



CITY OF FAIRVIEW PARK
CITY COUNCIL MEETING
AGENDA

MONDAY, OCTOBER 5, 2020

COUNCIL CAUCUS-6:30 p.m. | COUNCIL MEETING-7:00 p.m.

via Zoom Telephone/Video Conference & Live Streamed on City's YouTube Channel

Meeting Dial-In# (Audio Only): (646) 558-8656 or (301) 715-8592
Join Video Meeting: <https://zoom.us/j/94734354674?pwd=VENsa1RKTjFMRXlOQ2lHV2tKTxBiUT09>
Meeting ID: 947 3435 4674 | Password: 980176 (For Audio and Video)
YouTube Channel: https://www.youtube.com/channel/UC207O_m7DfOP_FcDvoDR5og

Meeting Called to Order | Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Written Communications, Petitions and Claims

Approval of Minutes

Regular Meeting of Council – May 18, June 1 and June 15, 2020

Special Meeting of Council – August 17, 2020

Committee Reports

Local Government & Community Services – Councilwoman Wering, Chair | Councilman Simmerly, Vice Chair

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

~ LEGISLATIVE AGENDA ~

Legislation on for First Reading

COUNCILMAN MINEK

Ord. 20-__ | Rezoning Parcel No 321-29-027 from GB-A to GB-B

COUNCILWOMAN WERING

Res. 20-__ | Supporting School District Bond Levy 2020

COUNCILWOMAN KING

Ord. 20-__ | Authorizing Application and Administration for 2021 TLCI Planning Grant

Legislation on for Second Reading

COUNCILWOMAN KING

Ord. 20-36 | Contract with McGowan and Company for City Insurance

Audience Input on Legislation Up For Passage

Continued on next page →

Legislation on for Passage Without Three Readings

COUNCILMAN MINEK

Res. 20-__ | Resolution Congratulating Erich Upperman on his Retirement

COUNCILWOMAN KING

Ord. 20-__ | Authorizing WPCLF Application and Loan Agreement for Wastewater Improvements

Legislation on for Third Reading and Final Passage

COUNCILWOMAN KING

Ord. 20-34 | Issuance and Sale of Series 2012 Bonds (Refunding) Gemini Center

Reports and Communications from Mayor, Directors and Other City Officials

Public Session

Miscellaneous Business and Reports from Council

Adjournment

1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, MAY 18, 2020**
4

5 **Meeting was conducted by video teleconference*

6 The regular meeting of Council was called to order by Council President Kilbane at 7:00 p.m.

7 MOMENT OF SILENT PRAYER

8 ROLL CALL | PRESENT:

9 COUNCIL – B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

10 ADMINISTRATION – Mayor Cooney, Director Costello, Director Cingle, Director Riley and Engineer
11 Mackay

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13 THE CHAIR made a motion to approve the minutes of the regular meeting of Council on April 20, 2020.

14 MOVED and SECONDED.

15 No Discussion.

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

17 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
18

19 **COMMITTEE REPORTS**

20 COUNCILWOMAN WERING reported that the Local Government and Community Services committee met
21 via Zoom meeting on Monday, May 11th beginning at 7:00 PM. In attendance were members of Council,
22 Mayor Cooney, Directors Riley and Costello, and Bridget Gibbons, Director of Programming at the Cuyahoga
23 County Juvenile Court. We discussed ordinance 20-10, which authorizes Fairview Park's participation in the
24 Community Diversion Program. Bridget Gibbons, Director of Programming at the Cuyahoga County Juvenile
25 Court was available to answer questions for Council. Ms. Gibbons discussed the program and its goal of
26 keeping youth from becoming deeply involved in systems like juvenile court. She informed Council that
27 sometimes adolescents make mistakes or poor choices that impact the community, and this program helps
28 kids to make amends for their behavior and get back on the correct path. City Council voted 7-0 to place
29 Ordinance 20-10 on third reading and final passage. Council discussed Resolution 20-04, which appoints
30 John Castele as the Volunteer Hearing Officer for the Community Diversion Program. With no objection to
31 the appointment, City Council voted 7-0 to place Resolution 20-04 on third reading and final passage. Local
32 Government and Community Services committee ended at 7:19 PM.
33

34 COUNCILWOMAN KING reported that The Finance committee met via videoconference on May 11, 2020
35 at 7:19 pm. In attendance were the members of Council, Mayor Cooney, Director Riley, Director Cingle,
36 Director Costello and members of the community. Ordinance 20-21, Authorizing Acceptance and
37 Administration of 2020 NOPEC Energized Community Grant. Currently, these is not a project to match with
38 the money being received. Director Cingle said it will go into the budget until there is a project that matches
39 the specifications of the grant. A motion to place this on 2nd read and remain in committee was made and
40 passed with a vote 7-0. The Finance committee ended at 7:23pm.
41

42 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**
43

44 **LEGISLATION ON FIRST READING**

45 COUNCILWOMAN KING placed the following legislation up for first reading and introduction:

46 ORDINANCE NO. 20-23

47 REQUESTED BY: FINANCE DIRECTOR, GREG CINGLE

48 SPONSORED BY: COUNCILWOMAN KING

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

51 ACTION: Ordinance 20-23 was placed on first reading and referred to the Finance Committee.

52
53 RESOLUTION NO. 20-07
54 ORIGINATED BY: THE FINANCE DEPARTMENT
55 REQUESTED BY: MAYOR PATRICK J. COONEY
56 SPONSORED BY: COUNCILWOMAN KING
57 *A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE CITY OF FAIRVIEW PARK, STATE*
58 *OF OHIO, FOR FISCAL YEAR BEGINNING JANUARY 1, 2021, AND SUBMITTING THE SAME TO THE*
59 *CUYAHOGA COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY*
60 ACTION: Resolution 20-07 was placed on first reading and referred to the Finance Committee.

61
62 RESOLUTION NO. 20-08
63 REQUESTED BY: MARY KAY COSTELLO, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT
64 SPONSORED BY: COUNCILWOMAN KING
65 CO-SPONSORED BY: COUNCILMAN MINEK
66 *A RESOLUTION REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR FINANCIAL ASSISTANCE*
67 *FROM THE WATER POLLUTION CONTROL LOAN FUND PROGRAM FOR THE FUNDING OF THE ROCKY*
68 *RIVER WASTEWATER TREATMENT PLANT FINAL CLARIFIER REHABILITATION PROJECT, AND*
69 *DECLARING AN EMERGENCY*
70 ACTION: Resolution 20-08 was placed on first reading and referred to the Finance Committee.

71
72 **LEGISLATION ON SECOND READING**
73 COUNCILWOMAN KING placed the following legislation up for second reading:
74 ORDINANCE NO: 20-21
75 REQUESTED BY: MARY KAY COSTELLO, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT
76 SPONSORED BY: COUNCILWOMAN KING
77 *AN ORDINANCE ACCEPTING THE 2020 NORTHEAST OHIO PUBLIC ENERGY COUNCIL ENERGIZED*
78 *COMMUNITY GRANT TO PROVIDE FINANCIAL ASSISTANCE FOR ENERGY EFFICIENCY PROJECTS OR*
79 *ENERGY INFRASTRUCTURE IMPROVEMENTS AND AUTHORIZING THE CITY ADMINISTRATION TO FILE*
80 *ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT*
81 *FUNDS AND DECLARING AN EMERGENCY*
82 ACTION: Ordinance 20-21 was placed on second reading and returned to the Finance Committee.

83
84 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE**

85
86 **LEGISLATION ON FOR THIRD READING AND FINAL PASSAGE**
87 COUNCILWOMAN WERING placed the following legislation up for third reading and final passage:
88 ORDINANCE NO: 20-10
89 REQUESTED BY: MAYOR PATRICK J. COONEY
90 SPONSORED BY: COUNCILWOMAN WERING
91 *AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FAIRVIEW PARK TO ENTER*
92 *INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY JUVENILE COURT IN CONNECTION*
93 *WITH A COMMUNITY DIVERSION PROGRAM TO ADDRESS JUVENILE MISDEMEANOR AND*
94 *STATUS OFFENDERS IN THE CITY OF FAIRVIEW PARK, ESTABLISHING A COMMUNITY*
95 *DIVERSION PROGRAM FUND AS A SPECIAL REVENUE FUND, AND DECLARING AN*
96 *EMERGENCY.*

97 THE CHAIR asked for any discussion before passage. No Discussion.
98 COUNCILWOMAN WERING made a motion to amend Exhibit A to reflect the year 2020.
99 MOVED and SECONDED.
100 THE CHAIR asked for any further discussion before passage. No Discussion.
101 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
102 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

103 THE CHAIR asked for any further discussion before passage. No Discussion.
104 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-10 Amended passes.
105 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

106
107 RESOLUTION NO. 20-04
108 REQUESTED BY: MAYOR PATRICK COONEY
109 SPONSORED BY: COUNCILWOMAN WERING
110 *A RESOLUTION TO EXPRESS THE NEED AND DESIRE OF THE CITY OF FAIRVIEW PARK,*
111 *OHIO FOR THE APPOINTMENT OF A VOLUNTEER HEARING OFFICER TO PRESIDE AT*
112 *COMMUNITY DIVERSION PROGRAM HEARINGS*

113 THE CHAIR asked for any further discussion before passage. No Discussion.
114 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 20-04 passes.
115 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

116
117 COUNCILWOMAN KING placed the following legislation up for third reading:
118 ORDINANCE NO: 20-12
119 REQUESTED BY: MAYOR PATRICK J. COONEY
120 SPONSORED BY: COUNCILWOMAN KING
121 *AN ORDINANCE ESTABLISHING THE RETIREE ACCRUED BENEFITS FUND, AND DECLARING*
122 *AN EMERGENCY*

123 THE CHAIR asked for any further discussion before passage. No Discussion.
124 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-12 passes.
125 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

126
127 ORDINANCE NO. 20-13
128 REQUESTED BY: MAYOR PATRICK COONEY
129 SPONSORED BY: COUNCILWOMAN KING
130 *AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GO2IT*
131 *GROUP FOR PROFESSIONAL SUPPORT SERVICES FOR THE CITY'S COMPUTER SYSTEMS*
132 *AND DECLARING AN EMERGENCY*

133 THE CHAIR asked for any further discussion before passage. No Discussion.
134 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-13 passes.
135 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

136
137 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
138 **OFFICIALS**

139 MAYOR COONEY gave an update on the Gemini Center, including the review of protocols and impacts
140 for re-opening, maintenance items, community considerations and the need to consider Cleveland Clinic,
141 who is a tenant there. He will provide updates as they are available. He advised that events for the city
142 including the Memorial Day parade have been cancelled. MAYOR COONEY advised that there were some
143 reports of flooding from rain over the weekend. He is aware that it is a problem that the city needs to address.
144 He said it is not a simple problem that there is much that needs to go into the consideration and action to
145 address and fix this problem in the long and short term. He said it is a systemic problem and there are some
146 possible things that residents can do to help alleviate the problem and they would help and provide assistance
147 where they can in this process. He said that he has talked to a number of residents and advised anyone who
148 wants to speak about it can contact him or Director Costello.

149
150 DIRECTOR COSTELLO reported on the amount of rain that fell over the weekend and that this resulted in
151 flooding in mainly the southwest corner of Ward 5 and were able to determine that there were no blockages
152 and that maintenance was done to try to make sure that flow was unobstructed. She advised that restrictors
153 have been put in place to replace sand bags previously used for storm flow to prevent supercharging lines.

154 She advised that despite these efforts, there were still issues. DIRECTOR COSTELLO advised she has made
155 some suggestions for additional maintenance to the sewers. There is a plan to place additional meters to track
156 data and guide decisions moving forward. Information will be shared from the data and strategies as the
157 process continues. She thanked the city Garden Club for donating their budget to the city so that the hanging
158 flower program can continue on some scale, though not as extensive as in years past.

159
160 DIRECTOR CINGLE reported that the Regional Income Tax Agency has sent over the finalized April tax
161 receipts and he hopes to have the advance for May collections and will report them when received. They
162 will continue to review the financial impact of the pandemic as numbers are received. He advised anyone
163 with questions on the legislation introduced tonight to contact him with any questions.

164
165 ENGINEER MACKAY reiterated on the recent storms and how they have taxed the system and plans to
166 address them. He said if anyone would like to speak to him in the meantime please feel free to reach out to
167 him. ENGINEER MACKAY advised that the plans for the year 2021 West 210th Street resurfacing and
168 repair project are underway and he will keep everyone informed on the progress of that.

169
170 **PUBLIC SESSION**

171
172 **MISCELLANEOUS BUSINESS AND COMMENTS BY MEMBERS OF COUNCIL**

173 COUNCILMAN MINEK reported that Karen Kirsch, the city's contact for the Illuminating Company,
174 passed away and offered his condolences. He advised the Administration that there was also flooding in his
175 ward as well. He announced that Summerfest has been cancelled for this year and advised that the Planning
176 and Design Commission will meet on Wednesday at 7:00 pm via Zoom.

177
178 COUNCILWOMAN ADLER thanked the Administration and Service Department as they assist in these
179 difficult times and in the best interest of the city.

180
181 COUNCILWOMAN WERING said that her thoughts are with the employees who have been laid off and
182 hopes that with the responsible plan to re-open the state that they will be welcomed back soon. She reminded
183 residents to report any flooding in yards and homes and to continue reporting, so that they can be tracked
184 and aid in mapping hot spots and help identify specific problems and potential improvement projects. She
185 wished everyone a Happy Memorial weekend and thanked those veterans who have served, as well as those
186 who made the ultimate sacrifice for this country.

187
188 COUNCILWOMAN KING thanked the Service Department and Director Costello for all their hard work
189 with flooding over the weekend. She thanked the Garden Club for their generous donation that will help
190 beautify the city.

191
192 COUNCILMAN BURGER said that he received an email requesting the opening of the Gemini Center from
193 a resident as walking the track is a problem for his knees.

194
195 THE CHAIR advised that Council met in executive session on May 11, 2020 to consider compensation of
196 a public employee or official (under personnel matters); and to prepare for, conduct, or review negotiations
197 or bargaining sessions with public employees concerning their compensation or other terms and conditions
198 of their employment.

