



CITY OF FAIRVIEW PARK
CITY COUNCIL MEETING
AGENDA

MONDAY, SEPTEMBER 14, 2020
COMMITTEE MEETING

7:00 p.m. – *Via Telephone/Video Conference via Zoom and Live Stream via City YouTube Channel*

Join Video Meeting: <https://zoom.us/j/99136750198?pwd=WkgrNk4rMDIqaWt4RkNZVZtZVI1UT09>
Meeting Dial-In# (Audio Only): (646) 558-8656 or (301) 715-8592
Meeting ID: 991 3675 0198 | Password: 096861 (For Audio and Video)
YouTube Channel: https://www.youtube.com/channel/UC207O_m7DfOP_FcDvoDR5oq

MEETING CALLED TO ORDER

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

- Res. 20-12 | Allowing Purchase of Police Service Weapon
- Ord. 20-32 | Amending Section 129.01 Restructuring Personnel Composition of Police Department
- Ord. 20-33 | Authorizing Contract with RJ Platten Contracting Co for Improvements to Thomas Lane Park
- Ord. 20-34 | Issuance and Sale of Series 2012 Bonds (Refunding)_Gemini Center
- Res. 20-13 | 2021 Tax Rate Resolution

BOARDS & COMMISSIONS REPORTS

ROUNDTABLE

CITY OF FAIRVIEW PARK
RESOLUTION NO. 20-12
REQUESTED AND SPONSORED BY: COUNCILMAN MINEK

A RESOLUTION TO ALLOW RETIRING POLICE CHIEF ERICH UPPERMAN TO PURCHASE HIS SERVICE WEAPON FROM THE CITY AND DECLARING AN EMERGENCY

WHEREAS, Police Chief Erich Upperman is retiring from the Fairview Park Police Department after 36 years of service,

WHEREAS, Article 39.01 of the Collective Bargaining Agreement between the City of Fairview Park and the Ohio Patrolmen's Benevolent Association provides that employees (patrolmen, sergeants and lieutenants) shall be allowed to purchase their service weapon from the city for One Dollar (\$1.00) upon regular retirement after 25 years of service,

WHEREAS, the City of Fairview Park would like to offer this same opportunity to Chief Erich Upperman.

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

SECTION 1. That Police Chief Erich Upperman shall be allowed to purchase his service weapon from the City of Fairview Park for One Dollar (\$1.00).

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

SECTION 3: 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 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: 09.08.20
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK
ORDINANCE NO. 20-32
REQUESTED BY: MAYOR PATRICK J. COONEY
SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE AMENDING SECTION 129.01(a) ENTITLED “COMPOSITION” OF CHAPTER 129 ENTITLED POLICE DEPARTMENT OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK AND DECLARING AN EMERGENCY

WHEREAS, Section 129.01(a) of the Codified Ordinances of the City of Fairview Park establishes the composition of the Police Department as One Chief, Four Lieutenants, Three Sergeants and not more than 21 patrol or police officers; and

WHEREAS, as part of the restructuring of the Police Department into 12 hour shifts for officers, it has been determined by the Mayor, Police Chief and City Council that it is in the best interest of the City to restructure the composition of the Police Department as hereinafter set forth.

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 129.01 (a) entitled “Composition” which reads as follows:

129.01(a) COMPOSITION

- (a) The Police Department shall be composed of a Chief of Police, four Lieutenants of Police, three Sergeants of Police and not more than twenty-one patrol or police officers.

Be and the same is hereby amended to read as follows:

129.01(a) COMPOSITION

- (a) The Police Department shall be composed of a Chief of Police, three Lieutenants of Police, four Sergeants of Police and not more than twenty-one patrol or police officers. (Effective October 5, 2020)

SECTION 2. That Ordinance 06-13 passed on the 17th day of April, 2006 is hereby repealed effective October 5, 2020 as to the changes herein made.

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 shall take effect and be in force from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 08.17.20
2nd reading: 09.08.20
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

CITY OF FAIRVIEW PARK

ORDINANCE NO. 20-33

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

SPONSORED BY: COUNCILWOMEN KING AND WERING

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH RJ PLATTEN CONTRACTING CO., 14490 YORK ROAD, NORTH ROYALTON, OHIO 44133, FOR IMPROVEMENTS TO THOMAS LANE PARK AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park (“City”) has been awarded Fifty Thousand Dollars (\$50,000) through Cuyahoga County’s 2020 Community Development Supplemental Grant program for improvements to Thomas Lane Park; and

WHEREAS, such improvements include grading, the installation of a paved pathway, the installation of a decorative fence, landscaping, the planting of trees, and the installation of a light post; and

WHEREAS, the project was contemplated and planned for as part of the City’s 2020 Budget; and

WHEREAS, improvements to Thomas Lane Park will be carried out in accordance with the plans and specifications created by Mackay Engineering & Surveying Co.; and

WHEREAS, the plan for Thomas Lane Park was approved by the Fairview Park Planning & Design Commission on June 17, 2020; and

WHEREAS, the City solicited pricing proposals for said work through a posting in the Plain Dealer and on the City’s website; and

WHEREAS, a total of six (6) pricing proposals were received and RJ Platten Contracting Co. submitted the lowest responsive and responsible proposal.

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 thanks Cuyahoga County for its grant award of Fifty Thousand Dollars (\$50,000.00) through the 2020 Community Development Supplemental Grant program, and accepts said grant funds.

