President Russell Sharnsky called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Roth, here; Mr. Russell T. Sharnsky, here; Mrs. Maria Williams, excused; Mrs. Barbara Potts, here; Mr. Todd Stock, here; Mr. Philip Brillhart, here; Mr. Michael Detorakis, here; and Mrs. Kathleen Baum, here.

ALSO PRESENT: William Arnold, Building and Zoning Department; R. Bryan Nace, Law Department; Ernie Staten, Service Department; Jacob Kaufman, Finance Department; and Tonja Caldwell, Clerk of Council.

Mr. Sharnsky—We have a quorum present. We will follow the pre-printed agenda. There are copies available in the back of the room. At this time, I would ask you to please check to make sure your cell phone is placed in silent mode.

APPROVAL OF MINUTES

Mr. Sharnsky—Our next item of business is the approval of our regular minutes from June 15, 2020. Everyone has received a copy in draft format. Are there any corrections or additions to the minutes as submitted? Hearing none, I would ask the Clerk to please call the roll for approval of the June 15, 2020 regular meeting minutes as submitted.

Mrs. Caldwell—VOTE ON THE APPROVAL OF MINUTES OF JUNE 15, 2020: Williams, excused; Potts, yea; Stock, yea; Brillhart, yea; Detorakis, yea; Baum, yea; Sharnsky, yea. Six yea, one excused on the approval of the June 15, 2020 minutes.

PETITIONS, CLAIMS AND COMMUNICATIONS

Mrs. Caldwell—Council received the Financial Reports for the month of June which were approved by the Board of Audit this evening, July 13, 2020.

REPORTS OF CITY OFFICIALS

MAYOR'S REPORT, MAYOR ROTH

Mayor Roth—You have legislation before you concerning the acceptance of a bid by Spano Brothers to replace the Hilen Road waterline. This is somewhat of an emergency. As we talked about before, these people have well water. Several wells have failed. We received four bids. The Engineer’s estimate was $245,000.00. The low bid was Spano Brothers at $229,911.00. The Board of Audit has already reviewed this bid and there are no irregularities or issues, so they have made a recommendation to Council. I would ask Council to look favorably upon this tonight. This is a timely matter and I believe Mr. Staten can give more details if needed. We would like to move on this so we can get the pre-construction meeting done and get this project moving.

The second thing I would like to report, without stealing my Law Director’s thunder, is that we have settled the full-time Police Patrolman’s contract and the full-time Sergeant’s contract. It is the first introduction of legislation tonight. Council doesn’t need to vote on it.
Chief Duman and Chief Hose indicated that they had no report this evening. Unless you have other questions, I will comment on legislation as needed.

**LAW DEPARTMENT, R. BRYAN NACE**

Mr. Nace—I have no report this evening.

**POLICE DEPARTMENT, CHIEF DONALD DUMAN (EXCUSED)**

**FIRE DEPARTMENT, CHIEF RUSSELL HOSE (EXCUSED)**

**ZONING/HOUSING/RESIDENTIAL BUILDING DEPARTMENT, WILLIAM ARNOLD**

Mr. Arnold—This Thursday at 6:30 p.m. we will have our regularly scheduled BZA meeting. It’s a light agenda with two items. Our department will begin the neighborhood walk-throughs on Monday, the 20th.

**ENGINEERING DEPARTMENT, NICHOLAS SPAGNUOLO (EXCUSED)**

Mr. Staten—Miller Road sanitary, between Chamberlain and Bancroft, has been completed. There was a 200-foot section of sanitary that was damaged and a small collapse. That is complete and everything is back to normal. The pre-con for Cleveland-Massillon Road was held this past month and the contractor intends to start putting forces out into the field on September 1st. Up to that time we will get all their submittals and all the other scheduling ready for the rest of the contract and I will be able to report on that later.

On Brunsdorph bridge. ODOT came in and sandblasted the entire bridge, repainted, put an epoxy on the bridge deck to go into the pores of the concrete to avoid cracking. That job is complete.

**SERVICE DEPARTMENT, ERNEST STATEN**

Mr. Staten—The compactor decals are going to be extended to the end of the year so that we can put a program in place. We are looking to do an online program for compactor decals and it’s taking a little bit of time. They would have expired in July, but we are going to extend them until the end of the year and by that time we should have an online platform.

We have been mowing Rosemont Country Club about every three weeks for the past couple of months. I just want the residents and Council to know that is the Service Department there, mowing the property.

Mayor Roth—The cost of mowing will go on their tax duplicate.

Mr. Staten—That’s correct.