199
200 THE CHAIR advised that the next Council committee meeting will be on Tuesday, May 26th due to the
201 holiday.

202
203 THE CHAIR made a motion to adjourn the regular meeting with no further business.
204 MOVED and SECONDED.

205 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, meeting adjourned at 7:39 p.m.
206 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

207

208 **This meeting was available to access/participate by video & teleconference under COVID-19 Open*
209 *Meetings Law Amendments per HB 197 by General Assembly and legal guidance provided by the OH*
210 *Attorney General's Office.*

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214 Michael P. Kilbane, President of Council

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218 Liz L. Westbrooks, Clerk of Council

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2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, JUNE 1, 2020**
4

5 **Meeting was conducted by video teleconference*

6 The regular meeting of Council was called to order by Council President Kilbane at 7:01p.m.

7 MOMENT OF SILENT PRAYER

8 ROLL CALL | PRESENT:

9 COUNCIL – B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

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

13 **COMMITTEE REPORTS**

14 COUNCILWOMAN KING reported that the Finance committee The Finance committee met
15 via videoconference on May 26, 2020 at 7:02pm. In attendance were the members of Council, Mayor
16 Cooney, Director Cingle, Director Costello, Director Maynard and members of the community. **Ordinance**
17 **20-21** authorizes acceptance and administration of 2020 NOPEC Energized Community Grant. A question
18 was raised if there is a project to match with the money being received and Mayor Cooney said they are still
19 looking at a few options. A motion to place this on 3rd read and final passage was made and passed with a
20 vote 7-0. **Ordinance 20-23** Increases the expenditure to Auditor of State for 2019 FY Audit. Director Cingle
21 explained why this was needed due to our acceptance and use of grants and federal money in 2019. A motion
22 was made to place this on 2nd and subsequent 3rd read was made and the motion passed with a vote 7-0.
23 **Resolution 20-07** approves the Alternative Tax Budget for 2021. Director Cingle answered a few questions
24 about why we have this resolution and how the county needs this to determine rates we will receive for 2021.
25 I motion was made to move this to 2nd read and remain in committee and was passed with a vote 7-0.
26 **Resolution 20-08** authorizes the application and agreements for RRWWTP Final Clarifier Rehab Project.
27 There were no questions raised about this resolution. A motion was made to move this to 2nd and subsequent
28 3rd read and it passed with a vote 7-0. The Finance committee ended at 7:13pm
29

30 COUNCILMAN MINEK reported that the Environment, Public Works, Planning, Zoning & Development
31 Committee met on June 1, 2020 at 6:00PM to discuss a draft resolution Establishing Temporary Outdoor
32 Patio Dining Areas. Participating in the discussion were Mayor Cooney, Public Service/Development
33 Director Costello, Police Chief Upperman, Fire Chief Raffin, Building Commissioner Maynard, Law
34 Director Riley and members of Council. Numerous questions were asked and answered. Each business
35 submitting an application will be addressed by the administration to check if they comply with the fourteen
36 posted guidelines. A motion to place this resolution on emergency passage was approved 7-0. Meeting
37 adjourned at 6:30PM.
38

39 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**

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41 **LEGISLATION ON FIRST READING**

42 COUNCILMAN MINEK placed the following legislation up for first reading and introduction:

43 ORDINANCE NO. 20-24

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

45 SPONSORED BY: COUNCILMAN MINEK

46 CO-SPONSORED BY: COUNCILWOMAN KING

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

50 ACTION: Ordinance 20-24 was placed on first reading and referred to the Environment, Public Works,
51 Planning, Zoning & Development Committee.

52 **LEGISLATION ON SECOND READING**

53 COUNCILWOMAN KING placed the following legislation up for second reading:

54 ORDINANCE NO. 20-23

55 REQUESTED BY: FINANCE DIRECTOR, GREG CINGLE

56 SPONSORED BY: COUNCILWOMAN KING

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

60 ACTION: Ordinance 20-23 was placed on second reading and subsequent third reading.

61

62 RESOLUTION NO. 20-07

63 ORIGINATED BY: THE FINANCE DEPARTMENT

64 REQUESTED BY: MAYOR PATRICK J. COONEY

65 SPONSORED BY: COUNCILWOMAN KING

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

69 ACTION: Resolution 20-07 was placed on second reading and returned to the Finance Committee.

70

71 RESOLUTION NO. 20-08

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

73 SPONSORED BY: COUNCILWOMAN KING

74 CO-SPONSORED BY: COUNCILMAN MINEK

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

79 ACTION: Resolution 20-08 was placed on second reading and subsequent third reading.

80

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

82 COUNCILWOMAN WERING announced that there was communication received from a resident regarding
83 the temporary outdoor dining patio legislation, and that is was thoroughly discussed in the special committee
84 meeting prior to the council meeting tonight. There were questions regarding quiet time and how the patios
85 will be segregated and planning for parking which were thoroughly discussed and answered. She explained
86 that the resident was not in opposition of the legislation, but had additional questions and how it may affect
87 her as a resident that is very close to a business that may or may not exist.

88 THE CHAIR asked for the name and address of the resident.

89 COUNCILWOMAN WERING stated that it was Ms. Denise Hall of 22410 Fairlawn Circle.

90

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

92 COUNCILMAN MINEK placed the following legislation up for emergency passage:

93 RESOLUTION NO. 20-09

94 REQUESTED BY: MAYOR PATRICK COONEY

95 SPONSORED BY: COUNCIL PRESIDENT KILBANE and COUNCILMAN MINEK

96 CO-SPONSORED BY: COUNCILMEMBERS SIMMERLY, ADLER, WERING, KING AND BURGER
97 *A RESOLUTION ESTABLISHING TEMPORARY OUTDOOR PATIO DINING AREAS, AND DECLARING*
98 *AN EMERGENCY.*

99 THE CHAIR asked for any discussion.

100 COUNCILMAN MINEK made a motion to suspend the Charter Provision and Rule 49 requiring three
101 readings.

102 MOVED and SECONDED.

103 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
104 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
105 THE CHAIR asked for any further discussion.
106 COUNCILMAN MINEK made a motion to dispense Rule 53 requiring reference to Committee.
107 MOVED and SECONDED.
108 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
109 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
110 THE CHAIR asked for any further discussion.
111 COUNCILMAN MINEK thanked the Mayor and his Administration and his Council colleagues for their
112 support of this legislation and hopes that it will help businesses to recover some of their financial loss that
113 has happened as a result of the COVID-19 crisis.
114 THE CHAIR asked for any further discussion before passage. No Discussion.
115 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 20-09 passes.
116 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
117

118 **LEGISLATION ON FOR THIRD READING AND FINAL PASSAGE:**

119 COUNCILWOMAN KING placed the following legislation up for third reading and final passage:
120 ORDINANCE NO: 20-21
121 REQUESTED BY: MARY KAY COSTELLO, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT
122 SPONSORED BY: COUNCILWOMAN KING
123 *AN ORDINANCE ACCEPTING THE 2020 NORTHEAST OHIO PUBLIC ENERGY COUNCIL*
124 *ENERGIZED COMMUNITY GRANT TO PROVIDE FINANCIAL ASSISTANCE FOR ENERGY*
125 *EFFICIENCY PROJECTS OR ENERGY INFRASTRUCTURE IMPROVEMENTS AND AUTHORIZING*
126 *THE CITY ADMINISTRATION TO FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS*
127 *NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY*
128 THE CHAIR asked for any further discussion before passage. No Discussion.
129 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-21 passes.
130 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
131

132 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
133 **OFFICIALS**

134 MAYOR COONEY gave the following departmental updates: Senior Center – The city is continuing to
135 deliver meals to seniors 60 or older. Currently delivering about 100 meal packets (3 frozen meals, 3
136 servings each of bread, fruit, and milk) every Wednesday. There are no plans to open Senior Center due to
137 concerns about congregate facilities and not authorized to open. Building Department – The department is
138 reviewing permit applications, inspections, responding to inquiries from residents, council, and
139 administration regarding questions and concerns. He said that their efforts are appreciated at this time.
140 Service Department- The department has been busy with getting parks ready, working on road repairs and
141 maintaining our sewers. They have also been working on getting the Gemini Center ready for opening on
142 June 15. Recreation Department – The Gemini Center opening on Monday, June 15. Bohlken fields open
143 for practice/games. The high school field/track will be used for training by high school teams. A phased in
144 opening of Gemini Center is planned with review of how things go before deciding on other parts of the
145 building and programming. Police Department - This past weekend two of our WEB units (SWAT and
146 Crowd Control) were deployed to assist with the protests downtown. He said he appreciates the regional
147 collaboration between the West Shore departments to assist in keeping our area safe. Fortunate to have the
148 training and communication between our departments and chiefs. Our department members were deployed.
149 Spoke to Chief about staffing throughout the weekend. MAYOR COONEY said that there is a lot of pain
150 and suffering going on in our country today. In order for that to heal, we as a community need to work
151 together to address the injustices and problems that exist. Fairview Park is a caring community that helps
152 its neighbors when in need. We need to listen to each other, respect each other, and work together so that
153 everyone is treated fairly, and justly each and every day.

154 DIRECTOR COSTELLO said that letters will be issued this week to residents on West 213th Street
155 regarding the upcoming water main replacement scheduled to begin June 15. She asked anyone with
156 questions to contact her.

157
158 DIRECTOR CINGLE advised that the Regional Income Tax agency has processed the May advance to the
159 city, and he is awaiting some answers on questions he has and will share the information with Council when
160 they hear back. The city audit is continuing, and as soon as they are allowed back in city hall they will finish
161 up their field work and work towards wrapping up the audit.

162
163 DIRECTOR RILEY spoke on the restrictions of meetings per the Governor's order and the prohibition of
164 10 or more persons and that meetings will continue to be held in the current format.

165
166 ENGINEER MACKAY reported that plans and specifications of the West 210th Street project are being
167 worked on and will advise on progress. He encouraged everyone to stay safe and have a nice evening.

168
169 **PUBLIC SESSION**

170 CHIEF UPPERMAN said that he was requested by Councilwoman King to be present.

171 COUNCILWOMAN KING said that she had received some questions from residents regarding the City's
172 Police Department, from training to de-escalating incidents in reference to events going on all over the
173 country right now. She advised she was looking for an overview.

174 CHIEF UPPERMAN provided the following overview: Use of Force Policy - Stresses using the least
175 amount of force necessary to gain control of a situation. Stresses use of verbal communication in almost all
176 cases. Degree of force reduced or abated, in degree, upon establishing control and when risk of harm no
177 longer exists; Our use of force - very low incidence of force use. Most frequent use ends at escort via control
178 techniques or arm bars. Injury to offenders has been minimal other than lethal use of force Our officers take
179 a lot of abuse without unlawfully retaliating. Just in the past 4 years, multiple officers have been spit on,
180 including one into his mouth and another in his face. Multiple occasions of an officer being bitten. One
181 officer was head-butted and received a broken nose. In all instances, our officers maintained
182 professionalism, used only force necessary, and took no retaliation measures. Tasers - implemented their
183 use in 2006 to have another intermediate force option between hands on and lethal force. Training yearly,
184 including scenario based; very judicious in use of tasers, probably no more than 12 - 20 usages in last
185 fourteen years on a subject. In the year 2016 - De-escalation training done with all officers as PMT of CPT.
186 Added to mandatory training by OPOTA. Constitutional Use of Force Training Instituted FMS Crisis
187 Intervention Team - instituted by FPPD and all the WEB cities. Utilizes methods of calming in mental
188 health, developmentally disabled, senior, and alcohol/drug related incidents. Currently have five officers
189 trained in this medium. In the year 2017 - Practical Application of Force Training-Every officer trained;
190 FMS -twice yearly, hands-on and scenario based training. Simulator - WEB obtained the simulator in 2014,
191 allows realistic, scenario based training and reacts to actions of the participant. Allows for and strengthens
192 officers use of de-escalation techniques. Verbal Judo - strategies which empower people to effectively de-
193 escalate conflict and potential violence. Several officers trained in these techniques. Dashcams/bodycams-
194 At height of anti-police sentiment in 2014/2015, push for bodycams occurred. Our officers have always
195 maintained the highest professionalism, and are believed to be credible by the judiciary and citizenry.
196 Dashcam cost was not deemed worthwhile at that time. If obtained, would actually have been a tool to
197 corroborate officer's accounts when improper complaints filed against them, rather than a tool to "police"
198 their actions. Hiring of good officers, properly vetted and background checked via an exhaustive pre-hire
199 process, is best way to prevent incidents of wrongful use of force. The tenor of our department is such that
200 none of our officers would stand for someone intentionally using more force than necessary or fail in their
201 Care and Control duties.

202 COUNCILWOMAN KING thanked Chief Upperman and said that she appreciates the information and
203 grateful for the department for keeping residents safe.

204 THE CHAIR thanked Councilwoman King for asking those important questions and thanked the Chief for
205 answering them.

206

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

208 COUNCILMAN SIMMERLY reported that the Recreation Commission met last week on the reopening of
209 the Gemini Center, and thanked Mayor Cooney for the work put into that, and the considerations of safety
210 that went into it to keep residents safe. He also thanked Director Costello for answering several questions
211 over the last few weeks, it has been helpful and both he and residents appreciate it.

212

213 COUNCILMAN MINEK said he was thankful last weekend did not escalate in the city, and said that he
214 whole-heartedly supports the Chief's comments and supports the Department.

215

216 COUNCILWOMAN ADLER thanked the Administration and Councilmembers for putting together
217 resolution to help the city's bars and restaurants and making sure they have an avenue to try to recoup some
218 of their financial losses and discussion on all questions surrounding the plan. She thanked Chief Upperman
219 for his overview, and said that she thinks perhaps some other cities should be looking on how to train and
220 do checks on their officers. She said she feels good about the extensive time training and efforts put forth
221 to ensure that professionalism is maintained by the officers. She said it is a shame when a few bad apples
222 can taint a profession that needs to be respected, and unfortunately it is some officers themselves that aren't
223 respecting their professions. She said she is grateful for the efforts being put forward.

224

225 COUNCILWOMAN KING reported that there will be a Senior Showcase this Friday, where 2020 high
226 school Seniors will parade through the city and encouraged everyone to support them with proper social
227 distancing.

