

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

February 10, 2020
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (January 27, 2020)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Confirmation of Council appointment.

ESID Board – Jessica Hazeltine (City of Medina Rep.)

Motion to remove inactive Pending Matter items.

Finance Committee

- 17-175-9/25 – Net Profit Tax Grant Incentive for Local Businesses
- 17-177-9/25 – Mandatory Retirement Age for Police & Fire Chief
- 17-205-11/13 – Discussion – Save Historic Tax Credits Campaign
- 18-084-4/9 – Clarification of Legal Level of Control for Appropriations
- 18-200-11/13 – Discussion of Potential Railroad Quiet Zones

Health, Safety & Sanitation Committee

- 17-117-6/12 – Curbside Recycling Program

Special Legislation Committee

- 16-116-7/11 – Explore Expansion of Historic District
- 17-100-5/22 – Develop Plan to Clean Up Blighted Areas of City (Code Enforcement)
- 18-106-5/4 – City of Medina – Gender Neutrality

Unfinished business.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Ord. 27-20

An Ordinance authorizing the payment to Absolute Construction Services for the Private Home Rehabilitation at 533 S. Broadway as part of the PY18 CHIP Grant Program.
(emergency clause requested)

Ord. 28-20

An Ordinance authorizing the Mayor to solicit Request for Qualifications (RFQ's)/Request for Proposals (RFP's) for consultant services for the PY20 City of Medina Community Housing Impact and Preservation Program (CHIP) and Community Development Block Grant (CDBG) Program applications, including but not limited to Competitive Set-aside Programs, and to award RFQ/RFP to the successful bidder.
(emergency clause requested)

Ord. 29-20

An Ordinance amending Ordinance No. 196-19, passed December 9, 2019, relative to the Purchase Agreement with the Medina County Park District for the purchase of three (3) acres of real property.
(emergency clause requested)

Ord. 30-20

An Ordinance authorizing the purchase of one (1) 2020 Ventrac 4500P Compact Tractor from Baker Vehicle Systems, Inc. for the Parks Department.

Ord. 31-20

An Ordinance authorizing the Mayor to execute a Memorandum of Understanding between the City of Medina, Kokosing Materials Inc., Osborne-Medina and 1000 Lake Holdings LLC, relative to the maintenance, repair and operation of the Medina Rail Line.

Ord. 32-20

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the 2020 Concrete Street Repair Program.

Council comments.

Adjournment.

MEDINA CITY COUNCIL

Monday, January 27, 2020

Opening:

Medina City Council met in regular, open session on Monday, January 27, 2020. The meeting was called to order at 7:30 p.m. by President of Council John Coyne. Boy Scout Mitchell Rittmaier from Troop #507 from First Christian Methodist Church led in the Pledge of Allegiance.

Roll Call:

The roll was called with the following members of Council present J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson. J. Hazeltine was absent.

Also present were the following members of the Administration: Mayor Dennis Hanwell, Keith Dirham, Greg Huber, Patrick Patton, Nino Piccoli, Lt. Birckbichler, Chief Painter, Kimberly Marshall, Jansen Wehrley, Dan Gladish, Mike Wright, and Jonathan Mendel.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on January 13th, 2020 as prepared and submitted by the Clerk be approved. The roll was called and the motion passed by the yeas of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated the Finance Committee met prior to council tonight and will meet again in two weeks.

Health, Safety & Sanitation Committee: Mr. Simpson stated prior to the Finance Meeting they had a Health, Safety & Sanitation meeting. Update from the Service Department was given on Sanitation Department, the Mayor gave a report on Healthy Medina, Fire Chief Bob Painter on the Fire Department, and Lt. Dave Birckbichler gave an update from the Police Department.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb stated he had no report and is working with Clerk of Council to schedule a Special Legislation meeting on medical marijuana issue with City employees.

Streets & Sidewalks Committee: Mr. Heffinger had no report.

Water & Utilities Committee: Mrs. Hazeltine was absent.

Emerging Technologies Committee: Mr. Rose had no report.