Mr. Sharnsky—That’s a lot of property to mow in addition to everything else you have to do. Ernie, are you getting a lot of calls about compactor decals expiring? I’m hoping that the press will put something in the paper. I know we probably have something on our website, but has there been a lot of questions on that?

Mr. Staten—We have fielded a lot of phone calls. It is on our website and we do have a flyer at the compactor explaining why we’re doing it. We are hoping to avoid some of that. For the most part, due to the COVID situation, we haven’t had a lot of people come to the department. It’s just been a lot of phone calls.

Mr. Sharnsky—That is a big project every year.
Mrs. Baum—Anything new on the large item pickup for this year? I had somebody ask about it this week.

Mr. Staten—We are still looking at that. We said we were postponing it until later in the year, so we are looking at possibly fall, but we don’t have any dates right now. The Mayor and I haven’t had a lot of discussion about it as of yet.

FINANCE DEPARTMENT, MARK LUDWIG (EXCUSED)

FINANCE DEPARTMENT, JACOB KAUFMAN

Mr. Kaufman—Since the last meeting, you should have found two quarterly reports in your mailboxes for the quarters ending March 31st and June 30th. They were the quarterly credit card reports that we are required to provide to you now. If you have any questions on them, please do not hesitate to reach out to the Finance Department.

I would like to remind everybody that July 15th is the extended tax day. Taxes are due then. There’s a drop box out in front of City Hall. Staff is available from 8:00 a.m. to 4:30 p.m. Monday through Friday to take tax returns and assist tax payers as needed.

Mr. Sharnsky—How is the annual audit coming along?

Mr. Kaufman—It is progressing. They are here today, but they have informed me that they will not be back tomorrow and maybe not this week. They are getting close, I believe, to wrapping up some things. They have some newer staff members on and so I am sure they will have to come back and clean up a few things here and there, but it is progressing.

Mr. Sharnsky—Will we still need to sign off on a post audit meeting?

Mr. Kaufman—Yes. At some point they will contact me to see if you would like to have a post audit and you will have the option to waive that or hold a formal meeting if you so choose.

PARK AND RECREATION DEPARTMENT, LAURIE BEISECKER (EXCUSED)

Mayor Roth—There is not much going on in the Parks Department with the Learning Resource Center closed; pretty much on lockdown. The animals are being maintained. Troy does have a very active website and has a good following. Laurie and her assistant are trying to keep an eye on the community gardens and other things along that line, but obviously, with the restrictions due to COVID, there’s not many organized things going on.

Mr. Sharnsky—Do we have very many people in the community garden this year? I haven’t been by there.

Mayor Roth—Actually, we have a fair amount. It’s up from last year.

INTRODUCTION OF NEW LEGISLATION

Ordinance 2020-048 Offered by Mayor Roth
AN ORDINANCE REQUESTING THE CITY OF FAIRLAWN TO RECEIVE ITS SHARE OF FUNDS FROM THE COUNTY COVID-19 LOCAL GOVERNMENT PAYROLL SUPPORT GRANT PROGRAM FUNDS, APPROPRIATING THE NECESSARY FUNDS FOR THE PURPOSE THEREOF, AND DECLARING AN EMERGENCY
Introduce this into the Committee of the Whole

Ordinance 2020-049 Offered by Mayor Roth
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CLEVELAND-MASSILLON OFFICES, LTD, RELATING TO TERMS OF A POTENTIAL FUTURE LICENSE FOR A NEW, PROPOSED SIGN FOR THE OFFICE BUILDING LOCATED AT 600 S. CLEVELAND-MASSILLON ROAD AND DECLARING AN EMERGENCY
Introduce this into the Committee of the Whole

Page 3 of 16
Fairlawn City Council
July 13, 2020
PUBLIC HEARING: Ordinance 2020-037

Mr. Sharnsky—We have a Public Hearing this evening on Ordinance 2020-037. We will recess the Council meeting and I will turn this over to Mr. Brillhart, Chairman of the Planning Committee, to conduct the Public Hearing.

Mr. Brillhart—Would the Clerk please call the roll?

ROLL CALL: Mayor Roth, here; Mr. Russell T. Sharnsky, here; Mrs. Maria Williams, excused; Mrs. Barbara Potts, here; Mr. Todd Stock, here; Mr. Philip Brillhart, here; Mr. Michael Detorakis, here; and Mrs. Kathleen Baum, here.

Mr. Brillhart—We are holding this Public Hearing in regards to Ordinance 2020-037. Will the Clerk please read Ordinance 2020-037 by title only?

Mrs. Caldwell read Ordinance 2020-037 by title only.

Mr. Brillhart—I see the proponent is at the podium. Please describe this ordinance for us.