228 COUNCILWOMAN KING made a motion to remove the issue of Solid Waste Fees from the Finance
229 Committee.

230 MOVED and SECONDED.

231 THE CHAIR asked for any discussion.

232 COUNCILWOMAN WERING inquired if the issue would be brought back into committee again in the fall
233 as services are considered for next year.

234 COUNCILWOMAN KING indicated that it will be.

235 THE CHAIR asked for any discussion. No. Discussion.

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

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

238 COUNCILWOMAN KING made a motion to remove the issue of Budget Discussion from the Finance
239 Committee.

240 MOVED and SECONDED.

241 THE CHAIR asked for any discussion. No. Discussion.

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

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

244

245 COUNCILMAN BURGER spoke about an email that was sent to him, Council President and Councilwoman
246 King in regard to a petition to pursue a sound barrier for I-480 in Ward 5, and understands there are residents
247 that are interested in this. He said he decided against going door to door because of the pandemic but did
248 make calls and spoke to 4 families. He suggested that if anyone knows anyone in the neighborhood to let
249 them know that the city is trying to get a barrier.

250 MAYOR COONEY said that information on this can be will be send to the remaining members of council
251 about this so that they can move the petitions efforts.

252 THE CHAIR said that he remembers this petition in the past and is not sure of what came of it.

253 COUNCILMAN BURGER said that some things have changed since the previous efforts including barrier
254 technology being improved.

255 THE CHAIR said that these are very trying times we are in and he wished the residents, citizens and first
256 responders continued health and safety.

257

258 THE CHAIR made a motion to adjourn the regular meeting with no further business.

259 MOVED and SECONDED.

260 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, meeting adjourned at 7:49 p.m.

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

262

263 **This meeting was available to access/participate by video & teleconference under COVID-19 Open*
264 *Meetings Law Amendments per HB 197 by General Assembly and legal guidance provided by the OH*
265 *Attorney General's Office.*

266

267

268

269 Michael P. Kilbane, President of Council

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273 Liz L. Westbrooks, Clerk of Council

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1
2 **MINUTES OF THE REGULAR MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, JUNE 15, 2020**
4

5 **Meeting was conducted by video teleconference*

6 The regular meeting of Council was called to order by Council President Kilbane at 7:00 p.m.

7 MOMENT OF SILENT PRAYER

8 ROLL CALL | PRESENT:

9 COUNCIL – B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

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

13 **COMMITTEE REPORTS**

14 COUNCILMAN MINEK reported that the Environment, Public Works, Planning, Zoning & Development
15 Committee met on Monday, June 8, 2020 at 7:00 P.M. to discuss **Ordinance 20-24**, authorizing installation
16 and reimbursement for sewer flow study meters. Participating in the discussion were Mayor Cooney and
17 Public Service/Development Director Costello. At the present time there are 14 meters associated with the
18 Rocky River Waste Water Treatment Plant. An additional 5 meters are requested for Ward 5 to analyze
19 flow to the North Olmsted Plant which will be analyzed by our consulting engineers. The total cost for the
20 19 meters is \$115,900.00, to be paid from Fairview Park Sanitary Sewer Fund {Fund 510). With the
21 possibility of City Council recessing for July & August it was suggested that Ord. 20-24 be passed on
22 second reading as an emergency. A motion to pass Ord. 20-24 on second reading was approved 6-0. Also
23 discussed were the letters from Mayor Cooney & Public Service/Development Director Costello pertaining
24 to the flooding on May 15, 2020 in Ward 5. The Mayor & Director stated they are collecting additional
25 information and will create a timeline for the infrastructure improvement implementation by the end of this
26 year.
27

28 COUNCILWOMAN KING reported that the Finance committee met via videoconference on The Finance
29 committee met via videoconference on June 8, 2020 at 7:18pm. In attendance were the members of Council,
30 Mayor Cooney, Director Cingle, Director Costello, Building Commissioner Maynard and members of the
31 community. **Resolution 20-07** Alternative Tax Budget 2021. Since Director Cingle answered all questions
32 about this resolution previously, no additional questions were raised and a motion was made to move this
33 to 3rd read and final passage and was passed with a vote 6-0. The Finance committee ended at 7:19pm.
34

35 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**

36
37 **AUDIENCE INPUT ON LEGISLATION UP FOR PASSAGE**
38

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

40 COUNCILMAN MINEK placed the following legislation up for emergency passage:

41 ORDINANCE NO. 20-24

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

43 SPONSORED BY: COUNCILMAN MINEK

44 CO-SPONSORED BY: COUNCILWOMAN KING

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

48 THE CHAIR asked for any discussion before passage.

49 COUNCILMAN MINEK made a motion to suspend the Charter Provision and Rule 49 requiring three
50 readings.

51 MOVED and SECONDED.

52 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
53 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
54 THE CHAIR asked for any further discussion before passage. No Discussion.
55 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-24 passes.
56 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
57
58 COUNCILWOMAN WERING placed the following legislation up for emergency passage:
59 ORDINANCE NO. 20-25
60 REQUESTED BY: THE FINANCE DEPARTMENT
61 SPONSORED BY: COUNCILWOMAN WERING
62 *AN ORDINANCE AMENDING SECTION 929.06 OF CHAPTER 929 ENTITLED, "SOLID WASTE*
63 *COLLECTION CHARGES" OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW PARK AND*
64 *DECLARING AN EMERGENCY*
65 THE CHAIR asked for any discussion before passage.
66 COUNCILWOMAN WERING made a motion to suspend the Charter Provision and Rule 49 requiring three
67 readings.
68 Moved and Seconded.
69 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
70 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
71 THE CHAIR asked for any discussion before passage.
72 COUNCILWOMAN WERING made a motion to dispense Rule 53 requiring reference to Committee.
73 Moved and Seconded.
74 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
75 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
76 THE CHAIR asked for any further discussion before passage. No Discussion.
77 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-25 passes.
78 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
79
80 COUNCILWOMAN KING placed the following legislation up for emergency passage:
81 ORDINANCE NO. 20-26
82 REQUESTED BY: MAYOR PATRICK J. COONEY
83 SPONSORED BY: COUNCILWOMAN KING
84 *AN ORDINANCE ESTABLISHING THE LOCAL CORONAVIRUS RELIEF FUND AND AFFIRMING*
85 *THAT MONIES PLACED THEREIN WILL BE EXPENDED ONLY FOR LAWFUL PURPOSES*
86 THE CHAIR asked for any discussion before passage.
87 COUNCILWOMAN KING made a motion to suspend the Charter Provision and Rule 49 requiring three
88 readings.
89 Moved and Seconded.
90 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
91 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
92 THE CHAIR asked for any discussion before passage.
93 COUNCILWOMAN KING made a motion to dispense Rule 53 requiring reference to Committee.
94 Moved and Seconded.
95 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
96 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
97 THE CHAIR asked for any further discussion before passage. No Discussion.
98 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-26 passes.
99 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
100
101 ORDINANCE NO. 20-27
102 REQUESTED BY: MARY KAY COSTELLO, DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT

103 SPONSORED BY: COUNCILWOMAN KING
104 CO-SPONSORED BY: COUNCILMAN MINEK
105 *AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE & DEVELOPMENT TO*
106 *PURCHASE PAVEMENT MARKING SERVICES AND DECLARING AN EMERGENCY*
107 THE CHAIR asked for any discussion before passage.
108 COUNCILWOMAN KING made a motion to suspend the Charter Provision and Rule 49 requiring three
109 readings.
110 Moved and Seconded.
111 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
112 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
113 THE CHAIR asked for any discussion before passage.
114 COUNCILWOMAN KING made a motion to dispense Rule 53 requiring reference to Committee.
115 Moved and Seconded.
116 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
117 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
118 THE CHAIR asked for any further discussion before passage.
119 COUNCILWOMAN WERING asked Director Costello which streets are included in these marking services.
120 DIRECTOR COSTELLO advised that it would be the center lanes on Lorain Road, Brookpark Road and
121 Mastick Westwood story Wooster W222 and West 210. Also intersectional crosswalks and stopbars of W.
122 220nd /Lorain, Brookpark/W. 222nd, Mastick/222 Macbeth and intersections along West 210th St including
123 Westwood, Bohlken Park entrance, Westgate (Center Ridge) and Campus.
124 THE CHAIR asked for any further discussion before passage. No Discussion.
125 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-27 passes.
126 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
127
128 ORDINANCE NO. 20-28
129 REQUESTED BY: MAYOR PATRICK J. COONEY
130 SPONSORED BY: COUNCILWOMAN KING
131 *AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR COLLECTION OF THE MONTHLY CHARGE*
132 *FOR COLLECTION OF SOLID WASTE IN THE CITY OF FAIRVIEW PARK, OHIO FOR THE TAX YEAR*
133 *2021 AND DECLARING AN EMERGENCY*
134 THE CHAIR asked for any discussion before passage.
135 COUNCILWOMAN KING made a motion to suspend the Charter Provision and Rule 49 requiring three
136 readings.
137 Moved and Seconded.
138 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
139 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
140 THE CHAIR asked for any discussion before passage.
141 COUNCILWOMAN KING made a motion to dispense Rule 53 requiring reference to Committee.
142 Moved and Seconded.
143 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carried.
144 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
145 THE CHAIR asked for any further discussion before passage. No Discussion.
146 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-27 passes.
147 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
148
149 RESOLUTION NO. 20-10
150 REQUESTED BY: MAYOR PATRICK J. COONEY
151 SPONSORED BY: COUNCILWOMAN KING
152 CO-SPONSORED BY: COUNCILMAN MINEK

153 *A RESOLUTION REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR FINANCIAL*
154 *ASSISTANCE FROM THE WATER POLLUTION CONTROL LOAN FUND PROGRAM FOR THE*
155 *FUNDING OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT CHEMICALLY ENHANCED*
156 *PRIMARY TREATMENT PROJECT DESIGN ENGINEERING, AND DECLARING AN EMERGENCY*

157 THE CHAIR asked for any discussion before passage.

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

160 Moved and Seconded.

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

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

163 THE CHAIR asked for any discussion before passage.

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

165 Moved and Seconded.

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

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

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

169 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 20-10 passes.

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

171

172 **LEGISLATION ON FOR THIRD READING AND FINAL PASSAGE**

173 COUNCILWOMAN KING placed the following legislation up for third reading and final passage:

174 ORDINANCE NO. 20-23

175 REQUESTED BY: FINANCE DIRECTOR, GREG CINGLE

176 SPONSORED BY: COUNCILWOMAN KING

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

180 THE CHAIR asked for any discussion before passage. No Discussion.

181 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-23 passes.

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

183

184 RESOLUTION NO. 20-07

185 ORIGINATED BY: THE FINANCE DEPARTMENT

186 REQUESTED BY: MAYOR PATRICK J. COONEY

187 SPONSORED BY: COUNCILWOMAN KING

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

191 THE CHAIR asked for any discussion before passage. No Discussion.

192 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 20-07 passes.

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

194

195 RESOLUTION NO. 20-08

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

197 SPONSORED BY: COUNCILWOMAN KING

198 CO-SPONSORED BY: COUNCILMAN MINEK

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

203 THE CHAIR asked for any discussion before passage. No Discussion.

204 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Resolution 20-08 passes.
205 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

206
207 **REPORTS AND COMMUNICATION FROM THE MAYOR, DIRECTORS, AND OTHER CITY**
208 **OFFICIALS**

209 MAYOR COONEY reminded everyone that the Meals on Wheels program is still running at city hall and
210 anyone interested can inquire about this. He announced that Bank of America has started a \$1.8 million
211 renovation at the former Mattress Firm location on Center Ridge. There will be a Planning & Design meeting
212 on Wednesday, June 15 at 7:00pm. The Gemini Center has re-opened as of 6:00am this morning. He thanked
213 the staff in getting the building ready and hard work during the shutdown. The West 213th St water project
214 began today and will hopefully be wrapped up by August. The second round of the micro grant program will
215 be completed in the next week or so and a third round is anticipated. He will send out information as it is
216 available. There have been 64 responses to the Rust Belt Riders survey from the newsletter and they will be
217 meeting in the future to determine if there is a location in city hall to accommodate them. MAYOR COONEY
218 reported that the Fire Department has started hydrant flushing and they will keep residents aware as they
219 proceed. He congratulated Lt. Paul Shepard on placing first of two candidates on the Police Chief
220 promotional test. He and Lt. Mike Wilkus both scored in the 90th percentile and speaks to their profession
221 and dedication. Chief Upperman will be retiring in October. City parks are being patrolled by the police
222 auxiliary currently. MAYOR COONEY congratulated all graduates in the city and wished them great
223 success as they move forward. He encouraged everyone to stay safe over the summer.

224
225 DIRECTOR COSTELLO announced that the Service Department did some clean up from the windstorms
226 last week and also watering the flower baskets and planters along Lorain Road. Crews are out working on
227 asphalt repairs and also doing grass maintenance at the parks. Repairs and maintenance are also going on at
228 the Senior Center and Police Department. DIRECTOR COSTELLO acknowledged the Commissioner
229 Maynard regarding the progress of notices regarding grass and the work being done by residents to be in
230 compliance.

231
232 DIRECTOR CINGLE reported that the final numbers from RITA were sent out for period 5 and asked that
233 anyone with questions please contact him. He advised that an extension has been extended until July 31 for
234 audit completion, and they will be on site in the near future to finalize further review. He thanked Council
235 for the passage of the finance legislation.

236
237 ENGINEER MACKAY reported that plans continue to be worked on for the West 210th street resurfacing
238 and repair and will be ready for bidding in 2021.