Requests for Council Action:

20-016-1/27 – Budget Amendments

20-017-1/27 – Transfer Request – MCRC Capital Contribution

20-018-1/27 – Expenditure Over \$15,000 – T Siegel Consulting - Bicentennial

20-019-1/27 – Expenditure Over \$15,000 – Technology Engr. Group – IT

20-020-1/27 – PY18 CHIP Rehab – 533 S. Broadway

20-021-1/27 – RFQ/RFP – CHIP/CDBG Program Grant Consultant

Medina City Council
January 27, 2020

20-022-1/27 – Combined Court Project – Construction Mgr. at Risk Fees
20-023-1/27 – Amend Ord. 196-19 – Purchase Agreement w/ County Park District
20-024-1/27 – Purchase Ventrac 4500P & Approve Trade-in – Parks
20-025-1/27 – Memo of Understanding – City of Medina Railway
20-026-1/27 – Bids, 2020 Concrete Street Repair

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported

- 1) Parking Deck - Construction of parking deck south of Medina City hall ceased for winter. Long term lots will be available at Castle Noel lot; Feckley lot on north side of Thyme2; County Courthouse parking deck; County Administration lot extension off E. Liberty Street; parking lot between W. Liberty and W. Washington with Huntington bank drive through; Muni Court lot is available on weekends and evenings; 3 hour lots were established at open areas of lot between Sullys and Porters, as well as lot at the southeast corner of Elmwood and W. Liberty. City Hall customer parking along West Friendship adjacent to Medina County Historical Society. 2 handicap spaces outside northwest doors of Medina City Hall.
- 2) Utility drop boxes and post office mailbox moved to Municipal Court lot; mini library was placed at 3 hour lot at southeast corner of Elmwood and W. Liberty;
- 3) On Monday, January 20th, 2020 at 7 p.m. - MLK Celebration was held at St. Matthews Lutheran Church. Thanks to Councilmen Rose and Simpson, and Finance Director Dirham for attending with me.
- 4) Annual Four Chaplains Service will be held Wednesday, February 5th, 2020 at 7 p.m. at St. Francis Xavier Church, 606 East Washington Street.
- 5) 26th Annual Ice Festival - February 14th – 21st, by Elegant Ice Creations.

Keith Dirham, Finance, Mr. Dirham stated there are several items on the agenda tonight that he will go over.

Greg Huber, Law Director, had no report.

Lt. Birckbichler, Police Department, had no report.

Kimberly Marshall, Economic Development Director, reported the next round of ribbon cuttings are on Friday, February 7th starting at 11a.m. for a new business Get in Gear Business Solutions located at 437 Lafayette Rd. Suite 240, and the next one is at 3 p.m. for Mary Christine Photography located at 113 West Liberty St.

Jonathan Mendel, Planning Community Director, had no report.

Chief Painter, Fire Department, had no report.

Mike Wright, Rec. Center Director, had no report.

Medina City Council
January 27, 2020

Jansen Wehrley, Parks and Recreation Director, had no report.

Dan Gladish, Building Official, had no report.

Patrick Patton, City Engineer, reported on the South Broadway Street brick replacement stating it is finally out to bid and they are due back next week.

Nino Piccoli, Service Director, had no report. Mr. Piccoli did state he is appreciative of the mild winter we have had and stated they have not used many chemicals thus far.

Confirmation of Council Appointments

Income Tax Review Board – Keith Hughes – (exp. 12/31/22)

Mr. Shields moved to confirm the Council appointment, seconded by Mr. Simpson and approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and E. Heffinger.

Notices, Communications and Petitions

Liquor Permit:

Mr. Shields moved not to object to the issuance of a new D-1 permit to Grab N Go Firewood LLC, dba Grab N Go Beverage and Market, 236B N. State Rd. & Patio, Medina. Motion seconded by Mr. Simpson and approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, E. Heffinger, and B. Lamb.

Unfinished Business:

None

Introduction of Visitors:

Kathy Jones resides at 2606 Hidden Spring Lane in Wadsworth.

Ms. Jones spoke about the use of Aqua Salina the radioactive road deicer product. She provided handouts to council. They are trying to inform the communities of how toxic it is and that it contains cancer-causing radioactivity.