Mr. Arnold—This ordinance largely pertains to the sign code, Chapter 1298. This was heard June 11th by the Planning Commission. They did recommend its approval to Council. I will give you a couple of bullet points on the revisions and the reason why we are at this point. The Supreme Court, in 2015, heard a case out of Arizona basically about the content of temporary signs and they ruled that you can’t have a distinction between types of signs based strictly on their contents. So, you can’t have a type of sign that regulated differently whether it’s political, a real estate sign, directional sign, or a for sale sign. If a sign regulation is content based, then it is subject to strict scrutiny and it’s likely going to be presumed constitutional.
That forced us to take a look at our sign code and a lot of the things that were addressed in the Arizona code were the same issues we had in our sign code, so we took a look at that and basically overhauled it.

A couple of things in our definitions; we added definitions for an EMC, which is an Electronic Message Center. We currently call them electronic changeable copy sign. The EMC is the preferred industry name for that type of sign, so we added a definition for that. We also added a definition for a vehicle sign. We, previously, didn’t have a definition for vehicle signs, so it was kind of hard for us to regulate it. We now have a definition for it and we added the vehicle signs to our prohibited signs as well.

Another change we did, we added to the prohibited signs, wind-blown signs. You may see them at car dealers, or something like that. They look like a guy who is dancing ten or twelve feet up. That’s one type of wind-blown sign. As I mentioned, the vehicle signs are also added to our prohibited signs.

We added two exemptions from the code; works of art that do not have a commercial message. Those would be exempted. A good example of that would be at BJ’s Restaurant. There are a couple of murals on the restaurant that would not be subject to the sign code. It is however, subject to the Planning Commission approval for a façade. So, we still do have some say in what would go on that way. But, it would just not be within the sign code.

With the EMC, we are going to add some guidelines for EMCS. We currently have seven within the City. Every one of those had to go to BZA for approval because they are currently a prohibited sign. Every time one of these goes to the BZA, the BZA is begging for some sort of guidelines, what does Council want out of these. We added that language in the code that would give the Board some guidelines as to what the City is looking for.

Another major thing we did was with the major shopping centers; Rosemont Commons, Shops of Fairlawn, Fairlawn Town Center. There was a mandate there when those were developed in the early 1990’s that there would be a mandatory color of red. We eliminated that clause from there. That was a source of around one-third of the variances by the BZA last year, and it is every year. Largely, they are approved because a lot of times you get into trademarks and the City could have some legal issues going against that trademark. So, we just eliminated that altogether.

Also, with wall signs, now that we are allowing EMCS, we have a prohibition that you can’t put an electronic message center on a wall. So, you can’t use, basically, a t.v. as a wall sign. That restriction has been added there.

One of the largest things that is affected by this is temporary signs. That’s what kind of started the Supreme Court case and by and large our code would not stand up to scrutiny. We rewrote the entire section on temporary signs. We’ll still have permits required for them, but some of the things that we’re going to not regulate anymore is we are getting rid of the distinction of different types of signs, whether it’s a for sale sign or a real estate sign, all that’s gone and basically, we are going to regulate it by the number per parcel. Areas in the B districts, would be allowed two temporary signs per parcel, they still have to get a permit for it, and the M districts would be four per parcel and again, still have to get a permit for it. In a nutshell, what we did with that is to put a lot more detail in there.

If anyone has any questions, I would be happy to answer them.

Mrs. Baum—Could you give me an example of a vehicle sign?

Mr. Arnold—An example of a vehicle sign would be a, the way our code defines it, would be a vehicle that is parked continuously for more than seven days in the same spot. An example would be Lucky Shoes has a van that they use for deliveries. They actually use it for deliveries, it is moved and that does not constitute a vehicle sign. Now if the van were not licensed and it just sat there for more than seven consecutive days, that would then
constitute a vehicle sign, which would fall in our prohibited signs. If it’s a business who has a moving vehicle, technically moving three or four spots down, it does not constitute a vehicle sign. It’s just a vehicle.

Mr. Sharnsky—Bill, what about these signs, I don’t know if they still have them anymore, there used to be these billboard things that you would drive down the street, like in an A-frame shape and they would change.

Mr. Arnold—That’s a moving truck. That would not fall under our definitions. Now if we see them parked in the grass somewhere or a vacant lot, we have traditionally asked them to move along, but those would not fall under this.

Mr. Sharnsky—You would have to park that thing there for seven days.

Mr. Arnold—Well, you would have to park it and probably leave as well.

Mrs. Potts—Wind-blown signs. Does that include like these feather flags?

Mr. Arnold—Yes. Feather flags are included in our verbiage. Yes, those are prohibited signs.