239
240 **PUBLIC SESSION**

241 MS. KELLIE DUBAY GILLIS – 19164 Henry Road - MS. DUBAY GILLIS spoke about the protests
242 happening nationwide surrounding the death of George Floyd which everyone is well aware of. She said that
243 she believes its time to look right here in Fairview Park and the roles played as citizens, community members
244 and elected leaders. She expressed that she has not experienced racism, and believes it would be naive to
245 think it does not happen here and should be acknowledged whether it is seen or not. She believes that it is
246 incumbent, as white people to show the residents to stand up, speak out and do something about it not just
247 for ourselves, but for other families that live in Fairview Park to show that they are wanted and they are
248 cared about in the city. She extended an invitation to join an anti-racist community book club in the city and
249 reading the first book of discussion called, “How to be an Anti-Racist” by Ibram X. Kendi. She asked that
250 Council and the Administration take time over the summer break to read and join the discussion which is
251 tentatively scheduled for July 13th based on the re-opening of the library. She said that she hopes the stories
252 of those who have experienced racism in Fairview Park are heard, and a plan to start talking and making a
253 plan to deal with and dismantle the many types of racism that exists in Fairview Park in the many places
254 they occur such as in policies, organizations and institutions. She said she feels it is important as public

255 officials and policy makers to recognize it and see it as an opportunity to step up to address it and she hopes
256 to have some participation in the book club.

257 THE CHAIR thanked Ms. Gillis for bringing this important topic to the meeting.
258

259 MS. JESSICA SKILES – 22430 Morton Ave.- MS. SKILES submitted the following correspondence to be
260 read into the record:

261 Good afternoon, Thank you for giving me the opportunity to comment on the topic of systemic racism as it
262 pertains to Fairview Park.

263 I was a manager at a fast food restaurant in Fairview Park for a few years. During this time, I had the pleasure
264 of managing a diverse range of employees in race, age, and sexual orientation. Fairview Park is a wonderful
265 place to be. It is quaint, beautiful, and active with great people. While most of our regular customers were
266 pleasant, like anywhere- there was a small share of ignorant ones as well. My issue is that, after being asked
267 "why we decided to hire so many black people" or telling me I "shouldn't allow a Muslim employee to wear
268 religious head coverings". Not only do I have to maintain professional and shrug it off despite my outrage,
269 I had to continue serving people like this. It came to a point where if I saw a regular customer in line that
270 was a repeat offender of racism, I would go tend to that customer personally so that my employees wouldn't
271 have to endure degradation to make minimum wage (some of these TEENAGERS at their first job!)

272 It would never happen to me. No one would ever question my existence in Fairview Park because of my
273 race, gender, or orientation. I think that business owners, employees and patrons should be encouraged to
274 stand up to racism when it occurs and be given the opportunity to decline services to those who make blatant
275 or suggested racist offenses. Just like we have no smoking signs and fair employment signs, Fairview can
276 actively participate in anti-racism by maybe announcing it at their door with a racism- free zone sign. Just
277 an idea from a concerned citizen.

278 Again, thank you for discussing this topic. Let's keep making Fairview Park a great place to grow!
279

280 MS. LIZ WESTBROOKS – 1473 Newman Ave – MS. WESTBROOKS read the following statement:
281 Good Evening, My name is Liz Westbrook and I reside at 1473 Newman Avenue, Lakewood.
282 The first thing I'd like to say is that BLACK LIVES MATTER.

283 I come to you tonight, not in the role you typically see me in as Clerk of Council, but as Liz Westbrook,
284 US Citizen and a more importantly a BLACK WOMAN. I come to tell you my experiences in this space as
285 a resident of FAIRVIEW PARK and as a BLACK WOMAN in the hopes that it will wake some, but also to
286 foster a much needed conversation on race. I have been going back and forth with myself, trusted advisors
287 and friends as to whether I should even speak tonight. But my whole being keeps whispering back to me that
288 I do so I must.

289 I have been fortunate enough to see the issue of race and racism through a lens the majority of you have
290 never, and will never experience. I have lived a life where in my education, life experiences, and work I am
291 often the only black person in the room. I'd like to say that despite this fact, I have thrived in each of them.
292 I learned, much like many of your children are learning, right at this very moment in time, to walk around
293 and ignore people's ignorance and denial of racism. I can't recall the exact moment or event that caused me
294 to actually look at something and identify it as racism, but I'm glad that my eyes were opened to it early in
295 life in my early teen years. I'm also proud to have inherited the blood of Dahomey Amazons of Benin, Africa
296 which prevents me from just laying down and accepting things that are simply unjust along with a pretty
297 good compass of right and wrong.

298 Over the past 20 years, I have served on civil service boards for uniformed officers, human relations
299 commissions and racial task forces, been elected to political office and served as an advisor and board
300 member of many civic and civil rights-minded boards. I do not say that to brag, just to let you know I have
301 seen, heard and experienced nearly every aspect of the racism spectrum in my 45 years.

302 I sit here tonight to tell you that Fairview Park should not be content on how it is perceived, has dealt with,
303 or is currently dealing with the issue of race, and more specifically racism.

304 Unfortunately, there IS no other term besides racism to describe the many inequalities of race. The absolute
305 worst comes to mind when someone says it which is why many are set off into the first six stages of grief

306 (disbelief, denial, bargaining, guilt, anger & depression) and refuse to accept that it could be involved in any
307 part of their lives, or worse yet, their very being. Be that as it may, the word is here, and I'm here to tell you
308 that it DOES exist; it exists right here in Fairview Park; and while I do know that not every white person is
309 racist, I also am learned enough to know that that is NOT enough to just not be racist. We have reached the
310 tipping point where you MUST be anti-racist and also be conscious of idiosyncracies that come along for
311 the ride with it's no-so careful cousins of micro-agression and implicit bias.

312 I sat here at the last Council meeting and listened to the Police Chief get asked a specific question regarding
313 the training and equipment of officers in relation to the protesting and unrest in Cleveland. I listened as he
314 laid out in the most broadstroke way possible the use of force, implementation of tasers, techniques and
315 training and examples of some pretty bad treatment they have been on the receiving end of.

316 I cringed when he said that his officers have always maintained the highest professionalism, and are believed
317 to be credible to the judiciary and citizenry. The main reason I cringed was because on many occasions that
318 was not my experience with them, nor was it the experience of the immediate black male members of my
319 family on several occasions.

320 I can tell you of specific examples where I believe my family has experienced racism, mostly covert and
321 under the color of law when my then husband was stopped on multiple occasions, the first just a month into
322 living here, with my son as a passenger. Not once was he ever arrested, but was always subject to harassment,
323 in my opinion, to what was explicit bias by asking if he had any drugs or felonies, to tell him to not think he
324 was "getting off" because he knew someone (me) who worked at City hall ,or through implicit bias through
325 sometimes short novel-worthy reports filed later citing that had the :audacity: to look an officer in the eye
326 while driving by, or brushed off when he asked to open the glovebox when stopped was made to be some
327 type of villain through an unchecked false police report. I know, because my name also appears in some of
328 those reports, claiming that I was trying to "trap", being hysterical and a myriad of other false accusations.

329 I remember one particular instance where we were preparing to spend the evening out for dinner for my
330 youngest daughter's birthday, but not before first stopping at the police station to inquire what about my son
331 "fit the description" that day of something that I still, to this day, don't know for and the individual attempting
332 to steer away from that conversation to tell me about another young black man who lived in Fairview Park ,
333 who was not a threat when younger, but now apparently seemed to be suspicious on site. My son would be
334 stopped other times while walking to visit friends because someone in the neighborhood saw him as
335 suspicious, kids throwing rocks two streets over to where he was not in the vicinity. I remember going to
336 talk to the Chief on a couple occasions about the troubling patterns of some of his patrolman. I even asked
337 him to possibly have his officers re-read and edit their reports to make them truthful. The response I received
338 was that, in essence, he was satisfied with their accounts and that would not happen. He also, I'm assuming
339 in an attempt to deflect, began to inquire about and tell me about an incident in the Fairview Park Police
340 system of an incident involving my then brother-in-law with Fairview Police. Again, something that had
341 nothing to do with me, nor should have been brought up at all. Those are just a few instances, and I don't
342 bring these examples to shame or bash the police department, they are certainly not alone.

343 I have also experienced racism in my work experience at City Hall over the last 7 1/2 years. While it could
344 largely be contributed to an environment and tone set from the top, many engaged in the culture, simply
345 because they could because it was a safe space. I should not have known that I had a colorful nickname or
346 was spoken of in derogatory ways where someone could have spoken up but didn't, or ever been left off,
347 bypassed or sent condescending emails, told of stories where Directors have used the worst of racial
348 expletives to describe how to hang something, have my personal property damaged right here in the city hall
349 parking lot, where despite having cameras, no one knew or could track that had happened, or my views
350 negated in to attempt to gain information for this council just to name a few. Some of you councilmembers
351 may remember me even being the subject of a conspiracy to get rid of those with contrary opinion, and aware
352 of those that are attempting to carry on the legacy. I am pretty good at seeing things for what they are and as
353 you are witnessing now, calling them out. Yes, it is bothersome, to have to keep a steel resolve despite all
354 that and more, because yes, it still occurs, and I am sure it will be denied in the days to come, all too aware
355 that racism in and of itself, is unfortunately not a crime.

356 I apologize for tearing off the blinders that many could not see from over their eyes or simply choose not to
357 remove to be able to say “it doesn’t happen here.” ...But I was taught to call a thing a thing and to speak truth
358 to “perceived” power. The only way “to” is “through”, and through finally dealing with this ugly issue you
359 get to the final part of the most terrible parts of grief to get to the final stage of acceptance and hope.
360 Fairview Park, I know this is a bedroom community BUT don’t sleep on this time in history. The heartbeat
361 of racism is denial! Many long-overdue changes and positions have already begun to occur all over the world
362 in just a short few weeks. This will not just be a blip on the radar of history.
363 Posting your anger, deflections, resistance and passive aggressive angst on Facebook or other forms of social
364 media in the hopes of stoking fear and creating more fires around this issue is simply not the answer to me,
365 as it just enforces that you don’t want to accept or understand THIS other worldwide pandemic.
366 So now that you know, what will you do? what’s the solution? One of my fav quotes is “A fault confessed
367 is half addressed” Let’s start THERE.
368 First, you have to make the very hard step of admitting that it exists right here in Fairview Park and have a
369 willingness to address and denounce it everywhere right then and there when it occurs.
370 Here are some suggestions:
371 - The Administration, Police and this Council should make a deliberate statement regarding racism in
372 general; The City should establish protocols and procedures for addressing it, and make it clear that it is
373 unacceptable in any form
374 -Public denouncement of individuals such as Ohio State Senator Huffman when they make clearly racist
375 statements; even closer to home, ask your local representative David Greenspan, who boast “responsible and
376 responsive representation” on one hand but was largely irresponsible and non-responsive to his constituents
377 voted against banning the Confederate flag. A flag that has no place anywhere, but most especially in Ohio
378 where it has zero history
379 -The Ohio Municipal League sent an excellent primer last week that was created by the National League of
380 Cities which I forwarded to you.
381 - Search out other cities and organizations already DOING the work. There is a church right over the border
382 that has a Black Lives Matter sign hanging boldly for years now.
383 -Lakewood has already been actively discussing this issue and taking several action steps to look at the issue
384 of racism.
385 - Join the book club that has been created by Mrs. Kellie Dubay Gillis will be delving into this
386 conversation/issue
387 -Determine what this city’s history and priorities are surrounding race and racism. Many don’t know about
388 this city’s Federal CONSENT DECREE discriminatory hiring practices.
389 -Examine the curriculum that is both being taught and not taught in your schools as it relates to Black people
390 and their contributions. Are there any mechanisms to recruit minority teachers...if not, is there a plan create
391 one ?
392 The solution, like the problem, will not be fixed overnight. This is a multi-generational problem that will not
393 just be fixed by saying you’re not racist or that you are color blind. That is not the “safe” answer anymore.
394 The solution requires much harder work than that. It requires an honest, inward look to first acknowledge
395 that it exists, and includes recognizing the tangible and intangible benefits of not having to have ever done
396 that. Then you must be being brave enough to call it out ...every instance, every time.
397 If you’re upset about the truths that I have brought to your attention, you should really examine the lies that
398 are making it comfortable.
399 There is no neutrality in this. To do nothing is to allow it to continue. Now is not the time to take on the
400 victim mentality. To those that checked in on me, sat and listened in my venting over the last couple weeks,
401 you know who you are, and I simply say thank you;
402 To this Council, those of you that have taken any inkling of time to get to truly know me, however small it
403 may be, and let the content of my character lead the way, I simply say, thank you.
404 Lastly, this is not my work to do, I have LITERALLY been doing it all my life. The world might not be
405 watching, but I, and many others are. **BLACK LIVES MATTER.**
406

407 THE CHAIR apologized for the treatment she and her family endured while living in the city and said that
408 things need to change everywhere.

409

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

411 COUNCILMAN MINEK reported that the planning and Design Commission will hold a virtual meeting on
412 Wednesday, June 17 at 7:00pm.

413

414 COUNCILWOMAN ADLER thanked Mrs. Skiles, Mrs. Dubay Gillis and Ms. Westbrooks for sharing their
415 sentiments and feelings over issues that most definitely had to be addressed over the course of history. She
416 said that she has noticed residents sitting on Lorain Road in support of the Black Lives Matter movement,
417 the sharing of a book club and action that needs to be taken. She said that she believes it is something that
418 public leaders need to take an active role in. She said that she has noticed that her sister, who has two black
419 sons and have noticed the number of cars pulled over on Lorain Road. She said that there are actions that
420 need to take place in supporting efforts and this needs to be a city of action despite being a predominantly
421 white community it should not be felt that there doesn't need to be anything done on the issue of racism.

422

423 COUNCILWOMAN WERING said that there is really nothing that can be said in response to what Ms.
424 Skiles and Ms. Westbrooks have told tonight except that she is glad there I some change being made. While
425 she has never been receiving end of racism, she is open, listening and learning. She said that she will join
426 the book club and the more listening and opening up to other people's experiences, the more well-rounded
427 we all become as individuals. She offered herself for any residents wishing to speak to her and looks forward
428 to figuring how she can help.

429

430 COUNCILWOMAN KING thanked all who spoke during the public session. She thanked Ms. Westbrooks
431 for her powerful comments and providing action steps that are useful to Council, the Administration and
432 community members. She agrees with Councilwoman Adler that more needs to be done on the issue. She
433 said that she plans to continue to learn and listen on the topic to do just that. COUNCILWOMAN KING
434 said that she was able to attend the high school graduation last week and it was a wonderful personal
435 graduation and under the circumstances it was fantastic.

436

437 COUNCILWOMAN KING made a motion to extend Mary Long as the Interim Recreation Director through
438 July 31, 2020.

439 MOVED and SECONDED.

440 THE CHAIR asked for any discussion before passage.

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

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

443

444 THE CHAIR thanked all who spoke during the public session tonight and echoed the comments of other
445 councilmembers that it is incumbent on the officials of the city to make sure that it is as welcoming a place
446 to all races and people as possible, and we will do that. He said that he feels that it is despicable and
447 embarrassing that an elected official would not vote to ban the confederate flag from state fairs.

448

449 THE CHAIR made a motion to adjourn for summer recess (months of July and August).

450 MOVED and SECONDED.

451 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, meeting adjourned at 8:18 p.m.

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

453

454 THE CHAIR made a motion to adjourn the meeting.

455 MOVED and SECONDED.

456 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries, meeting adjourned at 8:18 p.m.

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

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**This meeting was available to access/participate by video & teleconference under COVID-19 Open Meetings Law Amendments per HB 197 by General Assembly and legal guidance provided by the OH Attorney General's Office.*

Michael P. Kilbane, President of Council

Liz L. Westbrooks, Clerk of Council

1
2 **MINUTES OF THE SPECIAL MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, AUGUST 17, 2020**
4

5
6 **Meeting was held via video conference*

7 The special meeting of Council was called to order by Council President Kilbane at 7:01 p.m.

8 ROLL CALL | PRESENT:

9 COUNCIL – B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger

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

12 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**
13

14 **LEGISLATION ON FOR FIRST READING**

15 COUNCILWOMAN KING placed the following legislation before Council for first reading and
16 introduction:

17 ORDINANCE NO. 20-29

18 REQUESTED BY: MARY KAY COSTELLO

19 SPONSORED BY: COUNCILWOMAN KING

20 *AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE NECCESARY DEBRIS DISPOSAL*
21 *SERVICES AND ROAD REPAIR MATERIALS FROM BOYAS EXCAVATING AND BOYAS AGGREGATES*
22 *AND MATERIALS NOW KNOWN AS P & P VALLEY VIEW HOLDINGS, LLC AND DECLARING AN*
23 *EMERGENCY*

24 Ordinance 20-29 was placed on first reading and referred to the Finance Committee.
25

26 RESOLUTION NO. 20-11

27 REQUESTED BY: MARY KAY COSTELLO, DIRECTOR OF PUBLIC SERVICE AND
28 DEVELOPMENT

29 SPONSORED BY: COUNCILWOMAN KING

30 *A RESOLUTION TO APPROVE TWO PETITIONS FOR SPECIAL ASSESSMENTS FOR SPECIAL*
31 *ENERGY IMPROVEMENT PROJECTS UNDER OHIO REVISED CODE CHAPTER 1710 AND APPROVE*
32 *THE NECESSITY OF ACQUIRING, INSTALLING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC*
33 *IMPROVEMENTS IN THE CITY OF FAIRVIEW PARK, OHIO IN COOPERATION WITH THE*
34 *NORTHEAST OHIO ADVANCED ENERGY DISTRICT (21000 BROOKPARK ROAD PROJECTS)*

35 Resolution 20-11 was placed on first reading and referred to the Finance Committee.
36

37 ORDINANCE NO. 20-30

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

39 SPONSORED BY: COUNCILWOMAN KING

40 CO-SPONSORED BY: COUNCILMAN MINEK

41 *AN ORDINANCE TO DETERMINE TO PROCEED WITH THE ACQUISITION, INSTALLATION,*
42 *EQUIPMENT, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF*
43 *FAIRVIEW PARK, OHIO IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY*
44 *DISTRICT (21000 BROOKPARK ROAD PROJECTS)*

45 Ordinance 20-30 was placed on first reading and referred to the Finance Committee.
46

47 ORDINANCE NO. 20-31

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

49 SPONSORED BY: COUNCILWOMAN KING

50 CO-SPONSORED BY: COUNCILMAN MINEK

51 *AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING,*

52 *INSTALLING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF*
53 *FAIRVIEW PARK, OHIO IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY*
54 *DISTRICT; AND AUTHORIZING TWO ENERGY PROJECT COOPERATIVE AGREEMENTS AND TWO*
55 *SPECIAL ASSESSMENT AGREEMENTS (21000 BROOKPARK ROAD PROJECTS)*

56 Ordinance 20-31 was placed on first reading and referred to the Finance Committee.

57

58 ORDINANCE NO. 20-32

59 REQUESTED BY: MAYOR PATRICK J. COONEY

60 SPONSORED BY: COUNCILWOMAN KING

61 CO-SPONSORED BY: COUNCILWOMAN WERING

62 *AN ORDINANCE AMENDING SECTION 129.01(a) ENTITLED "COMPOSITION" OF CHAPTER 129*

63 *ENTITLED POLICE DEPARTMENT OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRVIEW*

64 *PARK AND DECLARING AN EMERGENCY*

65 Ordinance 20-32 was placed on first reading and referred to the Finance Committee.

66

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

68

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

70 COUNCILWOMAN KING placed the following legislation before Council for emergency passage.

71 ORDINANCE NO. 20-33

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

73 SPONSORED BY: COUNCILWOMAN KING

74 *AN ORDINANCE AUTHORIZING THE MAYOR TO DISTRIBUTE GRANT FUNDS AWARDED*

75 *THROUGH CUYAHOGA COUNTY'S SBA SMALL BUSINESS PERFORMANCE GRANT PROGRAM*

76 *("PROGRAM") FOR THE PURPOSE OF PROVIDING PERFORMANCE GRANTS TO LOCAL*

77 *BUSINESSES THAT ARE IMPACTED BY COVID-19 AND AUTHORIZING THE MAYOR TO RECEIVE*

78 *AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO AWARD SAID*

79 *GRANT FUNDS AND DECLARING AN EMERGENCY*

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

82 MOVED and SECONDED.

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

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

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

86 COUNCILWOMAN KING made a motion that Rule 53 requiring reference to Committee be dispensed
87 with and Ordinance 20-33 be placed on final passage.

88 MOVED and SECONDED.

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

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

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

92 ROLL ON PASSAGE: Vote: YES-7, NO-0 | Ordinance 20-33 passes.

93

94 THE CHAIR made a motion to move into executive session for the following reasons per the City Charter;
95 to consider compensation of a public employee or official (under personnel matters); for conferences with
96 an attorney for the public body concerning disputes involving the public body that are the subject to pending
97 or imminent court action; and to prepare for, conduct, or review negotiations or bargaining sessions with
98 public employees concerning their compensation or other terms and conditions of their employment.

99 MOVED and SECONDED.

100 THE CHAIR asked for any discussion before passage. No Discussion.

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

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

103
104 THE CHAIR made a motion to adjourn the executive session and return to the regular meeting.
105 MOVED and SECONDED.
106 THE CHAIR asked for any discussion before passage. No Discussion.
107 ROLL ON MOTION: Vote: YES-7, NO-0 | Motion carries.
108 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
109
110 THE CHAIR announced that Pursuant to Fairview Park Charter Article 4, Section 7(b) and Council Rule
111 5, no other subject(s) will be considered.
112 THE CHAIR entertained a motion to adjourn the regular meeting with no further business.
113 MOVED and SECONDED.
114 ROLL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 8:15 p.m.
115 YES: B. Simmerly, B. Minek, M. Adler, M. Kilbane, S. Wering, B. King and G. Burger
116
117 **This meeting was available to access/participate by video and teleconference under COVID-19 Open*
118 *Meetings Law Amendments by General Assembly and legal guidance provided by the OH Attorney*
119 *General's Office.*
120
121 _____
122 Michael P. Kilbane, President of Council
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125 _____
126 Liz L. Westbrooks, Clerk of Council
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CITY OF FAIRVIEW PARK
ORDINANCE NO. 20-
REQUESTED BY: COUNCILMAN MINEK
SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF FAIRVIEW PARK, OHIO, BY REZONING THE AREA DESCRIBED HEREIN FROM GENERAL BUSINESS A (GB-A) TO GENERAL BUSINESS B (GB-B).

WHEREAS, the Council of the City of Fairview Park has determined to amend the Zone Map and Zoning Ordinances of the City of Fairview Park, Ohio, by rezoning the area contained in Permanent Parcel No. 321-29-027, the description of which is on file with the Clerk of Council and attached hereto as Exhibit “A”, from General Business A (GB-A) to General Business B (GB-B); and,

WHEREAS, on the 16th day of September, 2020, the Planning and Design Commission of Fairview Park, Ohio held a meeting to consider the rezoning, to refer this matter to Council, and to give information to Council regarding the same.

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

SECTION 1. That, after publication of a notice of hearing, thirty (30) days notice of which has been published at least once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fairview Park, and after written notice of such hearing has been mailed by first class mail at least ten (10) days before the date of such hearing to all record title holders of property within an area of Five Hundred (500) feet of the land hereinafter described, in accordance with Section 14, Article 4 of the Charter of the City of Fairview Park, Ohio, the zone map is hereby amended to rezone the area contained in Permanent Parcel No. 321-29-027, the description of which is on file with the Clerk of Council and attached hereto as Exhibit “A”, from General Business A (GB-A) to General Business B (GB-B). Any prior ordinances not consistent herewith are hereby repealed.

SECTION 2. That the foregoing described land shall hereinafter be designated and classified as General Business B (GB-B), and that the City Engineer be and is hereby authorized and directed to amend the zone map accordingly.

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. This Ordinance 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

LEGAL DESCRIPTION

Commonwealth Land Title Insurance Company
Commitment No. GLC2000140, Effective February 18, 2020

Situated in the City of Fairview Park, County of Cuyahoga, and State of Ohio: And known as being part of Original Rockport Township Section No. 6, and part of Sublot No. 10, of the Hillside Avenue Subdivision, as recorded in Volume 116, page 11, of the Cuyahoga County Map Records, and being Parcel B of the Plot of Lot Split and Consolidation of 21593-21939 Lorain Road, 4435 West 220th Street, 4425 West 220th Street, P.P.N. 321-29-012, P.P.N. 321-29-049, creating Parcels "A" and "B" recorded in AFN 201808060318, of the Cuyahoga County Records, containing 1.0055 Acres, more or less.

PPN: 321-29-027

DEED OF RECORD

Land described to Fairview Retail, LLC, a Colorado limited liability company by deed dated January 28, 2019 and recorded in AFN. 201901280163 of Cuyahoga County Deed Records.

PROPERTY AREA

1.0055 Acres 43,798 Sq.Ft.

UTILITY PROVIDERS

OUPS Reference No. A018203052
Date: June 30, 2020

AT & T
Plans Not Received

Charter Communication
Plans Not Received

City of Cleveland Water
Plans Received



Dominion East Ohio Gas
Plans Received

Cleveland Electric Illuminating Company
Plans Not Received

City of Fairview Park
20777 Lorain Road
Fairview Park, Ohio 44126
Phone: 440-333-2200
Plans Received

UTILITY NOTE

Utility Provider source information from plans provided by the client, the title company and the utility provider and on ground utility markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. The centerline of known utility lines shown hereon do not represent the true width of the utility line.

VICINITY MAP



NOT TO SCALE

SCHEDULE B, PART II ITEMS

Table of Exceptions
Commonwealth Land Title Insurance Company
Commitment No. GLC2000140, Effective February 18, 2020

6. Oil and gas leases, pipeline agreements or any other instruments related to the production or sale of oil and gas which may arise subsequent to the date of the Policy, pursuant to Ohio Revised Code Section 1509.31(D).
7. Easements or claims of easements not shown by the Public Records.
8. Representations of the acreage or area in the property descriptions in Schedule A or on the survey, if any.
9. Rights of public to use those portions of the Land lying within the confines of public roads and highways.
10. Any lease, grant, exception or reservation of minerals or mineral rights together with any rights appurtenant thereto.
11. No liability is assumed for tax increases occasioned by retroactive revaluation change in land usage or loss of any exemption status for insured premises.
12. Easement set forth in the deed from The Sepper Development Company, an Ohio corporation, to Elizabeth M. Sepper, filed for record September 23, 1955 in Volume 8442, page 264, of the Cuyahoga County Records.
(20 FOOT WIDE INGRESS / EGRESS EASEMENT IS SHOWN HEREON.)
13. Right-of-Way from Pangrace, Inc., to Fairview Shopping Center Corporation, filed for record February 13, 1975 in Volume 13808, page 587, of the Cuyahoga County Records.
(INGRESS / EGRESS EASEMENT IS SHOWN HEREON.)
14. Right-of-Way from Fairview Shopping Center Corporation, to Pangrace, Inc., filed for record February 28, 1975 in Volume 13811, page 937, of the Cuyahoga County Records.
(7 FOOT WIDE INGRESS / EGRESS EASEMENT IS SHOWN HEREON.)
15. Pipe Line Right-of-Way Grant from The Fairview Shopping Center Corporation, to the East Ohio Gas Company, filed for record November 3, 1995 in Volume 95-09512, page 41, of the Cuyahoga County Records. (SHOWN HEREON.)
16. Easement for Highway Purposes from The Fairview Shopping Center Corp., an Ohio corporation, to the Board of County Commissioners of Cuyahoga County, Ohio, filed for record July 6, 1998 in Volume 98-08475, page 30, of the Cuyahoga County Records.
(PARCEL NO. 75 HIGHWAY EASEMENT IS SHOWN HEREON.)
17. Lease as evidenced by a Memorandum of Lease by and between The Fairview Shopping Center Corporation, an Ohio corporation (landlord), and New Par, a Delaware partnership, dba AirTouch Cellular (tenant), filed for record July 21, 1999 in AFN 199907210445, and refiled for record July 26, 1999 in AFN 199907260073, of the Cuyahoga County Records.
(14'x35' LEASE AREA IS SHOWN HEREON.)

Memorandum of First Amendment to Option to Lease and Lease Agreement, filed for record August 14, 2014 in AFN 201408140613, of the Cuyahoga County Records.

Memorandum of First Amendment to Option to Lease and Lease Agreement, filed for record September 25, 2014 in AFN 201409250033, of the Cuyahoga County Records.