Pat Walker resides at 523 East Friendship St. Ms. Walker stated she is here as part of the Save your Courthouse Committee. She spoke of the goals of the committee. 1) To have a public process to determine what they need to do about the new court house - whether we have one - whether we don't and what they have. 2) Get the people to have input, including a vote. The funding for the courthouse can be put on the ballot. County Commissioners have that option to put on the ballot the funding, the bonds for the court house. This does involve the changing of the square and this is important to the people to get their vote. She thanked City Council for setting up the meeting with the County for discussion on what is going to happen being held on Tuesday, February 4th at 4 p.m. at City Hall and then earlier that same day Pat urged all citizens to attend the Steering Committee meeting, open to public, at the County Administration Building on the third floor in the balcony rooms. She thanked Council for not taking any action or vote today on RCA 20-021-1/27 which involved giving money to the building company.

She spoke of the last thing they heard from the Commissioners. They had a plan to build a building behind the 1969 Courthouse and then tear down the 1969 Courthouse and give the 1841 Courthouse to the City for the municipal court, and the county would take the present municipal court building.

Introduction and Consideration of Ordinances and Resolutions:

Ord. 013-20:

An Ordinance amending Section 917.04 (A) of the Codified Ordinances of the City of Medina, Ohio relative to the Water Rates. Mr. Shields moved for the adoption of Ordinance/Resolution No. 013-20, seconded by Mr. Simpson. Mr. Dirham explained that the City purchases water from the City of Avon Lake Regional Water. The contract that the City has with Avon Lake from back in early 2000's restricts the price that we pay to being only slightly more than the lowest price that they charge in their city, which keeps our rates minimized. They are required to give us 6 months of notice for rate increases. The roll was called and Ordinance/Resolution No. 013-20 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, E. Heffinger, B. Lamb, and P. Rose.

Ord. 014-20:

An Ordinance adopting a Sexual Offender Plan of Action Policy for the Medina Community Recreation Center. Mr. Wright stated this ordinance is in regards to requesting Council to adopt a sexual offender policy for the Medina Community Recreation Center. We have had a sexual offender policy in place since 2004, and in 2012 we started an ID policy which requires scanning ID's to help enforce this through a program called Safepoint. This is in place to help ensure the safety of our patrons and the students who use the facility. Our Law Department requested this be adopted into ordinance and I want to thank the Law Department for review, changes, and approval of this policy. Mr. Shields moved for the adoption of Ordinance/Resolution No. 014-20, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 014-20 passed by the yea votes of D. Simpson, J. Coyne, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Ord. 015-20:

An Ordinance authorizing the Mayor to enter into a three-year contract with Rea & Associates, Inc. for the preparation of the City's CAFR in accordance with accounting principles generally accepted in the United States of America (GAAP) for the years ending December 31, 2019, December 31, 2020 and December 31, 2021. Mr. Shields moved for the adoption of Ordinance/Resolution No. 015-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 015-20, seconded by Mr. Simpson. Mr. Dirham stated that Rea & Associates handle the preparation of their annual financial statement. The state auditor audits the financial statement and this is the contract with Rea to do that for the next three years, they've been doing it for a number of years already. Emergency is so they can start work as soon as possible. The roll was called on adding the emergency clause and was approved by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 015-20 passed by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 016-20:

An Ordinance authorizing the payment of \$40,000.00 to Jenmet Construction, LLC for the Private Home Rehabilitation at 1843 Berkshire Dr. Brunswick as part of the PY18 CHIP Grant Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 016-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 016-20, seconded by Mr. Simpson. Mr. Mendel stated this is a private rehab under the current CHIP. The contract amount is a little less than \$38,000 but are requesting the P.O. for \$40,000 to allow for any change orders. Emergency clause requested to render payment to contractor. The roll was called on adding the emergency clause and was approved by the yeas votes of P. Rose, J. Shields, D. Simpson, J. Coyne, E. Heffinger, and B. Lamb. The roll was called and Ordinance/Resolution No. 016-20 passed by the yeas votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and E. Heffinger.

Ord. 017-20:

An Ordinance authorizing the expenditure of \$50,000.00 to Signal Service Company for the Street Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 017-20, seconded by Mr. Simpson. Mr. Piccoli stated this system has necessary maintenance repairs and items that are needed throughout the year so this will also cover testing for the preemption system which is important to their safety services. The roll was called and Ordinance/Resolution No. 017-20 passed by the yeas votes of J. Shields, D. Simpson, J. Coyne, E. Heffinger, B. Lamb, and P. Rose.