Mr. Stock—Having been on BZA for nine years, I think this is a good move with the change of the color on the signs. Because to your point, it was the majority of all the variances that we had.

Mr. Arnold—It was literally one-third of them last year and I would imagine, if I would have gone back years in the past it would have been about the same. By and large, it populates the biggest territory on the agenda year in and year out; the color variances. And they are always granted.

Mr. Sharnsky—I’m sorry. I am not familiar with the feather sign. What’s that? A sign on a pole?

Mrs. Potts—On a pole and flap in the wind.

Mr. Arnold—They are generally seven to ten feet tall and they are...

Mr. Sharnsky—Kind of bent?

Mr. Arnold—Yea, hooked over.

Mr. Sharnsky—Alright, I think I know what you’re talking about.

Mrs. Potts—Yes, on the electric changeable ones, did we agree on how often they change?

Mr. Arnold—Ten seconds.

Mrs. Potts—No animation, right?

Mr. Arnold—No animation. It will be a, what they call, an instant change. So, when it goes from message A to message B it will be instantaneous.

Mr. Sharnsky—That isn’t limited though, I mean, you could have continual every ten seconds you could have a different message?

Mr. Arnold—Correct.
Mayor Roth—How often do our message boards change?

Mr. Staten—The ones that we have set on the road are seven seconds.

Mr. Brillhart—Would anyone like to speak for or against this ordinance?

Mayor Roth—I would just like to thank Bill and Bryan, and obviously, the Planning Commission. Those guys put a lot of time into upgrading our code. The Supreme Court case was what really started this, having to address it, because like everything else, things have changed over time. One time all these plazas wanted one color, red. That was the style in the 80’s and 90’s but things have changed, especially with trademarks. I think it’s a good move for us to upgrade the code the way it is. I thank these people for their efforts.

Mr. Brillhart—Any question from Council? Any questions from the audience? This ordinance will come up for a vote when it comes up in Committee this evening. That concludes the Public Hearing.

Mr. Sharnsky—We will now resume our regular City Council meeting. Will the Clerk please call the roll?

ROLL CALL: Mayor Roth, here; Mr. Russell T. Sharnsky, here; Mrs. Maria Williams, excused; Mrs. Barbara Potts, here; Mr. Todd Stock, here; Mr. Philip Brillhart, here; Mr. Michael Detorakis, here; and Mrs. Kathleen Baum, here.

Mr. Sharnsky—We will now move on to our Committee reports.

COMMITTEE OF THE WHOLE CHAIR, RUSSELL SHARNSKY

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<th>Ordinance 2020-039</th>
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<td>AN ORDINANCE CREATING SECTIONS 452.17, 452.18, 452.19, 452.20, 452.21, 452.22, AND 452.23 OF CHAPTER 452 “PARKING GENERALLY”, TITLE EIGHT “PARKING”, PART FOUR “TRAFFIC CODE” OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRLAWN</td>
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<td>AN ORDINANCE REGARDING A PROPOSED AMENDMENT TO ARTICLE IV “COUNCIL” OF THE CITY CHARTER BY AMENDING AND/OR SUPPLEMENTING SECTION 4.16 “NOTICE OF UTILITY RATE INCREASE”, TO BE SUBMITTED TO THE ELECTORATE AT THE NEXT GENERAL ELECTION ON NOVEMBER 3, 2020 AND DECLARING AN EMERGENCY</td>
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Mr. Sharnsky—Would the Clerk please read Ordinance 2020-039 by title only for the third time?

Mrs. Caldwell read Ordinance 2020-039 by title only.

Mr. Sharnsky—We’ve just recently, in our Committee of the Whole meeting prior to this meeting, discussed that there are some corrections that need to be made to this ordinance?

Mr. Nace—Yes, the proposed corrections. I will work on that. There are a number of smaller ones I see that need to be adjusted here so, I would request, even though this is our third reading tonight, I would request that Council hold this item and we can consider it next month after some of the changes are made. As I had noted in the Committee of the Whole, I had added the section (e) in 452.23 so this will need to be...

Mr. Sharnsky—Be amended?

Mr. Nace—Well, actually no, it wouldn’t need to be amended since this is just the Exhibit to the ordinance itself, but anyways the Exhibit does need to be adjusted a little further, so I would recommend that we hold it. I see that
it expires in August but we have our meeting on the 10th and this doesn’t expire until August 16th so we should be okay with it.

**Mr. Sharnsky**—If we need to hold it, we can and if we need to extend it, we can extend it at that time. Are there any other comments from members of Council or questions on this ordinance? Hearing none, we will hold this in committee.