18. Easement Agreement by and between The Fairview Shopping Center Corporation, an Ohio corporation, and New Par, a Delaware partnership, dba AirTouch Cellular, filed for record July 21, 1999 in AFN 199907210446, of the Cuyahoga County Records.
a.) ELECTRIC UTILITY EASEMENT IS SHOWN HEREON.
b.) 14'x35' LEASE AREA IS SHOWN HEREON. SEE ITEM 17
19. Lease as evidenced by a Memorandum of Lease by and between The Fairview Shopping Center Corporation, a Delaware corporation (landlord), and Riser Foods Company, a Delaware corporation (tenant), filed for record February 28, 2007 in AFN 200702280187, of the Cuyahoga County Records. (NOT A SURVEY MATTER AND NOT SHOWN HEREON.)

First Amendment to Memorandum of Lease filed for record January 28, 2019 in AFN 201901280161, of the Cuyahoga County Records.

20. Easement Agreement by and between The Fairview Shopping Center Corporation, an Ohio corporation, and New Par, a Delaware partnership, dba Verizon Wireless, filed for record May 3, 2010 in AFN 201005030083, of the Cuyahoga County Records.
a.) CONDUIT EASEMENT SHOWN HEREON.
b.) 10 FOOT WIDE UTILITY EASEMENT SHOWN HEREON.
c.) 14'x35' LEASE AREA IS SHOWN HEREON. (SEE ITEM 17 AND 18b)
21. Agreement by and between the City of Fairview Park, and Rock Creek Apartments, LLC, a Colorado limited liability company, filed for record June 29, 2011 in AFN 201106290634, of the Cuyahoga County Records.
(ENCROACHMENT AGREEMENT ALONG LORAIN ROAD IS SHOWN HEREON.)
22. Utility Easement Agreement by and between the City of Fairview Park, and Rock Creek Apartments, LLC, a Colorado limited liability company, filed for record June 29, 2011 in AFN 201106290635, of the Cuyahoga County Records.
(BLANKET UTILITY EASEMENT AREA WITHIN WEST 217TH STREET IS SHOWN HEREON.)
23. Lease as evidenced by a Resolution and Consent Affidavit by Fairview Retail LLC, a Colorado limited liability company, filed for record September 25, 2014 in AFN 201409250032, of the Cuyahoga County Records.
(NOT A SURVEY MATTER AND NOT SHOWN HEREON.)
24. Easement and Assignment Agreement by and between Fairview Retail, LLC, a Colorado limited liability company, and New Par d/b/a Verizon Wireless, filed for record February 26, 2016 in AFN 201602260507, of the Cuyahoga County Records.
a.) EXCLUSIVE EASEMENT AREA SHOWN HEREON.
b.) ELECTRIC UTILITY EASEMENT SHOWN HEREON.
c.) 12' UTILITY EASEMENT APPROXIMATE LOCATION SHOWN HEREON.
d.) 20' ACCESS EASEMENT APPROXIMATE LOCATION SHOWN HEREON.
25. Reservations, restrictions, covenants, limitations, easements and/or other conditions as set forth on the Plat of Lot Split and Consolidation, filed for record August 6, 2018 in Plat AFN 201808060318, of the Cuyahoga County Records. (SHOWN HEREON. SEE ITEMS 12-24)
26. License Agreement as evidenced by a Memorandum of Agreement by and between American Tower Delaware Corporation, a Delaware corporation (Licensor) and VoiceStream Columbus, Inc., a Delaware corporation (Licensee), filed July 11, 2002, and recorded in AFN 200207110523, of the Cuyahoga County Records.
(NOT A SURVEY MATTER AND NOT A SURVEY MATTER.)
27. Lease and sublease as evidenced by a Memorandum of Sublease by and between New Par (Sublessor) and American Tower Delaware Corporation, a Delaware corporation (Sublessee), filed November 2, 2000, and recorded in AFN 200011020482, of the Cuyahoga County Records.
(14'x35' LEASE AREA IS SHOWN HEREON. (SEE ITEM 17, 18b AND 20c)

FLOOD NOTE

The Subject property is situated in Zone "X", a minimum flood zone, and is not in a Special Flood Hazard Area as shown on the Federal Flood Map Community Number 390108 and Community Panel No. 39035C-0153E, Effective: December 3, 2010.

NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE. APPROXIMATE SCALED LOCATION FROM FEMA FLOOD MAPS.

ZONING INFORMATION AND NOTES

City of Fairview Park
20777 Lorain Road
Fairview Park, Ohio 44126
Phone: 440-333-2200

ZONING REQUIREMENTS ARE SUBJECT TO INTERPRETATION, FOR FURTHER VERIFICATION OF ZONING INFORMATION CONTACT THE CITY OF FAIRVIEW PARK. THE RIVERSTONE COMPANY WAS NOT PROVIDED A PLANNING AND ZONING REPORT AT THE DATE OF THE SURVEY.

GENERAL DESCRIPTION
General Business "A" GB-A

ADJACENT PROPERTY ZONING DISTRICT
General Business "A" GB-A
General Business "B" GB-B

USES PERMITTED
REFER TO CHAPTER 1137

OBSERVED USE
Vacant Lot

MINIMUM LOT AREA
REFER TO CHAPTER 1137

OBSERVED AREA
1.0055 Acres 43,798 Sq.Ft.

HEIGHT RESTRICTIONS
REFER TO CHAPTER 1137

SETBACK REQUIREMENTS
REFER TO CHAPTER 1137

PARKING REQUIREMENTS
REFER TO CHAPTER 1137

OBSERVED PARKING
Regular 43
H/C 00

Total 43

SURVEYORS NOTES

1. All of the various survey monuments shown on this survey as found and/or used are in good condition, undisturbed, unless otherwise noted. 5/8" iron pins shown hereon as set will be set upon closing. (Table A, Item 1)
2. The Riverstone Company was not provided a Planning and Zoning Report (PZR) at the date of the survey. (Table A, Item 6a)
3. At the time of survey the Riverstone Company did not make any observations to determine the location of party walls or if the walls were plumb. (Table A, Item 10)
4. At the time of the field surveying there was no observable evidence of earth moving work, building construction or building additions within recent months. (Table A, Item 16)
5. At the time of the field surveying there was no observable evidence of changes in street right of way lines. (Table A, Item 17)
6. At the time of the field surveying there was no observable evidence of recent sidewalk construction or repairs. (Table A, Item 17)
7. The Riverstone Company was not provided a wetlands delineation report at the time of the survey. (Table A, Item 18)
8. At the time of the field surveying there was no observed evidence of site use as a solid waste dump, sump or sanitary landfill.
9. At the time of the field surveying there was no observable evidence of cemeteries or burial grounds.
10. Ownership of fences are unknown unless otherwise noted.
11. Dimensions on this plat are expressed in feet and decimal parts thereof unless otherwise noted.
12. This plat was prepared from a field survey, analysis of recorded plots, recorded deeds, and city survey records. Bearings shown hereon are to an assumed meridian and are intended to indicate angles only. Distances are given in feet and decimal parts thereof. All of which I certify to be correct to the best of my knowledge. I hereby certify I have surveyed the subject premises and prepared this drawing in accordance with the provisions of Chapter 4733-37 of the Ohio Administrative Code.

ALTA / NSPS LAND TITLE SURVEY

OF
VACANT LAND
ON
LORAIN ROAD
P.P.N. 321-29-027
CITY OF FAIRVIEW PARK
COUNTY OF CUYAHOGA
STATE OF OHIO

FOR

TRADITIONAL BRAND
DEVELOPMENT PARTNERS, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

FAIRVIEW RETAIL, LLC,
A COLORADO LIMITED LIABILITY COMPANY

COMMONWEALTH LAND TITLE
INSURANCE COMPANY

2016 ALTA/NSPS CERTIFICATION

To Traditional Brand Development Partners, LLC, a California limited liability company, Fairview Retail, LLC, a Colorado limited liability company and Commonwealth Land Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 7(a), 7(b), 7(c), 8, 9, 11, 13, 14, 16, 17, 18 and 20 of Table A thereof. The fieldwork was completed on July 6, 2020.

Preliminary for Review

July 9, 2020

Edward B. Dudley, III P.S. No. 6747

Date

DRAWN BY

BDK, BS

SURVEYORS

BS

APPROVED

EBD PS NO. 6747



LAND SURVEYING - ENGINEERING - DESIGN
3800 LAKESIDE AVENUE - SUITE 100
CLEVELAND - OHIO - 44114
PHONE: (216) 491-2000 FAX: (216) 491-9640
WWW.RIVERSTONESURVEY.COM

2020-201, PAGE 1 OF 3

ALTA / NSPS LAND TITLE SURVEY OF VACANT LAND ON LORAIN ROAD P.P.N. 321-29-027

CURVE TABLE

Curve	Radius	Arc	Delta	Tangent	Chord	Bearing
C1	860.83'	160.94'	10°42'43"	80.71'	160.71'	N84°54'08"W
C2	860.83'	160.94'	10°42'43"	80.71'	160.71'	S84°54'08"E
C3	221.27'	98.35'	25°28'00"	50.00'	97.54'	N12°59'20"W
C4	25.00'	10.07'	23°04'26"	5.10'	10.00'	N11°32'13"W

LINE TABLE

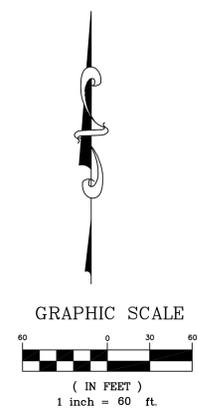
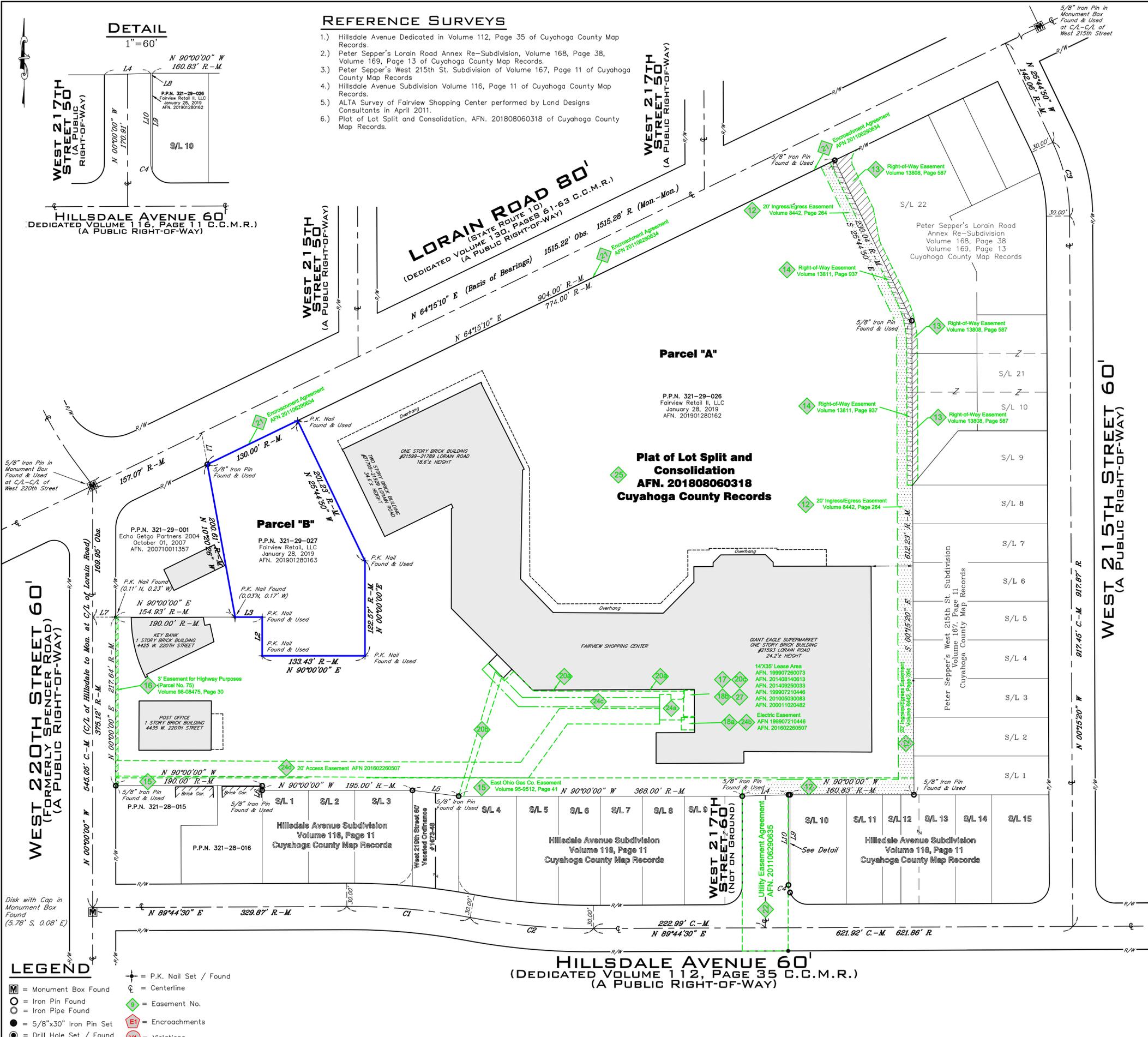
Line	Length	Bearing
L1	41.49' R-M	S10°20'26"E
L2	50.00' R-M	S00°00'00"E
L3	35.07' R-M	S90°00'00"W
L4	60.03' R-M	S88°16'50"W
L5	60.47' R-M	N82°50'14"W
L6	6.00' R-M	N00°00'00"E
L7	30.00' R-M	S90°00'00"E
L8	2.00' R-M	N90°00'00"W
L9	126.35' R-M	S00°00'00"E
L10	116.55' R-M	N00°00'00"E

BASIS OF BEARINGS

The centerline of Lorain Road as North 64°15'10" East as shown in the deed of land conveyed to Fairview Retail, LLC, a Colorado limited liability company by deed dated January 28, 2019 and recorded in AFN. 201901280163 of Cuyahoga County Deed Records.

REFERENCE SURVEYS

- Hillsdale Avenue Dedicated in Volume 112, Page 35 of Cuyahoga County Map Records.
- Peter Sepper's Lorain Road Annex Re-Subdivision, Volume 168, Page 38, Volume 169, Page 13 of Cuyahoga County Map Records.
- Peter Sepper's West 215th St. Subdivision of Volume 167, Page 11 of Cuyahoga County Map Records.
- Hillsdale Avenue Subdivision Volume 116, Page 11 of Cuyahoga County Map Records.
- ALTA Survey of Fairview Shopping Center performed by Land Designs Consultants in April 2011.
- Plat of Lot Split and Consolidation, AFN. 201808060318 of Cuyahoga County Map Records.



**Preliminary
for Review**
July 9, 2020
Edward B. Dudley, III
P.S. No. 6747

Note: ● Denotes 5/8"x30" iron pins set and capped "Riverstone Company-PS6747-PS8646"

RIVERSTONE
LAND SURVEYING - ENGINEERING - DESIGN
3800 LAKESIDE AVENUE - SUITE 100
CLEVELAND - OHIO - 44114
PHONE: (216) 491-2000 FAX: (216) 491-9640
WWW.RIVERSTONESURVEY.COM
2020-201, PAGE 2 OF 3

- ### LEGEND
- ⊕ = Monument Box Found
 - ⊙ = Iron Pin Found
 - ⊚ = Iron Pipe Found
 - ⊙ = 5/8"x30" Iron Pin Set
 - ⊙ = Drill Hole Set / Found
 - ⊕ = P.K. Nail Set / Found
 - ⊕ = Centerline
 - ⊕ = Easement No.
 - ⊕ = Encroachments
 - ⊕ = Violations

VACANT LAND ON LORAIN ROAD P.P.N. 321-29-027

VERTICAL CONTROL MONUMENT AND T.B.M.

(VRS Virtual Reference Station July 6, 2020)

The horizontal component of the VRS network is based on the NAD83 (CORS96) reference frame;
The vertical component of the VRS network is based on NAVD88 as determined by the NGS (National Geodetic Survey).

T.B.M. No. 1 Elevation: 751.72' (NAVD 1988)
Top nut of fire hydrant located on the southerly right of way of Lorain Avenue and approximately 242 feet east of the centerline of West 220th Street

Definitions NAVD- North American Vertical Datum

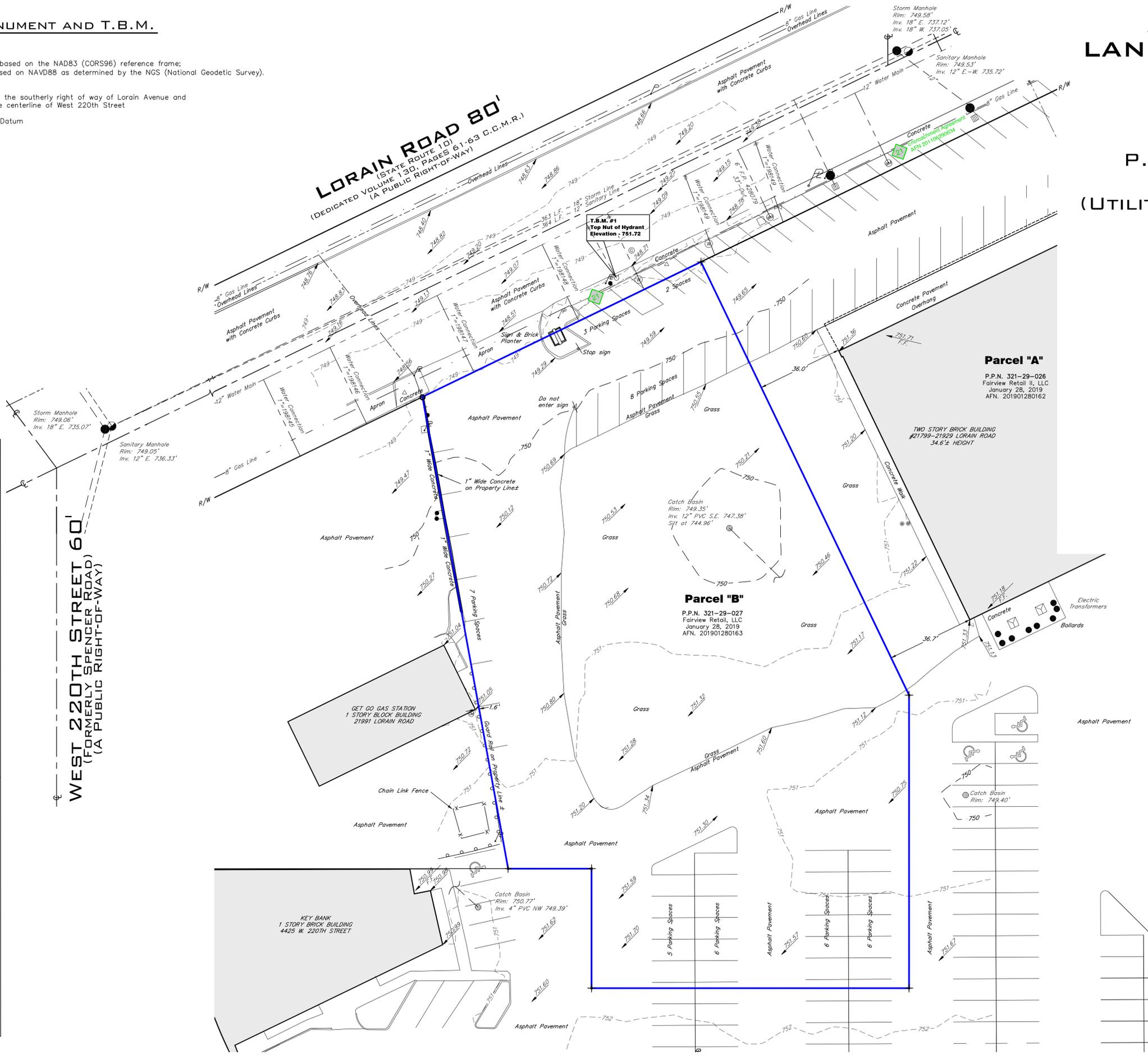
**ALTA / NSPS
LAND TITLE SURVEY
OF
VACANT LAND
ON
LORAIN ROAD
P.P.N. 321-29-027
(UTILITIES AND TOPOGRAPHY)**

LEGEND

<ul style="list-style-type: none"> ■ Monument Box Found ○ Iron Pin Found ○ Iron Pipe Found ● 5/8"x30" Iron Pin Set ⊕ Drill Hole Set / Found ⊕ P.K. Nail Set / Found ⊕ Gas Meter ⊕ Gas Valve / Shut Off ⊕ Utility Pole ⊕ Light Pole ⊕ Traffic Pole ⊕ Ground Light ⊕ Guy Anchor & Line ⊕ Flag Pole ⊕ Electric Meter ⊕ Electric Manhole ⊕ Electric Box ⊕ Transformer ⊕ Air Conditioning Unit ⊕ Telephone Box / Manhole ⊕ Cable Box / Manhole ⊕ Traffic Control Box ⊕ Tree ⊕ Encroachments ⊕ Violations 	<ul style="list-style-type: none"> △ Spot Elevation Tag □ Stand Pipe ○ Water Service Valve ○ Water Line Valve ○ Water Meter ○ Water Manhole ○ Sanitary Manhole ○ Unknown Manhole ○ Storm Manhole ○ Catch Basin ○ Yard Basin ○ Sign Post ○ Curb Inlet ○ Trench Drain ○ Traffic Flow/Access ○ Sign Post ○ Bollard ○ Handicap Parking ○ Benchmark ○ Monitoring Well ○ Property Line ○ Easement No.
--	---

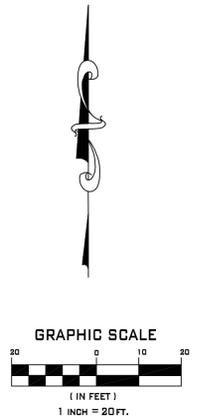
<ul style="list-style-type: none"> --- Parcel / Sublot Line --- Original Parcel / Sublot Line --- Original Lot / Section Line --- Centerline --- Subject Property Line --- Right-of-way Line --- Easement Line --- Waterline --- Gas Line --- Overhead Utility Line --- Electric Line --- Sanitary Sewer --- Storm Sewer --- Telephone Line --- Railroad Tracks --- Chain Link Fence --- Ornamental Fence --- Spill Rail Fence --- Vinyl Fence --- Wood Fence --- Guardrail --- Tree or Brush Line 	<ul style="list-style-type: none"> --- Water Line --- Gas Line --- Overhead Lines --- Electric Line --- Sanitary Line --- Storm Line
--	--

<ul style="list-style-type: none"> A Arc Length Adj. Adjacent Asph. Asphalt Pavement B.F. Basement Floor B.N. Building Number Bldg. Building B/W Bottom of Wall C.C.M.R. Cuyahoga County Map Records C.L.F. Chain Link Fence Calc./C. Calculated CB Catch Basin Cl. Class Chd. Chord Clr. Clears CMP Corrugated Metal Pipe Conc. Concrete Conn. Connection CPP Corrugated Plastic Pipe D.H. Drill Hole D.I.W.M. Ductile Iron Water Main D.V. Deed Volume Doc. Document E. East Elev. Elevation Enr. Encroachment Ex. Existing F.F. Finished Floor G.F. Garage Floor Gar. Garage Gut. Gutter H.N. House Number Inst. Instrument Inv. Invert Elevation L.C.A. Limited Common Area L.F. Linear Feet L/S Landscape Meas./M. Measured Mt. Manhole 	<ul style="list-style-type: none"> N. North N/A Not Available O.D.O.T. Ohio Department of Transportation O.U.P.S. Ohio Utility Protection Service O.L. Original Lot O.R. Official Record Obs. Observed Ord. Ordinance P.C. Point of Curvature P.O.B. Place of Beginning P.P.N. Permanent Parcel Number P.P.O.B. Principal Place of Beginning Pol. Porcel P.L. Property Line Prop. Proposed PVC Polyvinyl Chloride Pipe R/W Right-of-Way RCP Reinforced Concrete Pipe Rec./R. Record Res. Residence S. South S/L Sublot San. Sanitary Obs. Observed So.Ft. Square Feet Sta. Station Stm. Storm Sty. Story T. Telephone T/C Top of Footer T/F Top of Footing T/B Top of Basement T/M Top of Manhole TBR To Be Removed T/W Top of Wall Typ. Typical VCP Vertified Clay Pipe V. Volume W. West
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Parcel "A"
P.P.N. 321-29-026
Fairview Retail II, LLC
January 28, 2019
AFN: 201901280162

Parcel "B"
P.P.N. 321-29-027
Fairview Retail, LLC
January 28, 2019
AFN: 201901280163



**Preliminary
for Review**

July 9, 2020
Date

Edward B. Dudley, III
P.S. No. 6747

Note: ● Denotes 5/8"x30" iron pins set and capped "Riverstone Company-PS6747-PS8646"

RIVERSTONE
LAND SURVEYING - ENGINEERING - DESIGN
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2020-201, PAGE 3 OF 3

CITY OF FAIRVIEW PARK
RESOLUTION NO. 20-
REQUESTED BY: COUNCILMAN WERING
SPONSORED BY: CITY COUNCIL AS A WHOLE

A RESOLUTION SUPPORTING THE FAIRVIEW PARK CITY SCHOOL DISTRICT'S
7.9 MILL CONTINUING OPERATING LEVY ON THE NOVEMBER 3, 2020 BALLOT AND
DECLARING AN EMERGENCY

WHEREAS, the education of children is a cornerstone of society and directly effects the overall quality of life for all of the residents in a community; and,

WHEREAS, the plan to place a new operating levy on the November 2020 ballot has been shared with the community at each of the four past State of the Community addresses; and,

WHEREAS, the Fairview Park City School District has not requested new operating dollars of residents for 14 years (since 2006); and,

WHEREAS, the Fairview Park City School District has made significant budget cuts over the past several years, including cuts of over \$1 million dollars in just the past year to offset recent shortfalls and keep this request to taxpayers as low as possible; and,

WHEREAS, approval of this tax levy will permit the school district to avoid double-digit reductions of teachers and support staff, maintain smaller class sizes, continue athletics and students activities, avoid cuts in transportation, sustain academic improvements and keep technology up to date; and,

WHEREAS, strong schools contribute to proven increases in property values and enhance the community's positive image and reputation in the region;

**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 Council of the City of Fairview Park hereby supports the Fairview Park City School District's 7.9 mill continuing operating levy on the November 3, 2020 ballot and strongly urges the support of the same.

SECTION 2. That the Clerk of Council is hereby authorized and directed to forward certified copies of this Resolution to the Superintendent of Schools and the members of the Board of Education.

SECTION 3. 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 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 provided it receives the affirmative vote of a majority plus one of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:
APPROVED:

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

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

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

AN ORDINANCE SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (“NOACA”) FOR THE 2021 TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (“TLCI”) PLANNING GRANT PROGRAM AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS AND DECLARING AN EMERGENCY

WHEREAS, NOACA provides funding through TLCI for planning projects that integrate transportation and land use planning, promote livability, and advance the goals of NOACA’s long-range transportation plan for Northeast Ohio; and

WHEREAS, such planning projects can be leveraged for future infrastructure improvements, including amenities for multi-modal transportation, lane reconfigurations, wayfinding installations, green infrastructure, and public art; and

WHEREAS, the City of Fairview Park (“City”) is submitting an application to NOACA for TLCI funding to undertake a planning study for Brookpark Road (State Route 17) and the entire area south of Interstate 480 (“Project”) and legislation supporting and authorizing that application is required; and

WHEREAS, the TLCI program provides a 100 percent reimbursement of costs for municipalities identified as an “Urban Core Community” and the City is designated as such; and

WHEREAS, if awarded TLCI funds, applicants must first expend funds and then request reimbursement from NOACA or the award may be received in the form of technical assistance, which includes NOACA staff hours allocated to the Project; and

WHEREAS, the City agrees to abide by all federal requirements as a sub-recipient of federal transportation funds, including Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, and including all applicable federal procurement requirements; and

WHEREAS, the City agrees to be responsible for managing any and all subcontracting agencies, organizations, or consultants if awarded on a reimbursement basis; and

WHEREAS, the City agrees to complete the agreed upon scope of services or will forfeit current and future TLCI awards and repay TLCI funds expended on unfinished projects.

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 Council of the City of Fairview Park hereby approves the application to be submitted for the Project to be funded under the 2021 TLCI program.

SECTION 2. That the City's request for TLCI funding is an amount not to exceed One Hundred Thousand Dollars (\$100,000).

SECTION 3. That the collective amount of said contract shall not exceed One Hundred Thousand Dollars (\$100,000) and that the costs of said contract is to be paid on a reimbursement basis out of the Federal Grants Fund (290).

SECTION 4. That the Mayor and City Administration are authorized to file all documents and execute all agreements necessary to accept the award and receive any grant funds; and that the funds are appropriated solely for purposes described in this Ordinance.

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 preservation of public peace, health, safety and welfare; and for the further reason that the application must be submitted by the October 16, 2021 deadline; 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
ORDINANCE NO. 20-36
REQUESTED BY: GREG CINGLE, FINANCE DIRECTOR
SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MCGOWAN AND COMPANY FOR THE PROFESSIONAL SERVICES OF PROVIDING INSURANCE REQUIREMENTS OF COMPREHENSIVE GENERAL LIABILITY, POLICE PROFESSIONAL LIABILITY, FIREFIGHTER/AMBULANCE ATTENDANTS LIABILITY, BOILER AND MACHINERY INSURANCE, COMPREHENSIVE AUTOMOBILE AND PHYSICAL DAMAGE LIABILITY, PUBLIC OFFICIALS LIABILITY, VOLUNTEER COVERAGE, PROPERTY AND EQUIPMENT COVERAGES, "UMBRELLA" COVERAGE, CYBER PROTECTION COVERAGE AND ACTIVE SHOOTER COVERAGE AND DECLARING AN EMERGENCY

WHEREAS, the City utilizes McGowan and Company's professional services to obtain necessary insurance coverage including cyber protection coverage; and,

WHEREAS, McGowan and Company has obtained insurance coverage determined by the Finance Director to best serve the City's needs.

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

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into a contract with McGowan and Company for the Comprehensive General Liability, Police Professional Liability, Firefighter/Ambulance Attendants Liability, Boiler and Machinery Insurance, Comprehensive Automobile and Physical Damage Liability, Public Officials Liability, Volunteer Coverage, Property and Equipment Coverages, "Umbrella" Coverage, Cyber Protection Coverage and Active Shooter Coverage for the period of November 1, 2020 to October 31, 2021.

SECTION 2. That the cost of the Comprehensive General Liability insurance and Cyber insurance coverage for November 1, 2020 to October 31, 2021, is not to exceed One Hundred Ninety Thousand Dollars (\$190,000.00), and shall be paid from the General Fund (100.7790.5221100).

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

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare: and for the further reason that the present insurance expires October 31, 2020; 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: 09.21.20
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrooks, Clerk of Council

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

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATION TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF FAIRVIEW PARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES/INFRASTRUCTURE, DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY

WHEREAS, the City of Fairview Park (“City”) seeks to upgrade its existing wastewater facilities and infrastructure by completing a planning study that addresses the management of excess sanitary flow and other issues related to wastewater infrastructure; and

WHEREAS, the City intends to apply for a WPCLF loan for the planning, design and/or construction of the wastewater facilities and infrastructure; and

WHEREAS, the WPCLF application requires the government authority to pass legislation for the application of a loan and the execution of an agreement, as well as designating a dedicated repayment source; and

WHEREAS, the project vicinity includes all areas of the City for which flow is processed at the North Olmsted Waste Water Treatment Plant and serviced by the West 227 Street Lift Station; and

WHEREAS, said planning study will determine an implementation strategy to address issues related to wastewater infrastructure that occur in this section of the City.

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 Mayor and City Administration are hereby authorized to apply for a Water Pollution Control Loan Fund (WPCLF) loan in the amount of Four Hundred Fifty Thousand Dollars (\$450,000), sign all documents for and enter into a WPCLF agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of water facilities and infrastructure on behalf of the City of Fairview Park, Ohio.

SECTION 2. That the dedicated source of repayment shall be the Capital Projects Fund (Fund 811).

SECTION 3. That the Mayor and City Administration are authorized to file all documents and execute all agreements and pay all fees necessary to accept WPCLF funds; and that the funds are appropriated solely for purposes described in this Ordinance.

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

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, safety and welfare; and for the further reason that the application and legislation must be submitted by the October 15, 2020 deadline; 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
ORDINANCE NO. 20-34 **AMENDED**
REQUESTED BY: MAYOR PATRICK COONEY
SPONSORED BY: COUNCILWOMAN KING

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$18,750,000 FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE REFUNDING BONDS, SERIES 2012, DATED OCTOBER 30, 2012, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 12-10, passed on March 19, 2012, there were issued \$20,590,000 Various Purpose Refunding Bonds, Series 2012, dated October 30, 2012 (the Series 2012 Bonds), for the purpose stated in Section 2, which Series 2012 Bonds are currently outstanding in the aggregate principal amount of \$17,125,000 and will mature on December 1 in the years 2020 through 2030 (collectively, the Outstanding Bonds); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to refund all or a portion of the Outstanding Bonds maturing on December 1 in the years ~~2023~~ **2020** through 2030 (the Refunded Bonds); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue the Bonds described in Section 2 to provide funds sufficient for that purpose, including the payment of expenses properly allocable to that refunding and to the issuance of the Bonds; and

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 2 was, at the time of issuance of the City's Various Purpose Improvement and Refunding Bonds, Series 2005, dated July 7, 2005 (the Series 2005 Bonds), at least five years, and the estimated maximum maturity of the Bonds described in Section 2 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, related to the Series 2005 Bonds;

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means (subject to any limitations in Section 3) the denomination of \$5,000 or any whole multiple thereof.

"Bond proceedings" means, collectively, this Ordinance, the Certificate of Award and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Purchase Agreement" means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and signed by the Mayor and the Fiscal Officer in accordance with Section 6.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the bank or trust company appointed pursuant to Section 4 or in the Certificate of Award as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bond Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the Mayor and the Fiscal Officer in accordance with Section 4.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds deposited and maintained in the custody of the Depository or its agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

“Certificate of Award” means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Continuing Disclosure Agreement” means the Continuing Disclosure Agreement, as it may be modified from the form on file with the Clerk of Council and signed by the Mayor and the Fiscal Officer in accordance with Section 6, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Escrow Agreement” means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk of Council and signed by the Mayor and the Fiscal Officer in accordance with Section 8.

“Escrow Fund” means the Escrow Fund established pursuant to Section 9.

“Escrow Trustee” means the bank or trust company appointed pursuant to Section 8 or in the Certificate of Award as the initial escrow trustee with respect to the Refunded Bonds under the Escrow Agreement and until a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement and, thereafter, “Escrow Trustee” shall mean the successor Escrow Trustee.

“Fiscal Officer” means the Director of Finance of the City.

“Interest Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2021.

“Original Purchaser” means the original purchaser of the Bonds designated by the Fiscal Officer in the Certificate of Award.

“Participant” means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

“Principal Payment Dates” means unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in the years from and including 2020 to and including 2035, provided that in no case shall the latest Principal Payment Date be later than the maximum maturity of the Bonds referred to in the preambles hereto.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City in one lot 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, 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, 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, including the payment of expenses related to the refunding of the Refunded Bonds and the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed \$18,750,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment

of any expenses properly allocable to the refunding of the Refunded Bonds and the issuance of the Bonds.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with the Fiscal Officer's determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with the Fiscal Officer's determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the true interest cost of the Bonds shall not exceed 6%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in whole multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that (i) the earliest optional redemption date shall not be more than 10½ years after the Closing Date and (ii) the redemption price for the earliest optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any whole multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to Section 11, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then

from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Mayor and the Fiscal Officer, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code, the City's Charter, this Ordinance and the Certificate of Award.

The Bank of New York Mellon Trust Company, N.A., is appointed to act as the initial Bond Registrar; provided, however, that the Fiscal Officer is authorized to appoint a different Bond Registrar in the Certificate of Award after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Mayor and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on

any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and deposited and maintained in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Award and Sale of the Bonds.

(a) To the Original Purchaser. The Bonds shall be sold at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance and the Bond Purchase Agreement. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

(b) Certificate of Award and Bond Purchase Agreement. The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, Fiscal Officer, Director of Law, Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

The Mayor and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Bond Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments thereto.

(c) Primary Offering Disclosure – Official Statement. The Mayor and the Fiscal Officer, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign

that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(d) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Mayor and the Fiscal Officer are authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Director of Law and/or bond or other qualified independent special counsel selected by the City. The Fiscal Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(e) Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to the City, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with obtaining that bond insurance.

The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the Bond Purchase Agreement, is authorized and approved, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7. Refunding; Call of Refunded Bonds. This Council determines that it is necessary and in the best interest of the City to refund the Refunded Bonds. The Fiscal Officer is authorized and directed to give to The Bank of New York Mellon Trust Company, N.A., as the authenticating agent, bond registrar, transfer agent and paying agent for the Refunded Bonds, written notice of the call for redemption, and the Refunded Bonds shall be redeemed in accordance with the Original Bond Legislation. The City covenants for the benefit of the holders of the Refunded Bonds and of the Bonds, that it will at no time on or after the Closing Date take actions to modify or rescind

that call for prior redemption, and that it will take, and will cause the bond registrar and paying agent for the Refunded Bonds to take, all.

Section 8. Escrow Trustee. The Bank of New York Mellon Trust Company, N.A., is hereby appointed as the initial Escrow Trustee with respect to the refunding of the Refunded Bonds; provided, however, that the Fiscal Officer is authorized to appoint a different Escrow Trustee in the Certificate of Award after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Escrow Trustee is authorized and directed to cause notice of the refunding of the Refunded Bonds to be given in accordance with the Escrow Agreement. The Mayor and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Escrow Agreement between the City and the Escrow Trustee, in substantially the form as is now on file with the Clerk of Council. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement (including the fees and expenses of a mathematical verification agent to be appointed by the Fiscal Officer in the Certificate of Award), except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 9. Escrow Fund. There is created under the Escrow Agreement a trust fund designated the “City of Fairview Park Series 2012 Bonds Escrow Fund” which shall be held and maintained by the Escrow Trustee in trust for the registered owners of the Refunded Bonds and is pledged for the payment of principal of and interest on the Refunded Bonds, all in accordance with the provisions of the Escrow Agreement. The Fiscal Officer is hereby authorized and directed to pay or cause to be paid to the Escrow Trustee for deposit in the Escrow Fund (i) any available funds on deposit in the Bond Retirement Fund for the payment of debt charges on the Refunded Bonds determined by the Fiscal Officer to be applied for that purpose and (ii) proceeds from the sale of the Bonds, except any accrued interest and any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds as determined by the Fiscal Officer, in the amount required, together with the funds referred to in clause (i), if any, to provide for the defeasance of the Refunded Bonds. Those funds are appropriated and shall be applied to pay principal of and interest on the Refunded Bonds, as provided in the Escrow Agreement.

The funds so deposited in the Escrow Fund shall be (a) held in cash to the extent that they are not needed to make the investments hereinafter described and (b) invested in direct obligations of, or obligations guaranteed as to payment by, the United States of America (within the meaning of Section 133.34(D) of the Revised Code) that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further investment or reinvestment, for the payment of principal of and interest on the Refunded Bonds as provided in the Escrow Agreement.

If U.S. Treasury Securities – State and Local Government Series are to be purchased for the Escrow Fund, the Original Purchaser and the Escrow Trustee are hereby specifically authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those U.S. Treasury Securities – State and Local Government Series. If, in the judgment of the Fiscal Officer, an open-market purchase of obligations described in (b) in the preceding paragraph for the Escrow Fund is in the best interest of and financially advantageous to the City, the Fiscal Officer or any other officer of the City, on behalf of the City and in the Fiscal Officer’s official capacity, may purchase and deliver such obligations, engage the services of a municipal advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related

structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Section 10. Application of Proceeds. The proceeds from the sale of the Bonds (except any accrued interest and any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds as determined by the Fiscal Officer) shall be paid into the Escrow Fund as provided in Section 9. Any proceeds to be used for the payment of any expenses properly allocable to the refunding of the Refunded Bonds or the issuance of the Bonds, as determined by the Fiscal Officer, shall be paid into the proper fund or funds. Any proceeds representing accrued interest shall be paid into the Bond Retirement Fund. The proceeds from the sale of the Bonds (except any accrued interest) are appropriated and shall be used for the purpose for which the Bonds are being issued.

Section 11. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year to the extent money from the municipal income tax is available for the payment of debt charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the funds so available and appropriated in compliance with the covenant hereinafter set forth. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefore under the Constitution and laws of the State of Ohio and the City's Charter; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Revised Code, to appropriate annually from such municipal income taxes such amounts, and to continue to levy and collect such municipal income taxes in such amounts, as are necessary to meet such annual debt charges.

Nothing in this paragraph in any way diminishes the irrevocable pledge of the full faith and credit and revenues of the City to the payment of the debt charges on the Bonds.

Section 12. Federal Tax Considerations. The City does not intend or represent that the interest on the Bonds will be excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended, and the City is not and shall not be obligated to take any action to attempt to secure or maintain any such exclusion.

Section 13. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Certificate of Award to the Cuyahoga County Fiscal Officer.

Section 14. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 11) of the City are pledged

for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 15. Retention of Bond and Disclosure Counsel. Retention of Bond and Disclosure Counsel. In connection with the issuance of the Bonds, the legal services of Squire Patton Boggs (US) LLP, as bond counsel and disclosure counsel, are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized to provide for the payment of those fees and any reimbursements, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 16. Retention of Municipal Advisor. In connection with the issuance of the Bonds, the municipal advisory services of MAS Financial Advisory Services LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Fiscal Officer is authorized to provide for the payment of those fees and any reimbursements, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 17. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 18. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to refund the Refunded Bonds upon terms in the best interest of and advantageous to the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED:
APPROVED:

1st reading: 09.08.20
2nd reading: 09.21.20
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