Ord. 018-20:

An Ordinance authorizing the expenditure of \$70,000.00 to Lake County Sewer Co. for the Street Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 018-20, seconded by Mr. Simpson. Mr. Piccoli stated this will allow the Street Department to continue the effort working with the contractor for the cleaning, prepping, and grouting of the city storm sewer maintenance. The roll was called and Ordinance/Resolution No. 018-20 passed by the yeas votes of D. Simpson, J. Coyne, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Ord. 019-20:

An Ordinance authorizing the expenditure to SOS Integration for PLC Upgrades for the Water Pump Stations and Tower for the Water Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 019-20, seconded by Mr. Simpson. Mr. Piccoli stated PLC is short for Programmable Logic Controllers and last year in 2019 the Water Department implemented phase one of a transition from radio frequency to cellular and this is phase two and is for the towers and the pump stations. The request will allow for the real time communication from one pump station to another as well as the water towers and allow the City Water Department personnel to monitor, manage and control the Water Department through electronic devices through a secured network. The roll was called and Ordinance/Resolution No. 019-20 passed by the yeas votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 020-20:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for a one year supply of the various kinds of maintenance

materials needed for the streets and water lines, including but not limited to salt, the chemicals for use in the treatment of water, and water meters to be used by various departments of the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 020-20, seconded by Mr. Simpson. Mr. Piccoli stated this is just another opportunity to secure good pricing. The roll was called and Ordinance/Resolution No. 020-20 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Res. 021-20:

A Resolution authorizing an application for grant assistance from the Ohio Department of Transportation Office of Aviation, for the Medina Municipal Airport, Remark Airfield Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 021-20, seconded by Mr. Simpson. Mr. Patton stated this is to apply for a grant from the Ohio Department of Transportation and this grant will pay for 95% of the cost including design, construction engineering and construction to remark the airfield. The roll was called and Ordinance/Resolution No. 021-20 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and E. Heffinger.

Ord. 022-20:

An Ordinance authorizing the Mayor to enter into Task Order #3 to the Agreement with Delta Airport Consultants, Inc. for professional services at the Medina Municipal Airport relative to Project #1063: Remark Airfield. Mr. Shields moved for the adoption of Ordinance/Resolution No. 022-20, seconded by Mr. Simpson. Mr. Patton stated this ties into the previous resolution. This is an agreement with Delta Engineering to do the design and bid preparation for that project. The roll was called and Ordinance/Resolution No. 022-20 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, E. Heffinger, and B. Lamb.

Ord. 023-20:

An Ordinance amending Sections 31.05 and 31.07 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Finance Department and creating the position and accepting the job description of Accounts Payable Clerk. Mr. Shields moved for the adoption of Ordinance/Resolution No. 023-20, seconded by Mr. Simpson. Mr. Dirham stated they previously had this position open and had very much difficulty filling for a period of about 2 years and felt the pay was a part of that so they are clarifying and updating the job description and changing the pay for this position. The roll was called and Ordinance/Resolution No. 023-20 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, E. Heffinger, B. Lamb, and P. Rose.

Ord. 024-20:

An Ordinance amending Sections 31.02 and 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Municipal Court Probation Officer/Group Facilitator position. Mr. Shields moved for the adoption of Ordinance/Resolution No. 024-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 024-20, seconded by Mr. Simpson. Mr. Dirham stated the emergency clause is due to the nature of the grant that funds part of this. This is for this position that is funded partially through that grant. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and

Medina City Council
January 27, 2020

Ordinance/Resolution No. 024-20 passed by the yea votes of D. Simpson, J. Coyne, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Ord. 025-20:

An Ordinance amending Ordinance No. 187-19, passed November 25, 2019. (Amendment to the 2020 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 025-20, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 025-20 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 026-20:

An Ordinance authorizing the Finance Director to make certain Fund Transfers. Mr. Shields moved for the adoption of Ordinance/Resolution No. 026-20, seconded by Mr. Simpson. Mr. Dirham stated the Joint Operating Agreement they have with the schools for the Rec Center calls for both us and the school to contribute to a Capital Fund annually. The roll was called and Ordinance/Resolution No. 026-20 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and E. Heffinger.

