc: Mayor Cooney
Council Clerk Westbrooks
Director of Law Riley
Director of Finance Cingle

CITY OF FAIRVIEW PARK
RESOLUTION NO. 20 -
REQUESTED BY: MAYOR PATRICK J. COONEY
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 CHEMICALLY ENHANCED PRIMARY TREATMENT PROJECT DESIGN ENGINEERING, AND DECLARING AN EMERGENCY

WHEREAS, the Water Pollution Control Loan Fund (WPCLF) at the State of Ohio Environmental Protection Agency 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 Waste Water Treatment Plant (WWTP) Chemically Enhanced Primary Treatment (CEPT) Project Design Engineering, which will replace/repair aging equipment and structures within the Rocky River Waste Water Treatment Plant 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, nomination form was submitted to the Ohio Environmental Protection Agency in September 2019, and resolution and loan application deadline of August 1, 2020 is in effect.

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 Program for financial assistance for capital infrastructure improvements projects for the management of the Rocky River Wastewater Treatment Plant.

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 primary treatment 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:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrook, Clerk of Council



Memo

To: Council President Kilbane and All Members of Council

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

Date: June 9, 2020

Re: Rocky River Waste Water Treatment Plant
Chemically Enhanced Treatment Project (CEPT)

The Administration of the City of Fairview Park is requesting passage of the following Ordinance, as an emergency, before August 1, 2020. This is separate from the improvement project that pertains to the clarifier tanks (involving bridges, and skimming devices and baffles).

The Rocky River Waste Water Treatment Plant (the Plant) Superintendent and consulting engineers have applied for and been approved for a \$1.5 million dollars in loan funding from the Ohio EPA's Department of Environmental and Financial Assistance – Water Pollution Control Loans. A portion of this funding (to be determined) is anticipated to be a no interest loan and the remainder of the loan to be at 1.18% interest. The City's repayment of the loan funding will be based upon the percentage established in the Flow and Strength study.

This funding will be used to design the improvements recommended by the 'No Feasible Alternative' study that has been ongoing with assistance from the engineering firm Hazen & Sawyer. This project will create a design for improvements and information for the subsequent construction loan application for \$9.5 million dollars to be made in 2021 or 2022. This Chemically Enhanced Treatment Project (CEPT) will increase the Plant's treatment capacity by reconstructing chemical treatment facilities (including nutrient reduction and disinfection process) which would replace sludge and dewatering pumps. The project would include instrumentation updates, new solids collection mechanisms and repairs.

The Plant Superintendent requests passage of this legislation by August 1, 2020 to comply with the application schedule to comply with this funding opportunity.

cc: Patrick Cooney, Mayor
Liz Westbrook, 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:

1st reading: 05.18.20
2nd reading: 06.01.20
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

OHIO AUDITOR OF STATE KEITH FABER



Lausche Building, 12th 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
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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:

1st reading: 05.18.20
2nd reading: 06.01.20
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

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 Fund	II Purpose	III Authorized By Voters On MM/DD/YY	IV Levy Type	V Number Of Years Levy To Run	VI Tax Year Begins/ Ends	VII Collection Year Begins/ Ends	VIII Maximum Rate Authorized	IX \$ 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	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	SCHEDULE 2	
					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	
Totals			\$16,150,000.00	\$1,606,062.50	

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:

1st reading: 05.18.20
2nd reading: 06.01.20
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council



Memo

To: City Council

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

Date: May 8, 2020

Re: Emergency Resolution Legislation: Rocky River Waste Water Treatment Plant Clarifier Project

Last week Superintendent McConnell of the Rocky River Waste Water Treatment Plant was informed of a successful nomination by the Ohio EPA for the Plant to qualify for a low interest loan to finance the Final Clarifier Upgrade project. Funding is from the Water Pollution Control Loan Fund (WPCLF) which is ear-marked for critical infrastructure improvements in waste water and water quality projects. The current interest rate is at 1.12% as listed on the website for this funding (Division of Environmental & Financial Assistance). The Final Clarifier Upgrade project costs are anticipated to be \$6.6 million and \$986,000 in engineering and design fees. Shortly after the nomination announcement, the Superintendent was notified that authorizing legislation (resolutions) in support of taking advantage of these low interest loan must be submitted by July 1, 2020.

The project being funded rehabilitates the waste water mechanisms (installed in 1981) that are mobile bridges which can scrape and skim the solids in the final clarifier tanks. The project includes replacing cog wheels, axles and rehabilitating crumbling concrete and corrosion that cause the traveling bridges to jump their tracks and cause damage to adjacent devices (effluent launder and baffles). Potential wear in the tanks that could lead to leaks will be investigated and any necessary repairs will be included in the proposed project. There will be construction to rehabilitate undercarriage mechanisms including I-beam extensions, hoist cables, support frames, sludge rakes, anchors, anchor bolts and assembly fasteners. In addition, the stairs will be repaired and the grease removal system for the clarifier tanks will be improved.

Failure to make these improvements will likely cause interruptions in the Final Clarifier process and potentially to waste water treatment and damages to mechanisms and structures adjacent to and operating in the tanks. These interruptions in waste water treatment and potential damages to other infrastructure will have a negative impact on water quality of the effluent sent to Lake Erie.

Due to the serious nature of these repairs, the opportunity to receive low interest loan funding described above, and the fact that the documentation including this Resolution is

required to be submitted July 1, 2020 to the WPCLF, I respectfully request that this Resolution be considered emergency legislation with passage after three readings.

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