*************

**Mr. Sharnsky**—Would the Clerk please read Ordinance 2020-044 by title only for the second time?

**Mrs. Caldwell** read Ordinance 2020-044 by title only.

**Mr. Sharnsky**—We have had some discussion in our committee meetings. I believe Mr. Konvolinka is here. Would you like to speak, Mr. Konvolinka? He is here on behalf of the Charter Review Commission. Were you the Chairman of that Commission?

**Mr. Konvolinka**— (Mr. Dan Konvolinka resides at 3445 Bancroft Road, Fairlawn, Ohio). I was nominated to show up tonight. Thomas Wagner is the Chairperson but he, because of COVID, has decided to quarantine, so I am here in his place.

**Mr. Sharnsky**—We thank you for your service on the Commission and we are anxious to hear. Do we need an address?

**Mr. Nace**—As a member of the Charter Review Commission, we have all that information.

**Mr. Konvolinka**—I am representing the Charter Review Board and we’ve come up with several changes to several of the sections. Do you want me to read the sections, or have you done that already?

**Mr. Sharnsky**—That probably isn’t necessary to read the sections. I think we’re dealing with our Ordinances 2020-044 and Ordinance 2020-046. The two changes that were proposed by the committee.

**Mr. Konvolinka**—Right. The first one is notice of utility change, and in that process, no utility rate may be authorized by Council until a Public Hearing is held and we changed it to, notice of such hearing shall be given by posting notice on the City’s website and by advertising in a newspaper in general circulation of the community, as well as notification given to all the utility customers with their billing statements. That was done in lieu of a mailing process, because in the current Charter it says that all the electors would be notified by mail. We felt like things have progressed. We have the internet now and this was put together before there was the internet. It is basically more expedient.

**Mr. Sharnsky**—Do you want to go ahead and address Ordinance 2020-046, which is the amendments to Article IV?

**Mr. Konvolinka**—Yes. It says, *Council shall have the power to determine the method of giving public notice of the enactment of its ordinances and the adoption of its resolutions and of any other of its acts or proceedings which it deems proper to publish, provided that such public notice shall include posting all ordinances and resolutions, and this will be said on the City’s website and in at least, and we changed it from five to two public places within the City, no later than ten days after its enactment.*
That was what we felt like, again, for the same reason, is with the internet it’s much easier to get to the electorate and also finding five places in the City, where a lot of the people have it there to be seen. I mean once you go to the compactor and maybe a couple of places around town. So, we changed it to the City’s website and one other place.

**Mr. Sharnsky**—We were talking about that earlier at our Committee of the Whole meeting, and it was mentioned that most people have smart phones now and have computers, and the idea is if you have a concern over some legislation that you want to see, you will look it up. Everything is posted online.

**Mr. Konvolinka**—Exactly.

**Mr. Sharnsky**—You’re not going to the compactor or come to City Hall. You’re going to get on your computer and look that up.

**Mrs. Potts**—With the two public places, does the website count as one of them?

**Mr. Nace**—No. The way that I think this reads, it’s on the City’s website and in at least two public places which I interpret to mean physical places where it can be physically posted for the public to see.

**Mrs. Potts**—We had talked about City Hall being one.

**Mayor Roth**—You could do like the Community Center.

**Mr. Nace**—And that will be up to Council to decide, assuming this would pass, Council would have to change its code section to specify where they wanted it posted.

**Mr. Sharnsky**—Isn’t the Police Department one of the places now that we post?

**Mr. Nace**—Right. Mrs. Caldwell can tell us better than anyone because she has to go out and do it.

**Mrs. Caldwell**—Outside at the Learning Resource Center, two sides of the compactor, the Post Office, the Police Department, and here.

**Mr. Sharnsky**—And you have to run around and physically do that then?

**Mrs. Caldwell**—Right.

**Mr. Sharnsky**—Okay. We thank you. Thank you for your input, and we have to vote on these to get them onto the ballot for the general election on November 3rd. I know my neighbor was one of the participants on the Commission, Peter Janos.

**Mr. Konvolinka**—Yes.

**Mr. Sharnsky**—I spoke with him today and he said he enjoyed the process.

**Mayor Roth**—We appreciate how you and the other members come forward and volunteer.

**Mr. Konvolinka**—I enjoyed it. Thank you.

**Mr. Sharnsky**—Thank you very much. Does anybody have any questions? I guess we’re good.

**Mr. Nace**—I think it’s important for Council to hold this tonight and go three readings.
Mr. Sharnsky—We’re still on Ordinance 2020-044.

Mr. Nace—Yes, because a Charter change is a significant item and the deadline for submitting it to the Board of Elections doesn’t fall until the beginning of September, September 4th I believe, but we certainly would have time to consider it next month in August before it has to be submitted to the Board of Elections. I would recommend that Council hold this tonight and have it on the agenda for next month.

Mr. Sharnsky—Okay. I would agree, if there is no further discussion, we will hold Ordinance 2020-044 in committee.

Mr. Sharnsky—Would the Clerk please read Ordinance 2020-046 by title only for the second time?

Mrs. Caldwell read Ordinance 2020-046 by title only.

Mr. Sharnsky—Based on Mr. Nace’s comments, are there any questions or comments on this ordinance? Hearing none, also based on Mr. Nace’s comments, I would propose that we hold this ordinance in committee for another reading and to give Council an opportunity to review these changes.

Mr. Sharnsky—Would the Clerk please read Ordinance 2020-048 by title only for the first time?

Mrs. Caldwell read Ordinance 2020-048 by title only.

Mr. Sharnsky—Mr. Stock made the MOTION to accept; Mrs. Baum seconded. Mr. Kaufman, do you want to provide us with some information on this?

Mr. Kaufman—Sure. As we discussed at the Committee of the Whole meeting, this is a program that the County has set up using some of their CARES Act money. The application date, that we have to meet, is August 15th, so we would like to get that submitted as soon as possible. Under the program, we would be allocating the payroll expenditures and benefits for some of our Safety Forces to this newly created fund, which we are appropriating for in the ordinances. We would allocate their salaries there and then submit for reimbursement from the County, through their CARES Act funding.

Mr. Sharnsky—We did have some discussion earlier in our Committee of the Whole meeting. Are there any questions or comments on this ordinance? I believe that you mentioned that it would behoove us to have this in as early as possible, so hearing that comment, I would entertain a Motion for suspension of the three-reading rule for Ordinance 2020-048.

Mr. Brillhart—So moved.

Mrs. Potts—Second.

Mr. Sharnsky—Mr. Brillhart made the MOTION; Mrs. Potts the second. Would the Clerk please call the roll for the suspension of the three-reading rule for Ordinance 2020-048?

Mrs. Caldwell—VOTE ON THE SUSPENSION OF THE THREE-READING RULE FOR ORDINANCE 2020-048: Potts, yea; Stock, yea; Brillhart, yea; Detorakis, yea; Baum, yea; Sharnsky, yea; Williams, excused. Six yea, one excused on the suspension of the three-reading rule for Ordinance 2020-048.
Mr. Sharnsky—Would the Clerk please read...

Mr. Nace—Mr. President, point of order. The rules you passed last month, you no longer have to do that. You are waiving the reading, the second and third reading.

Mr. Sharnsky—We are going to waive the second and third readings?

Mr. Nace—I know in the past we actually read it three times.

Mr. Sharnsky—Okay. We still have to vote on the suspension though, correct, Mr. Nace?

Mr. Nace—Yes. The suspension is critical.

Mr. Sharnsky—But we don’t have to read the ordinance a second and third time?

Mr. Nace—Correct, because by suspending it, under the rules, it now says that you don’t have to actually read it three times.

Mr. Sharnsky—You may end up reminding me about this in the future.

Mr. Nace—Yes. I know it’s ingrained as a habit at this point.

Mr. Sharnsky—Yes, it is. Is there any further discussion? Hearing none, I would ask the Clerk to please call the roll for Ordinance 2020-048.

Mrs. Caldwell—VOTE ON ORDINANCE 2020-048: Stock, yea; Brillhart, yea; Detorakis, yea; Baum, yea; Sharnsky, yea; Williams, excused; Potts, yea. Six yea, one excused on the passage of Ordinance 2020-048.

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Mr. Sharnsky—Would the Clerk please read Ordinance 2020-049 by title only for the first time?

Mrs. Caldwell read Ordinance 2020-049 by title only.

Mr. Sharnsky—Mrs. Baum made the MOTION to accept; Mr. Detorakis seconded.

Mayor Roth—We have discussed Ordinances 2020-049 and 2020-050 at length in the committee meeting. We do have pending litigation. Ordinance 2020-049 is for one of the land owners. This will be part of the settlement, so we do not have to go to trial. The timeliness is that both trials are coming up quickly, so if you see fit to suspend the rules, I would ask that you pass both Ordinance 2020-049 and Ordinance 2020-050, it would behoove us to do it.

Mr. Sharnsky—Is there any other discussion? Based on the Mayor’s comments, I would ask for a Motion to suspend the three-reading rule for Ordinance 2020-049.

Mrs. Potts—So moved.

Mr. Stock—Second.

Mr. Sharnsky—Mrs. Potts made the MOTION; Mr. Stock the second. Would the Clerk please call the roll for the suspension of the three-reading rule for Ordinance 2020-049?
Mrs. Caldwell—VOTE ON THE SUSPENSION OF THE THREE-READING RULE FOR ORDINANCE 2020-049: Brillhart, yea; Detorakis, yea; Baum, yea; Sharnsky, yea; Williams, excused; Potts, yea; Stock, yea. Six yea, one excused on the suspension of the three-reading rule for Ordinance 2020-049.

Mr. Sharnsky—Any final comments on Ordinance 2020-049? Hearing none, would the Clerk please call the roll for Ordinance 2020-049.

Mrs. Caldwell—VOTE ON ORDINANCE 2020-049: Detorakis, yea; Baum, yea; Sharnsky, yea; Williams, excused; Potts, yea; Stock, yea; Brillhart, yea. Six yea, one excused on the passage of Ordinance 2020-049.

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Mr. Sharnsky—Would the Clerk please read Ordinance 2020-050 by title only for the first time?

Mrs. Caldwell read Ordinance 2020-050 by title only.

Mr. Sharnsky—Mr. Stock made the MOTION to accept; Mr. Detorakis seconded. Mr. Mayor, I assume you are going to make similar comments to the previous ordinance.

Mayor Roth—Yes. This will be part of the settlement agreements so we can avoid trial. On both of these, Mr. Staten has been heavily involved with the location of the sign and we are satisfied with it.

Mr. Sharnsky—Any further discussion from members of Council? Hearing none, I would entertain a MOTION for the suspension of the three-reading rule for Ordinance 2020-050.

Mrs. Baum—So moved.

Mr. Brillhart—Second.

Mr. Sharnsky—Would the Clerk call the roll for the suspension of the three-reading rule for Ordinance 2020-050?

Mrs. Caldwell—VOTE ON THE SUSPENSION OF THE THREE-READING RULE FOR ORDINANCE 2020-050: Baum, yea; Detorakis, yea; Brillhart, yea; Stock, yea; Potts, yea; Williams, excused; Sharnsky, yea. Six yea, one excused on the suspension of the three-reading rule for Ordinance 2020-050.

Mr. Sharnsky—Any final comments on Ordinance 2020-050? Hearing none, I would ask the Clerk to please call the roll for Ordinance 2020-050.

Mrs. Caldwell—VOTE ON ORDINANCE 2020-050: Detorakis, yea; Brillhart, yea; Stock, yea; Potts, yea; Williams, excused; Sharnsky, yea; Baum, yea. Six yea, one excused on the passage of Ordinance 2020-050.

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Mr. Sharnsky—Would the Clerk please read Ordinance 2020-051 by title only for the first time?

Mrs. Caldwell read Ordinance 2020-051 by title only.

Mr. Sharnsky—Mr. Stock made the MOTION to accept; Mr. Brillhart seconded. Comments, Mr. Mayor?
Mayor Roth—We discussed this at length. This is the replacement of the Hilen Road waterline. It is a timely issue, so again, I would ask if you would vote on this tonight so we can get the pre-construction meeting set up and get moving on this matter.

Mr. Sharnsky—The bid was accepted by the Board of Audit. It is below the Engineer’s estimate and I know we have people that are out of water on that street, so, I think it’s an urgent matter. Do you know when they are going to be able to start that project, Ernie, if we do look favorably on this tonight?

Mr. Staten—I called and left a message for them today. If it’s passed tonight, we would look to do a pre-con a week from tonight and we will have an entire schedule from them at that time.

Mr. Sharnsky—Do you know how long of a project it is, once they get moving?

Mr. Staten—It looks to be a short period; six to eight-week project, but saying that, I don’t know if material is readily available. Material has been hard to come up with on all projects, so I don’t know if waterline is available.

Mr. Sharnsky—Okay. Are there any other comments on this ordinance? Hearing none, I would entertain a Motion for the suspension of the three-reading rule for Ordinance 2020-051.

Mrs. Potts—So moved.

Mr. Stock—Second.

Mr. Sharnsky—Would the Clerk please call the roll for the suspension of the three-reading rule for Ordinance 2020-051?

Mrs. Caldwell—VOTE ON THE SUSPENSION OF THE THREE-READING RULE FOR ORDINANCE 2020-051: Brillhart, yea; Stock, yea; Potts, yea; Williams, excused; Sharnsky, yea; Baum, yea; Detorakis, yea. Six yea, one excused on the suspension of the three-reading rule for Ordinance 2020-051.

Mr. Sharnsky—Any final comments on Ordinance 2020-051? Hearing none, I would ask the Clerk to please call the roll for Ordinance 2020-051.

Mrs. Caldwell—VOTE ON ORDINANCE 2020-051: Stock, yea; Potts, yea; Williams, excused; Sharnsky, yea; Baum, yea; Detorakis, yea; Brillhart, yea. Six yea, one excused on the passage of Ordinance 2020-051.

Mr. Sharnsky—Would the Clerk please read Ordinance 2020-052 by title only for the first time?

Mrs. Caldwell read Ordinance 2020-052 by title only.

Mr. Sharnsky—Mr. Brillhart made the MOTION to accept; Mrs. Baum seconded.

Mayor Roth—This is the first reading and these are lengthy contracts so I would ask you to hold it in committee so Council has more of a chance to look over the changes.

Mr. Sharnsky—Any comments at this time from members of Council? Hearing none, we will hold this ordinance in committee to give Council a chance to further review the contract.

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Mr. Sharnsky—Would the Clerk please read Ordinance 2020-053 by title only for the first time?

Mrs. Caldwell read Ordinance 2020-053 by title only.

Mr. Sharnsky—Mr. Stock made the MOTION to accept; Mr. Detorakis seconded.

Mayor Roth—The same would apply to this ordinance too. I would ask you to hold it in committee.

Mr. Sharnsky—Comments at this time from members of Council? Hearing none, we will hold this ordinance in committee.

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Mr. Sharnsky—We are going to continue on with our summer schedule. I would like to continue with this same format. I would like to have the Committee of the Whole meeting at 5:30 p.m., right before our next Council meeting, which will begin at 6:30 p.m. It seems like an hour gives us enough time. If need be, we can run into the start time for the Council meeting. If we get in to more legislation than we can handle in that hour. That will be August 10, 2020.

FINANCE COMMITTEE CHAIR, BARBARA POTTS

Mrs. Potts—There is no report from the Finance Committee tonight.

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MUNICIPAL SERVICES COMMITTEE CHAIR, TODD STOCK

Mr. Stock—Municipal Services Committee has no report this evening.

PUBLIC AFFAIRS COMMITTEE CHAIR, KATHLEEN BAUM

Mrs. Baum—Public Affairs has no report this evening.

SAFETY COMMITTEE CHAIR, MICHAEL DETORAKIS

Mr. Detorakis—Safety Committee has no report this evening.

INTERGOVERNMENTAL AFFAIRS COMMITTEE CHAIR, MARIA WILLIAMS (EXCUSED)

Mr. Detorakis—There is no report from Intergovernmental Affairs this evening.

PLANNING COMMITTEE CHAIR, PHILIP BRILLHART

Ordinance 2020-037

| Offered by Mayor Roth |
|----------------------------------|-----------------|-----------------|-----------------|-----------------|
| Ordinance 2020-037               | 1st Reading 05/18/2020 | 2nd Reading 06/15/2020 | 3rd Reading Hold Pass |
| Expiration Date 08/16/2020       | Public Hearing Required (Y or N) 07/13/2020 |

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Fairlawn City Council
July 13, 2020
Mr. Brillhart—Would the Clerk please read Ordinance 2020-037 by title only for the third time?

Mrs. Caldwell read Ordinance 2020-037 by title only.

Mr. Brillhart—We held the Public Hearing this evening. Are there any questions from Council or the audience?

Mr. Sharnsky—I would like to make one comment. I wanted to thank Mr. Arnold and everyone who has been involved, Mr. Nace, Mr. Mayor, in getting this ordinance to this point. I know it was a lot of work, I really understand how much went into the review of all the documents and getting it to where it was manageable. I think it's a lot more manageable now than it used to be. A lot of tough decisions went into making this work. Getting it to the point to where it is today. Thank you for all that.

Mr. Brillhart—I would like to call the question.

Mr. Sharnsky—Would the Clerk please call the roll for Ordinance 2020-037?

Mrs. Caldwell—VOTE ON ORDINANCE 2020-037: Sharnsky, yea; Williams, excused; Potts, yea; Stock, yea; Brillhart, yea; Detorakis, yea; Baum, yea. Six yea, one excused on the passage of Ordinance 2020-037.

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Mr. Sharnsky—Is there any other business to come before Council this evening? Hearing none, I will entertain a Motion to adjourn. Mr. Stock made a MOTION to adjourn; Mrs. Baum seconded. Everyone voted in favor. The meeting adjourned at 7:24 p.m. The next regular meeting of Council will be Monday, August 10, 2020 at 6:30 p.m.

These are the official minutes of the Fairlawn City Council meeting held on July 13, 2020 and approved by Fairlawn City Council on the 10th day of August, 2020.

Russell T. Sharnsky
PRESIDENT OF COUNCIL

Tonja K. Caldwell, MMC
CLERK OF COUNCIL

Recording Secretary, Cynthia L. Hall