Council Comments:

Bill Lamb stated the annual Holiday Home Tour raised \$15,000 for the Medina County Historical Society to assist with restoration and maintenance of the McDowell Phillips House.

Paul Rose stated that Council Clerk Kathy Patton distributed a letter to council from the SPCA, and has a meeting scheduled for February 24th, 2020 for annual funding. Paul expressed to the public to clean up after pet dogs.

Mr. Coyne reiterated that on Tuesday, February 4th 4pm @ City Hall – Meeting with Commissioners and Architect for Courthouse Project.

Adjournment:

There being no further business before Council, the meeting adjourned at 8:08 p.m.

Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council

ORDINANCE NO. 27-20

AN ORDINANCE AUTHORIZING THE PAYMENT TO ABSOLUTE CONSTRUCTION SERVICES FOR THE PRIVATE HOME REHABILITATION AT 533 S. BROADWAY AS PART OF THE PY18 CHIP GRANT PROGRAM, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the payment of \$33,000.00 is hereby authorized to Absolute Construction Services for the Private Home Rehabilitation at 533 S. Broadway as part of the PY18 CHIP Grant Program, Activity #AC-18-06.

SEC. 2: That the funds to cover this payment in the amount of \$33,000.00 are available in Account No. 139-0458-52215.

SEC. 3: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

SEC. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 the law.

SEC. 5: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to not delay payment to the contractor; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 28-20

AN ORDINANCE AUTHORIZING THE MAYOR TO SOLICIT REQUEST FOR QUALIFICATIONS (RFQ'S)/REQUEST FOR PROPOSALS (RFP'S) FOR CONSULTANT SERVICES FOR THE PY20 CITY OF MEDINA COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP) AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATIONS, INCLUDING BUT NOT LIMITED TO COMPETITIVE SET-ASIDE PROGRAMS, AND TO AWARD RFQ/RFP TO THE SUCCESSFUL BIDDER, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Mayor is hereby authorized and directed to solicit Request for Qualifications (RFQ's)/Request for Proposals (RFP's) for consultant services for the PY20 City of Medina Community Housing Impact and Preservation Program (CHIP) and Community Development Block Grant (CDBG) Program applications, including but not limited to Competitive Set-Aside programs, and to award RFQ/RFP to the successful bidder.

SEC. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 the law.

SEC. 3: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that two pre-planning meetings are required and the application deadline is May 20, 2020; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 29-20

AN ORDINANCE AMENDING ORDINANCE NO. 196-19, PASSED DECEMBER 9, 2019, RELATIVE TO THE PURCHASE AGREEMENT WITH THE MEDINA COUNTY PARK DISTRICT FOR THE PURCHASE OF THREE (3) ACRES OF REAL PROPERTY, AND DECLARING AN EMERGENCY.

WHEREAS: Ordinance 196-19, passed December 9, 2019, authorized the Mayor to enter into a Purchase Agreement with the Medina County Park District for the purchase of three (3) acres of real property; and

WHEREAS: Section 3 of Ordinance 196-19, passed December 9, 2019 needs to be increased by \$2,000 to cover the cost of the lot split; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That Section 3 of Ordinance 196-19, passed December 9, 2019 shall be amended to read as follows:

That the funds to cover this purchase, in the amount not to exceed **\$29,500.00**, are available in Account No. 143-0748-54411.

SEC. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 the law.

SEC. 3: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to expedite this transaction; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 30-20

**AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE
(1) 2020 VENTRAC 4500P COMPACT TRACTOR FROM
BAKER VEHICLE SYSTEMS, INC. FOR THE PARKS
DEPARTMENT.**

WHEREAS: In accordance with ORC 125.04 the City of Medina, Ohio requested authority to participate in State contracts which the Department of Administrative Services has entered into for the purchase of supplies, services, equipment and certain materials; and

WHEREAS: The request for participation provides for the waiving of the state and local competitive bidding requirements and allows the City the ability to purchase from centralized state contracts; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the purchase of one (1) Ventrac 4500P Compact Tractor from Baker Vehicle Systems, Inc. #B0060 through Sourcewell Contract #062117-VPI, is hereby authorized for the Parks Department.