SECTION 2. That City Council accepts the pricing proposal by RJ Platten Contracting Co. for improvements to Thomas Lane Park in the amount of Forty Three Thousand Two Hundred Ninety-Nine Dollars and Fifty Cents (\$43,299.50).

SECTION 3. That the Mayor is hereby authorized to enter into a contract with RJ Platten Contracting Co. for improvements to Thomas Lane Park in an amount not to exceed Forty Nine Thousand, Seven Hundred Ninety-Nine Dollars and Fifty Cents (\$49,799.50), which includes the proposal amount of Forty Three Thousand Two Hundred Ninety-Nine Dollars and Fifty Cents (\$43,299.50) and a contingency in the amount of Six Thousand Five Hundred Dollars (\$6,500.00).

SECTION 4. That said project costs shall be paid from the Recreation Fund (Fund 230) and reimbursed in full through the 2020 Community Development Supplemental Grant program award.

SECTION 5. 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 6. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that the project must be completed before March 15, 2021; and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor, otherwise from and after the earliest period allowed by law.

PASSED:

1st reading: 09.08.20

APPROVED:

2nd reading:

3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

SUPPLEMENTAL FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF FAIRVIEW PARK, OHIO:

As fiscal officer of the City of Fairview Park, Ohio, and supplementing prior Fiscal Officer's Certificates dated April 18, 2005, and March 5, 2012, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$18,750,000 (the Bonds) for the purpose of refunding certain of the City's outstanding Various Purpose Refunding Bonds, Series 2012, dated October 30, 2012 (the Refunded Bonds), which were issued for the purpose of advance refunding at a lower interest cost certain of the City's then-outstanding Various Purpose Improvement and Refunding Bonds, Series 2005, dated July 7, 2005 (the Series 2005 Bonds), which were issued for the purpose of improving the City's Park and Recreational System by constructing, furnishing and equipping a recreation/community center and renovating and improving related recreational facilities, preparing and improving the sites thereof, providing landscaping, parking and other related site improvements and acquiring and improving certain real property and interests therein in connection therewith, that:

1. The estimated life or period of usefulness of the improvement described above was, at the time of issuance of the Series 2005 Bonds, at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Sections 133.20 and 133.34(A)(3) of the Revised Code, is not later than December 1, 2035, which was calculated consistently with the provisions of Section 133.20 of the Revised Code and the prior Fiscal Officer's Certificate dated April 18, 2005.

Dated: September 8, 2020

Director of Finance
City of Fairview Park, Ohio

CITY OF FAIRVIEW PARK

RESOLUTION NO. 20-13

REQUESTED BY: GREG CINGLE, FINANCE DIRECTOR

SPONSORED BY: COUNCILWOMAN KING

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(CITY COUNCIL)

Revised Code, Secs. 5705.34-5705.35

The Council of the City of Fairview Park, Cuyahoga County, Ohio, met in session on the day of (Regular Or Special) 2020, at the office of with the following members

- present: BRYAN SIMMERLY, Ward 1
WILLIAM MINEK, Ward 2
MAUREEN FALLON ADLER Ward 3
SARAH WERING, Ward 4
BRIDGET KING, Ward 5
GREGORY BURGER, Council At-Large
MICHAEL KILBANE, Council President

Mr./Mrs. moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2021; and

WHEREAS, The Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Fairview Park, Cuyahoga County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY FISCAL OFFICER'S ESTIMATED TAX RATES

FUND	Amount to Be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Commission Inside 10 M. Limitation	County Fiscal Officer's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund			3.33	5.00
General Bond Retirement Fund				0.00
Police Pension			0.30	
Park Fund				0.00
Recreation Fund				1.00
Fire Pension Fund			0.30	
Permanent Improv. Fund				0.87
Fire Fund				1.00
TOTAL	\$0	\$0	3.93	7.87

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Current Expense Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Total General Fund outside 10m. Limitation.		
Park Fund: Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Recreation Fund: Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on _____ for not to exceed _____ years.		
Fund: Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on _____ for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on _____ for not to exceed _____ years.	,20	

and be it further
 RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this
 Resolution to the Fiscal Officer of said County.

Mr./Mrs. _____ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

- Mr./Mrs. _____ YES NO
 BRYAN SIMMERLY, Ward 1
- Mr./Mrs. _____ YES NO
 WILLIAM MINEK, Ward 2
- Mr./Mrs. _____ YES NO
 MAUREEN FALLON ADLER, Ward 3
- Mr./Mrs. _____ YES NO
 SARAH WERING, Ward 4
- Mr./Mrs. _____ YES NO
 BRIDGET KING, Ward 5
- Mr./Mrs. _____ YES NO
 GREGORY BURGER, Council At-Large
- Mr./Mrs. _____ YES NO
 MICHAEL KILBANE, Council President
- Mr./Mrs. _____
- Mr./Mrs. _____

Adopted the _____ day of _____, 20_____

Attest: _____

 President of Council

 Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, _____ County, ss.

I, _____, Clerk of the Council of the City

of _____ within and for said County, and in whose custody the Files
and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original _____

now on file, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20____

Clerk of Council

PASSED:
APPROVED:

1st reading: 09.08.20
2nd reading:
3rd reading:

No. _____

COUNCIL OF THE CITY OF

County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY FISCAL OFFICER

(City Council)

Adopted _____, 20 ____

Clerk of Council

Filed _____, 20 ____

County Fiscal Officer

By _____
Deputy