SEC. 2: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

SEC. 3: That the funds to cover this purchase, in the amount of \$15,535.51.00, are available as follows: \$10,535.51 in Account No. 104-0301-54413, and \$5,000.00 in Account No. 104-0309-54413. (The following equipment was traded in for this purchase: (1) Ventrac Model 4200VXD S/N WBB2307 - \$4,500.00, and (1) Toro 3280 w/ cab, deck and plow, S/N 30345-290000315 - \$6,500.00)

SEC. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 the law.

SEC. 5: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 31-20

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MEDINA, KOKOSING MATERIALS INC., OSBORNE-MEDINA AND 1000 LAKE HOLDINGS LLC, RELATIVE TO THE MAINTENANCE, REPAIR AND OPERATION OF THE MEDINA RAIL LINE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Mayor is hereby authorized and directed to execute a Memorandum of Understanding (MOU) between the City of Medina, Kokosing Materials Inc., Osborne-Medina and 100 Lake Holdings LLC, relative to the maintenance, repair and operation of the Medina Rail Line.

SEC. 2: That a copy of the Memorandum of Understanding is marked Exhibit A, attached hereto and incorporated herein.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

**CITY OF MEDINA RAIL LINE
MEMORANDUM OF UNDERSTANDING**

Terms to be contained in a Memorandum of Understanding ("MOU") between KOKOSING MATERIALS, INC. (Kokosing), OSBORNE MEDINA, INC. (Osborne), 1000 LAKE HOLDINGS LLC (Spray Products), and the CITY OF MEDINA (City of Medina).

1. A reserve account shall be established and funded out of the fees generated from Kokosing, Osborne, Spray Products and the City of Medina. The parties acknowledge and agree that most, if not all, of the fees generated in the initial years will go towards the yearly maintenance of the rail line. The parties shall agree on an annual amount to be included in the budget that will be allocated from the fees generated and deposited in the reserve account. The reserve account shall not exceed \$200,000, unless otherwise agreed to be reduced or increased among the parties. Once the reserve account reaches a balance of \$200,000 the annual access fee shall be reduced equally between Kokosing, Osborne, Spray Products and the City of Medina; provided, the reserve account maintains a balance of \$200,000. Notwithstanding the above, the parties may agree to increase the reserve account for unanticipated capital repairs and replacements.
2. Kokosing, Osborne and Spray Products shall be liable for any shortfalls contained in the annual budget and not covered by the reserve account. The parties further agree that the level of maintenance on the rail assets serving the Kokosing, Osborne and Spray Products shall be that as is required by the ORDC grant-Federal Railroad Administration Class I standards.
3. The City of Medina shall prepare a proposed budget, as generated by the City of Medina Rail Commission, prior to November 1 of each year, which budget shall be within the projected revenues for each year. The proposed budget shall be available to all parties upon request. Kokosing, Osborne and Spray Products shall have the right to comment on the proposed budget prior to December 15 of each year. If a budget cannot be agreed upon among the parties, the previous year's budget shall be the budget for the succeeding year until a new budget is agreed upon among the parties.
4. The City of Medina, as part of the budget referenced in Section 4 above, shall obtain and maintain a commercial general liability insurance policy in an amount equal to \$5,000,000 combined single limit, which amount may be increased upon agreement of the parties. The City of Medina shall also obtain and maintain casualty insurance on the rail line in an amount acceptable to all the parties.
5. The City of Medina shall contribute fifty percent (50%) of the cost of maintenance and replacement of the existing crossings along the rail line; provided, no new rail crossing shall be added without the consent of the City of Medina. The City of Medina shall have the right to require a crossing to be renovated or replaced; provided that the City of Medina contributes fifty percent (50%) of the cost of said repair or renovation.

6. The City of Medina agrees that all funds collected from Kokosing, Osborne and Spray Products or other grants obtained by any party related to the rail assets shall only be used for the maintenance, repair and operation of the rail line and no other City of Medina purposes.
7. Kokosing, Osborne, Spray Products or the City of Medina, shall have the right to terminate the Memorandum of Understanding upon at least six (6) months' notice to the other parties. Upon termination, all funds held by the City of Medina shall continue to be used to maintain the rail line until exhausted.
8. The City of Medina shall coordinate all repairs, maintenance and replacement on the rail line during the term of the Memorandum of Understanding. The Medina Rail Line shall be defined as beginning at a point 150 feet northwest of the centerline of North Progress Drive. The endpoint of the approximately 3.76 mile rail line shall be defined as the terminal endpoint of the existing track at its most southerly point.

Included as part of the Medina Rail line are the following structures:

- Separated grade crossings (bridges):
 - o Bridge over the Wheeling and Lake Erie rail line (south of SR 18)
 - o Bridge over West Smith Road (known as AAR DOT #141-895-K)
- At grade crossings (includes crossing surfaces and all warning devices (crossbucks, lights, gates, etc.) :
 - o North Progress Drive (known as AAR DOT #141-892-P)
 - o State Road, including gates and flashers (known as AAR DOT #141-893-W)
 - o West Liberty Street (SR 18 & SR 57) (known as AAR DOT #141-894-D)
 - o Lafayette Road, including gates and flashers (known as AAR DOT #141-896-S)
 - o Ryan Road, including gates and flashers (known as AAR DOT #141-897-Y)
 - o Imagine Lane (known as AAR DOT #919-860-N)

Osborne shall be solely responsible for the maintenance, repair, replacement and/or upgrade of the existing rail line beyond 150 feet northwest of the centerline of North Progress Drive.

Kokosing shall be solely responsible for the maintenance, repair, replacement and/or upgrade of their rail unloading structure (the hopper) located adjacent to the Medina Rail line.

Spray Products shall be solely responsible for maintenance, repair, replacement and/or upgrade of the spur serving their facility. The spur shall be defined as all rail, ties, switches and any other structure necessary to provide service to their facility with the sole exception of those common rail ties supporting both the Medina Rail line and the Spray Products spur. These common rail ties shall be considered as part of the Medina Rail line. Spray Products shall be responsible for the ties supporting their spur beginning with the first tie on their spur beyond the common ties.

9. The parties agree to waive the annual access fees for 2020. The parties agree to meet in November of 2020 to establish the amount of the annual access fees chargeable to the parties for the year beginning January 1 of 2021 and for future years as deemed appropriate.
10. The annual user fee per car shall be as follows: Kokosing-\$9.25, Osborne-\$8.00 and Spray

Products-\$100.00. User fees per car shall be invoiced to Kokosing, Osborne and Spray Products quarterly. Per car user fees will be effective from the date of execution of this contract. The annual user fee per car may be changed upon agreement of the parties.

11. The parties agree to provide the City of Medina with monthly billing reports showing the number of cars per month.
12. The City of Medina shall establish a Rail Commission to oversee the City of Medina rail assets. The Rail Commission shall be made up of at least five (5) members, initially one from Kokosing, one from Osborne, one from Spray Products and two from the City of Medina.
13. The Rail Commission referenced in Section 12 above shall meet as necessary as determined by the members. It is understood that all members have the right to call for a meeting at any time.

IN WITNESS WHEREOF, the parties have duly executed this Memorandum of Understanding as of the last date set forth below:

KOKOSING MATERIALS, INC.

1000 LAKE HOLDINGS, LLC

By (signature): _____

By (signature): _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

OSBORNE MEDINA CO.

CITY OF MEDINA, OHIO

By (signature): _____

By (signature): _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

ORDINANCE NO. 32-20

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR COMPETITIVE BIDS AND TO AWARD A CONTRACT TO THE SUCCESSFUL BIDDER FOR THE 2020 CONCRETE STREET REPAIR PROGRAM.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

- SEC. 1:** That the Mayor is hereby authorized and directed to advertise for competitive bids and to award a contract to the successful bidder for the 2020 Concrete Street Repair Program in accordance with specifications on file in the office of the Mayor.
- SEC. 2:** That the estimated cost of the contract, in the amount of \$500,000, is available as follows: \$475,000 in Account No. 108-0610-54411 and \$25,000 in Account No. 513-0533-54414.
- SEC. 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 the law.
- SEC. 4:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor