

**CITY OF MEDINA  
AGENDA FOR CITY COUNCIL MEETING**

June 8, 2020  
Medina City Hall  
7:30 p.m.

**\*\*REMOTE TELECONFERENCE MEETING\*\***

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\*\*NOTE: The Monday, June 8, 2020 meeting of the Medina City Council will be conducted as a remote meeting, pursuant to H.B. #197. Instructions to view attached.

**Call to Order.**

**Roll Call.**

**Reading of minutes.** (May 26, 2020)

**Reports of standing committees.**

**Requests for council action.**

**Reports of municipal officers.**

**Notices, communications and petitions.**

**Unfinished business.**

**Introduction of visitors.**  
(speakers limited to 5 min.)

**Introduction and consideration of ordinances and resolutions.**

Motion to suspend the Rules requiring three readings on the following ordinances and resolutions:  
Ord. 106-20, Res. 107-20, Res. 108-20, Res. 109-20, Ord. 110-20, Res. 111-20, Res. 112-20, Ord. 113-20

Ord. 106-20

An Ordinance of the Council of the City of Medina, Ohio, certifying that when a municipal obligation was incurred sums were lawfully appropriated in the funds to satisfy the obligation and sufficient sums currently exist to satisfy this obligation.

(emergency clause requested)

Res. 107-20

A Resolution accepting the grant award from the Ohio Law Enforcement Body Armor Program to purchase body armor vests for the Medina Municipal Court.

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Res. 108-20

A Resolution authorizing the Mayor to file an application for grant assistance with the Ohio Criminal Justice Service for reimbursement for COVID-19 associated expenses for the Medina Police Department.

Res. 109-20

A Resolution accepting the donation from Spray Products of hand sanitizer to the City of Medina.

Ord. 110-20

An Ordinance authorizing the Job Creation Grant Agreement for Miller Plating, LLC.

Res. 111-20

A Resolution donating a 2013 Ford Explorer to the Medina County Career Center Criminal Justice Program.

Res. 112-20

A Resolution directing owners to drain Lindenwood Lake, repair the Lindenwood Lake Dam and remove obstructions, silt and substances as would create a nuisance.  
(emergency clause requested)

Ord. 113-20

An Ordinance amending Ordinance No. 187-19, passed November 25, 2019. (Amendments to 2020 Budget)

**Council comments.**

**Adjournment.**

## STEPS TO WATCH CITY COUNCIL MEETINGS FROM HOME:

1. Go to Facebook <https://www.facebook.com/MedinaTV>
2. The meeting will not appear until we go live – if you log in early please be patient
3. Watch meeting
4. If you are logged into Facebook you can then ask a question in the comment section.
5. You may also email questions or comments to [jfry@medinabees.org](mailto:jfry@medinabees.org)
6. Questions or comments on agenda items may also be emailed ahead of time to Clerk of Council Kathy Patton at [kpatton@medinaoh.org](mailto:kpatton@medinaoh.org) by 4:00 p.m. the day of the meeting.
7. If you do not have a Facebook or email account, you can only watch the meeting
8. The meetings will also be televised live on MedinaTV Channel 37
9. Replays will then be available on the City's YouTube page <https://www.youtube.com/cityofmedina>
10. Replays will then be available on Channel 37 on Armstrong Cable
11. Facebook will also offer on demand replays once the live feed has finished broadcasting.

MEDINA CITY COUNCIL  
Tuesday, May 26, 2020

**\*\*REMOTE TELECONFERENCE MEETING\*\***

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**\*\*NOTE:** The May 26th, 2020 meeting of the Medina City Council was conducted as a remote meeting, pursuant to H.B. #197.

**Call to Order:**

Medina City Council met in remote session on Tuesday, May 26, 2020. The meeting was called to order at 7:30 p.m. by President of Council John Coyne who led in the Pledge of Allegiance.

President Coyne explained they are trying something new due to the Coronavirus pandemic and are asking members to communicate with them via Facebook or email for questions you may have rather than attend the meetings for your safety and ours.

**Roll Call:**

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

Also present were the following members of the Administration: Mayor Dennis Hanwell, Keith Dirham, Greg Huber, Patrick Patton, Nino Piccoli, Chief Kinney, Kimberly Marshall, Mike Wright, Kathy Patton, Janson Wehrley, and Jonathan Mendel.

**Minutes:**

Mr. Shields moved that the minutes from the regular meeting on May 11, 2020 as prepared and submitted by the Clerk be approved. The roll was called and the motion passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and E. Heffinger.

**Reports of Standing Committees:**

Finance Committee: Mr. Coyne stated they met prior to this evenings Council Meeting and will meet again in two weeks.

Health, Safety & Sanitation Committee: Mr. Simpson stated he attended via teleconference the LST Advisory Board meeting last Thursday and everything is running smoothly.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report.

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

Water & Utilities Committee: Mrs. Hazeltine had no report.

Emerging Technologies Committee: Mr. Rose had no report.

**Requests for Council Action:**

**Finance Committee**

- 20-109-5/26 – Budget Amendments
- 20-110-5/26 – Modified Grant Contract - Project #1063: Remark Airfield
- 20-111-5/26 – Grant Application – Ohio Criminal Justice Service – Police Dept.
- 20-112-5/26 – Accept Grant – Body Armor Program – Municipal Court
- 20-113-5/26 – Accept Donation of Hand Sanitizer from Spray Products
- 20-114-5/26 – Memorandum of Understanding w/ Teamsters Local 436
- 20-115-5/26 – Expenditure – Litman, Inc. – Decorative Lights for S. Elmwood Bridge
- 20-116-5/26 – Job Creation Grant – Miller Plating, LLC
- 20-117-5/26 – Job Creation Grant – Carlisle Brake & Friction, Inc.
- 20-118-5/26 – MCRC Temporary Age Restriction Change
- 20-119-5/26 – Discussion – Opening of Municipal Pool
- 20-120-5/26 – Expenditure Over \$15,000 – Color Renovation – Uptown Park
- 20-121-5/26 – Vehicle Donation to Medina County Career Center – Police Dept.
- 20-122-5/26 – Lindenwood Lake Dam – Draft Legislation

**Reports of Municipal Officers:**

**Dennis Hanwell, Mayor,**

- A. **Covid-19-** City Hall will have limited access effective immediately. Appointments will be required to meet with staff. Any items that may be submitted electronically or mailed are preferred. We will have a box or bin in vestibules at both entrances to leave mail for any city department. We will distribute. Also have utility drops at Medina Municipal Court lot. All staff & visitors are encouraged to wear masks in common areas.
  - a. Hair Salons and Barber Shops may open May 15
  - b. Restaurants may provide outside dining May 15
  - c. Restaurants may provide indoor dining May 21
  - d. All above require proper social distancing, disinfecting, and limited capacity
  - e. Working with Brunswick, Wadsworth and Medina County on coordinated opening up of public buildings either late May or early June
  
- B. **New Parking Deck/TIF-** The new parking deck being erected was supplemented by a \$1m capital grant from the State of Ohio due to historical downtown and numerous events and activities that draw visitors from broad region. The deck costs about \$3.8m, so the city is loaning or fronting the remaining \$2.8m. The city established a Tax Increment Finance District for areas adjacent and surrounding parking deck. West upper floor of parking deck was poured with concrete. Eastern side was poured on Wednesday, May 20, 2020. Project will last until near end of June.
  
- C. Please complete the U.S. Census. It is important that all residents are counted. We qualify for state and federal grants based on the reporting.

- D. **S. Broadway-** between Grant and Lafayette Rd. closed for reconstruction- partially grant funded.
- E. **Center Block Crosswalks-** bid awarded 5/26/2020
- F. **Sidewalk Repair Program-** bids awarded 5/26/2020
- G. **EMS appreciation week-** May 17-23. Appreciate all LST does for city, Medina Township and Montville Township!
- H. **The original Medina Square Farmers Market** will open its 15<sup>th</sup> season on the Medina Square on June 6<sup>th</sup>, and will run through October 17<sup>th</sup>. The market will be open from 8-9 a.m. for guests over 59, and immune compromised shoppers, and from 9 a.m. to 1 p.m. for regular shoppers. (optional: The market is presented in partnership with the City of Medina, and sponsored by Cleveland Clinic Medina Hospital)  
Due to social distancing requirements and concerns for the safety of guests and vendors, the market has been reduced to roughly 20 full time vendors, and another 6-8 part time vendors. A full selection of products will be offered.

For more information, and to see customer shopping guidelines, please visit [medinafarmersmarket.com](http://medinafarmersmarket.com), or Medina Farmers Market on Facebook.

**Keith Dirham, Finance Director**, stated he sent a report to Council on the delinquent water accounts and surprisingly it's not any worse than it normally is even though we are currently not doing any shut offs. Keith reminded the public that the income tax deadline has been pushed back to July 15<sup>th</sup> to match with the state and federal.

**Greg Huber, Law Director**, had no report.

**Chief Kinney, Police Department**, had no report.

**Kimberly Marshall, Economic Development Director**, was absent.

**Jonathan Mendel, Planning Community Director**, had no report.

**Chief Painter, Fire Department**, was absent.

**Mike Wright, Rec. Center Director** reported that the Rec Center will be opening back up June 1<sup>st</sup>, 2020 with limited hours. The new hours will be Monday through Friday 7 a.m. to 7 p.m., Saturday and Sunday 10 a.m. to 6 p.m.. The new occupancy limit for the building will be set at 100 for the first two weeks and will be members only. Due to the limited numbers of patrons that can be in the building and only certain areas that will be open, their age restriction for entry will be 16 yrs. old and over for the facility. Due to the 2 ½ month closure as a courtesy, they will be extending all active memberships 3 ½ months since they know so many members will not be able to attend in June due to the restrictions. For more information go to their website at [www.medinarec.org](http://www.medinarec.org) and you can see the list of areas that will be open on June 1<sup>st</sup> and procedures for entries. Mike thanked Medina TV for putting together a video for them on the reopening procedures and regulations and that will be available for viewing in the next few days.

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**Jansen Wehrley, Parks and Recreation Director**, was absent.

**Dan Gladish, Building Official**, was absent.

**Patrick Patton, City Engineer**, notified the public that during the next week or so the Medina County Sanitary Engineers has a project where they will be relining some sanitary sewers in town that will require a partial lane closure on Weymouth Rd. in the area of Woodland Dr. They will have flaggers and cones all set up when there is a lane closure and it will only be during the day.

**Nino Piccoli, Service Director**, had no report.

**Notices and petitions:**

There were none.

**Unfinished Business:**

There was none.

**Introduction of Visitors:**

President Coyne read the following emails received into the record:

**Pat Walker** resides at 523 E. Friendship, Medina OH 44256. For the Courthouse shown in the April plans the City's share is at least \$10.7 million. Before the City and the County spend all that taxpayer money and demolish the iconic white-columned 1969 Courthouse, the voters of the City of Medina have the opportunity to put the Courthouse issue on the November ballot for a vote by the people. From 1 to 4 p.m. on Saturdays and Sundays and from 5-7 p.m. on Thursday evenings all of May and June there will be a social distance drive-thru for City of Medina voters to sign the Petition to put the Courthouse issue on the ballot. This initiative will give citizens of Medina a say before more than \$60 million is spent and the iconic 1969 Courthouse is demolished. The drive-thru is at 231 South Broadway across from Garfield Elementary. Look for the "Sign Courthouse Petition Here" signs. Any citizens who have questions or who want to help gather signatures, please call 330-722-5567. Thank you for reading my public comment.

**Ralph Jocke**, resides at 523 East Friendship, Medina OH 44256

Understands that Brandstetter Carroll will be presenting new Courthouse plans and estimated costs today.

As we have discussed, the current Medina County Courthouse has asbestos insulation and fireproofing.

The current Gilbane agreement explicitly relieves Gilbane of responsibility for the cost of asbestos removal and disposal (hazardous materials) as well as any related costs of associated delays.

Have you been successful in having Brandstetter Carroll include asbestos removal and disposal in their costs estimates

Of course, even if these costs are included in the estimates, Gilbane will not be responsible for such costs without a Contract amendment.

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Please stay on top of this issue to protect the interests of Medina's citizens. Please consider this to be a public comment to be presented at the next Medina City Council meeting. I hope that you and your family remain healthy and safe.

Mr. Coyne stated he did speak with Nancy the architect at Brandstetter & Carroll and she stated the asbestos cost will be included in the cost of the demolition of the building. It's not a hidden cost and we will be told of the cost before it is done.

**Introduction and Consideration of Ordinances and Resolutions:**

Motion to suspend the Rules requiring three readings on the following ordinances and resolutions Ord. 95-20, Res. 96-20, Res. 97-20, Ord. 98-20, Res. 99-20, Ord. 100-20, Ord. 101-20, Ord. 102-20, Ord. 103-20, Res. 104-20 & Ord. 105-20. The roll was called and the motion to suspend passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

**Ord. 095-20:**

**An Ordinance authorizing the expenditure to Technology Engineering Group, LLC for the Server Refresh Project for the Medina Municipal Court.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 095-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 095-20, seconded by Mr. Simpson. Mr. Coyne stated this was discussed in the last finance meeting and they need to pay the amount of money that is associated with the project. Mr. Rose added that is going to improve the backup solutions they have and give them a cloud base backup solution as well as a local base backup solution and along with improving the reliability of the service in question and should last about 10 years. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 095-20 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

**Res. 096-20:**

**A Resolution accepting the grant award from the Ohio Law Enforcement Body Armor Program to purchase body armor vests for the Police Department.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 096-20, seconded by Mr. Simpson. Chief Kinney stated this is their grant award for the Ohio Law Enforcement Body Armor that they participate in. The roll was called and Ordinance/Resolution No. 096-20 passed by the yea votes of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson.

**Res. 097-20:**

**A Resolution authorizing the Ohio Regional Development Corporation on behalf of the City of Medina, Ohio to file an application for grant assistance from the Ohio Department of Development for a PY20 Community Housing Improvement Program (CHIP) Grant.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 097-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 097-20, seconded by Mr. Simpson. Mr. Mendel stated this is the next round for applying for the Community Housing Improvement and Preservation Grant program through the State of Ohio. 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, J. Coyne, and J. Hazeltine. The roll was called and Ordinance/Resolution No. 097-20 passed by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Ord. 098-20:**

**An Ordinance authorizing the Mayor to enter into a Professional Services Agreement with Euthenics, Inc. for the Gates Mills Bridge Replacement Project.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 098-20, seconded by Mr. Simpson. Mr. Patton stated they received the grant and now would select the consultant to do the plans for that and went through the required consultant selection process and determined that Euthenics Inc. from Strongsville is the most qualified and recommends them to award the contract. The roll was called and Ordinance/Resolution No. 098-20 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and E. Heffinger.

**Res. 099-20:**

**A Resolution authorizing an application for grant assistance from the U.S. Department of Justice for the Bulletproof Vest Partnership Program of 2020.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 099-20, seconded by Mr. Simpson. Chief Kinney stated this is the Federal version of their Body Armor Vest Program. The roll was called and Ordinance/Resolution No. 099-20 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

**Ord. 100-20:**

**An Ordinance authorizing the purchase of one (1) 2020 F350 Four Wheel Drive truck with a Utility Service Body from Montrose Ford for the Water Department.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 100-20, seconded by Mr. Simpson. Mr. Piccoli stated this vehicle will replace a 2006 truck that will go to the auction if they receive the new truck by that time. The roll was called and Ordinance/Resolution No. 100-20 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

**Ord. 101-20:**

**An Ordinance rezoning 205 S. Prospect Street from R-3, High Density Urban Residential to P-F, Public Facilities.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 101-20, seconded by Mr. Simpson. Mr. Mendel stated this is a rezoning request by the Medina Co. Historical Society. This was recommended by the Planning Commission. The roll was called and Ordinance/Resolution No. 101-20 passed by the yea votes of D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

**Ord. 102-20:**

**An Ordinance amending and replacing Sections 31.01 through 31.21 of the Salaries and Benefits Code of the City of Medina, Ohio relative to employees not covered under current union contracts.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 102-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 102-20, seconded by Mr. Simpson. Mayor Hanwell stated they

negotiated with the teamsters unions and the police unions and this ordinance takes those negotiated benefits and passing it onto the non-union members of the city. Emergency clause is needed to try and limit the amount of time remaining for the finance department to pay the wages back to January 1<sup>st</sup> as well as catch up on the retirement program. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 102-20 passed by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Ord. 103-20:**

**An Ordinance amending Ordinance No. 187-19, passed November 25, 2019. (Amendments to 2020 Budget)** Mr. Shields moved for the adoption of Ordinance/Resolution No. 103-20, seconded by Mr. Simpson. Mr. Dirham stated these are reductions to the budget that grew out of the budget meeting we had on May 13<sup>th</sup>. The roll was called and Ordinance/Resolution No. 103-20 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

**Res. 104-20:**

**A Resolution approving the amended Grant Contract with the Ohio Department of Transportation Office of Aviation for the Medina Municipal Airport, Remark Airfield Project, and repealing Resolution No. 21-20, passed January 27<sup>th</sup>, 2020.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 104-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 104-20, seconded by Mr. Simpson. Mr. Patton stated this was discussed in the Finance Committee and he appreciates it being brought to council all in the same day. They were notified last week by ODOT Office of Aviation that they were modifying our grant that was previously awarded for the Remark Airfield project. This is due to a statewide budget shortfall due to the coronavirus, in essence they agreed to reimburse us for all of our expenses to date, and to date that amount is \$51,000.00. The catch with this grant is they wanted this returned approved by June 1<sup>st</sup> which requires us to come to finance and council with the emergency clause. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb. The roll was called and Ordinance/Resolution No. 104-20 passed by the yea votes of D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

**Ord. 105-20:**

**An Ordinance authorizing the Mayor to execute a Memorandum of Understanding with the International Brotherhood of Teamsters, Local 436 pertaining to employee healthcare premium contributions.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 105-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 105-20, seconded by Mr. Simpson. Mayor Hanwell stated that the city negotiated with the teamsters and settled their contract before we had the opportunity to come to a resolution with our three police contracts and as a results it is easier for our finance department to do the change and healthcare contributions all at the same date verses different dates for different groups so they reached out to the teamsters to ask if they would be willing to sign a memorandum of understanding for the contract that they already passed moving their increase in healthcare

premium contributions from February 1, 2020 to April 1, 2020 and they were acceptable to that because it saves their members a little bit of money. The sooner we can get this passed the sooner the healthcare contributions can be assessed to the employees and avoid further delays. The roll was called on adding the emergency clause and was approved by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 105-20 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

**Council Comments:**

Mr. Heffinger wanted to speak on facial masks because recently they have become quite a bit of debate recently and as he goes around town he sees a lot of people wearing them and some not. When he was in High School and 16 years old he had leukemia with over 6 ½ years of chemo in his life. There were many times in his life where he was quarantined to his bedroom because a family member was sick. He brings this up because we really don't know what the people around us are going through, especially when we are out shopping or out in the community. So when he sees all these people not wearing masks because it's their freedom he questions that because what are they potentially doing to someone else. Everywhere we go we leave a little bit of our trail a little bit of ourselves especially when we speak. Germs don't care about your political agenda. It's going to affect those people that are compromised, and that necessarily does not mean just the older people. You don't really know who is compromised or not. He asks that those people realize because they don't know to please wear their masks. The second point on wearing masks that he wants to bring up is that our small businesses here in town are hurting badly, they've already had to shut down for longer periods than they thought with no income now they are reopening and they have a percentage of their income coming into them.

If you as an individual refuse to wear your mask there is a solid group of people out there, at least 25% of people at minimum that will worry about their safety first and won't go into those stores or restaurants because they see people without masks and know that can jeopardize them, their safety is at risk. You are keeping people away by not wearing your mask, our small businesses need all the customers they can possibly get.

Eric asked Medina, and everyone around here to please wear a face mask when you go out. You are not losing your civil liberty at all. Yes it's annoying to wear especially when wearing glasses. Just take the time to consider what you don't know about people and take the time to consider that these small businesses need not just your help but they need everybody else in this community to come back and put their money into them.

Mr. Simpson agreed with Eric that it's important to wear masks when out in public and be kind to One another. Look out for one another, your neighbors and others that are less fortunate than you.

Mr. Rose echoed the councilmen's comments. Remember to stay safe as we open up this economy, as he drove through the square the other day it was a good feeling to see a lot of cars on the square and seeing people out. He spoke of Memorial Day and thanked every Gold Star family for their sacrifices.

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Jess Hazeltine agreed with previous council comments and reminded the public about Coffee With Jess & Bill on Thursday at 10:30 a.m. This week they will have on Kip Erwin he is the director at the Recovery Center of Medina County and also serves as the manager at Serenity Restaurant and he will be discussing some of the reopening procedures for a restaurant and touch on the recovery resources available in our community.

Mr. Shields appreciated Mr. Heffinger's comments. Jim also thanked Medina TV for all their help. He enjoyed watching the Medina High School graduation video. A special thank you because every year the Mayor and he have the third graders come here to City Hall and it was really sad not to have them here in person but thanks to the miracle and magic of Medina TV, Jarrod put together a tour that we do in person here normally, he did all in green screen and every third grader got to suffer through listening to the mayor and I talking about city government. We are so lucky to have Medina TV.

Mr. Coyne expressed to everyone to be safe and stay healthy.

**Adjournment:**

There being no further business before Council, the meeting adjourned at 8:37 p.m.

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Kathy Patton, Clerk of Council

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John M. Coyne, President of Council

**ORDINANCE NO. 106-20**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MEDINA, OHIO, CERTIFYING THAT WHEN A MUNICIPAL OBLIGATION WAS INCURRED SUMS WERE LAWFULLY APPROPRIATED IN THE FUNDS TO SATISFY THE OBLIGATION AND SUFFICIENT SUMS CURRENTLY EXIST TO SATISFY THIS OBLIGATION, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Certain certifications are necessary for the continued operations of Municipal Services; and

**WHEREAS:** This Ordinance will provide for the efficient and lawful certifications to provide Municipal Services as required by Ohio Revised Code Section 5705.41(D); and

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

**SEC. 1:** 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. 2:** That the Finance Director is authorized to draw warrants for the payment of Invoice #30159 to Pioneer Technology Group for 2019 Benchmark services for the Medina Municipal Court.

**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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason because of the immediate need for the authorization of expenditures, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**President of Council**

**ATTEST:** \_\_\_\_\_  
**Clerk of Council**

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**Mayor**

**RESOLUTION NO. 107-20**

**A RESOLUTION ACCEPTING THE GRANT AWARD FROM THE OHIO LAW ENFORCEMENT BODY ARMOR PROGRAM TO PURCHASE BODY ARMOR VESTS FOR THE MEDINA MUNICIPAL COURT.**

**WHEREAS:** The Ohio Attorney General’s Office and the Ohio Bureau of Workers’ Compensation have created the new Ohio Law Enforcement Body Armor Program to help Ohio’s local law enforcement entities to purchase body armor vests; and

**WHEREAS:** The Medina Municipal Court has been awarded \$4,272.75 for vest expenditures through this program.

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

**SEC. 1:** That the grant award from the Ohio Law Enforcement Body Armor Program in the amount of \$4,272.75 is hereby accepted to fund body armor vest expenditures for the Medina Municipal Court.

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

**SEC. 3:** That this Resolution 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**

**RESOLUTION NO. 108-20**

**A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR GRANT ASSISTANCE WITH THE OHIO CRIMINAL JUSTICE SERVICE FOR REIMBURSEMENT FOR COVID-19 ASSOCIATED EXPENSES FOR THE MEDINA POLICE DEPARTMENT.**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

**SEC. 1:** That the Mayor is hereby authorized and directed to file an application with the Ohio Criminal Justice Service for reimbursement for COVID-19 associated expenses related to personnel, equipment and supplies for the Medina Police Department.

**SEC. 2:** That if the Grant is awarded to the City, the Mayor is authorized to accept the grant and complete all documentation necessary for the implementation and administration of the grant.

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

**SEC. 4:** That this Resolution 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**

**RESOLUTION NO. 109-20**

**A RESOLUTION ACCEPTING THE DONATION FROM  
SPRAY PRODUCTS OF HAND SANITIZER TO THE CITY  
OF MEDINA.**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

- SEC. 1:** That the City of Medina hereby accepts the donation from Spray Products of hand sanitizer valued at \$1,560.00 and thanks them for their assistance during the COVID-19 pandemic.
- SEC. 2:** That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 the law.
- SEC. 3:** That this Resolution 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**

**ORDINANCE NO. 110-20**

**AN ORDINANCE AUTHORIZING THE JOB CREATION GRANT AGREEMENT FOR MILLER PLATING, LLC.**

**WHEREAS:** Ordinance No. 154-07, passed September 24, 2007, adopted a Job Creation Grant Program for the City of Medina, Ohio to provide incentives to businesses to retain, create and expand employment opportunities within the City of Medina without utilizing tax revenues or impacting negatively upon the local school system; and

**WHEREAS:** Ordinance No. 194-14, passed November 24, 2014, adopted new guidelines effective December 24, 2014; and

**WHEREAS:** As part of said Job Creation Grant Program, a Business Development Committee was established to review applications and annually review each approved grant for adherence to their grant agreement; and

**WHEREAS:** The Business Development Committee recommended the attached grant agreement for Miller Plating, LLC.

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

**SEC. 1:** That the Job Creation Grant Agreement #JCG20 for Miller Plating, LLC is hereby authorized.

**SEC. 2:** That the Mayor is hereby authorized to execute all documentation associated with the Grant.

**SEC. 3:** That a copy of the Job Creation Grant Agreement is marked Exhibit A, attached hereto and incorporated herein.

**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:** \_\_\_\_\_  
**Clerk of Council**

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**Mayor**

PLEASE REVIEW THE EMPLOYMENT AND PAYROLL NUMBERS FOR CONSISTENCY WITH YOUR APPLICATION FORM. THESE NUMBERS WILL BECOME YOUR COMPANY'S COMMITMENT TO THE CITY OF MEDINA.

ORD. 110-20  
EXH. A

EXHIBIT A

GRANT# JCG20-Miller Plating, LLC20  
(Administrative Only)

JOB CREATION GRANT AGREEMENT

This Agreement made and entered into by and between the CITY OF MEDINA, OHIO, a municipal corporation, with its main offices located at 132 North Elmwood Avenue, Medina, Ohio 44256 (hereinafter referred to as "Medina") and Miller Plating, LLC with its main offices located at 15 Cindy Lane, Ocean Twp, New Jersey, 07712 (hereinafter referred to as "Company), and is dated as of \_\_\_\_\_.

WITNESSETH:

WHEREAS, Medina has encouraged the creation and retention of new job opportunities throughout the City of Medina; and

WHEREAS, Miller Plating, LLC is desirous of locating in the City of Medina and will be purchasing the property located at 940 Lafayette Road, Medina, Ohio to create 35 new full time employment opportunities (hereinafter sometimes referred to as the "PROJECT") within the boundaries of the City of Medina, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Medina, Ohio by Ordinance No. 154-07 adopted September 25, 2007 created the Job Creation Grant Program pursuant to Article XVIII, Section 3 and Article VIII, Section 13 of the Ohio Constitution; and

WHEREAS, the City of Medina, having the appropriate authority for the stated type of program, is desirous of providing Miller Plating, LLC with incentives available for the development of the PROJECT; and

WHEREAS, Miller Plating, LLC has submitted a proposed Agreement application (herein attached as Exhibit A1) to the City of Medina (said application hereinafter referred to as "Application"); and

WHEREAS, Miller Plating, LLC has remitted the required application fee of \$ 500.00 made payable to the City of Medina; and

WHEREAS, the Business Development Committee of the City of Medina has investigated the application of Miller Plating, LLC and has recommended the same to Medina City Council on the basis that Miller Plating, LLC is qualified by financial responsibility and business experience to create employment opportunities in the City of Medina and improve the economic climate of Medina; and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Description of the Project.

- A. Miller Plating, LLC shall purchase the property at 930-940 Lafayette Rd., and the assets of the former Medina Plating Plant 1, clean-up, repair/rejuvenate equipment, and install new equipment in Medina, Ohio 44256.

2. Project Investment.

- A. The PROJECT will involve a total investment, plus or minus 10%, by the Property Owner of \$617,000(dollars) the PROJECT.

- B. The PROJECT will involve a total investment, plus or minus 10%, by Miller Plating, LLC as follows:

1. Land and Acquisition of Buildings	\$	140,000.00
2. New Machinery and Equipment	\$	150,000.00
3. New Furniture & Fixtures	\$	150,000.00
4. Facility improvements	\$	75,000.00
5. Inventory	\$	10,000.00
6. Improvements to Existing Buildings	\$	75,000.00
7. IT Costs/Training Costs	\$	<u>92,000.00</u>
TOTAL	\$	617,000.00

- C. Purchase of the facility and improvements will begin approximately December, 2019 and will be completed approximately July 1, 2020.

3. Job Creation and Retention.

- A. Miller Plating, LLC shall create in the City of Medina within a time period not exceeding 36 months after the occupation of the aforesaid facility, the equivalent of 35 new full-time permanent job opportunities in the City of Medina.

- 1) Miller Plating, LLC schedule for hiring permanent full time employees is as follows:

<u>Year</u>	<u>Number of Jobs New to Medina</u>
1	8
2	12
3	<u>15</u>
	35 TOTAL

- B. The job creation period begins approximately July 1, 2020 and all jobs will be in place by July 1, 2023.
- C. The Company currently has 0 employees at the project site. The Company currently has 0 employees in the City of Medina. In total, the Company has 0 full-time permanent employees in the State of Ohio.
- D. The increase in the number of employees new to the City of Medina will result in approximately **\$1,140,000.00** of additional annual payroll in the City of Medina when the projected maximum employment level is achieved.
- E. The retention of the existing jobs in Medina will maintain the current annual payroll in Medina of \$ 0.

4. Issuance of Grant.

- A. The City of Medina hereby grants a Job Creation Grant based upon the creation of new payroll and jobs in the City of Medina, and the implementation of the PROJECT, according to the schedules contained herein in Section 4(C).

<u>Years</u>	<u>Amount of Grant as a Percentage Payroll Taxes New to Medina</u>
4	40%

Funding for the grant issued herein shall only be from the following non-tax revenue sources: interest income, permit fees, activity fees, service charges, and tax incentive application and monitoring fees.

- B. For purposes of calculating the amount of the grant, the new payroll upon which the grant is based may not exceed 25% above the maximum payroll projected in Section 3(D) above. The grant amount shall be based on the current 1.25% income tax rate. The maximum grant amount in any year shall be **\$7,125.00. (maximum NEW PAYROLL projection x 125% X 1.25% x 40% of grant)**
- C. To receive a grant in any given year, Miller Plating, LLC must retain full time permanent jobs existing in Medina prior to the Agreement.

- (1) If Miller Plating, LLC does not achieve at least 90% of new payroll projections, Miller Plating, LLC shall receive reduced incentives according to the schedule below:

<u>% of New Payroll Projection Achieved</u>	<u>Amount of Grant as a Percentage of Payroll Taxes New to Medina</u>
90-100%	full grant
85-89%	reduce grant by 5% (Ex.: 40% grant reduced to 35%)
80-84%	reduce grant by 10% (Ex.: 40% grant reduced to 30%)
75-79%	reduce grant by 15%
Less than 75%	no grant for that year; and

- (2) If Miller Plating, LLC fails to meet 75% of new payroll or new employment projections in any given year, the grant shall not be awarded for that year.

- (3) New payroll is defined as that amount in excess of the amount in Section 3(E) above.

## 5. Grant Payments.

### A. Initial Grant Payment.

- (1) Year 3 projections must be met by July 1, 2023. The initial grant payment shall be made by approximately July 1, 2024 (following year), provided that Miller Plating, LLC files its Reconciliation of City Income Tax Withheld Form S-W3 by February 28, 2024, and reconciliation is confirmed by the City of Medina Finance Department.
- (2) If the project start or occupancy of the project facility is delayed, Year 1 may be extended to the following year and the Year 1 projections deadline adjusted accordingly, upon written request by Miller Plating, LLC to the Economic Development Director, provided that the extension is approved by the Economic Development Director with notice to the Business Development Committee.
- (3) If the project or occupancy of a project facility begins in the third or fourth quarter of the year and Miller Plating, LLC is not able to meet its Year 1 projections by December 31<sup>st</sup> of that year, Year 1 will be considered the first full year of occupancy, and the first grant payment

will occur in the year following the first full year of the project or occupancy of the project facility.

- B. Timing of Annual Grant Payments. Annual grant payments shall be made by June 30<sup>th</sup> of the following year, provided that Miller Plating, LLC files its Reconciliation of City Income Tax Withheld Form S-W3 by February 28<sup>th</sup> and reconciliation is confirmed by the City of Medina Finance Department. If Miller Plating, LLC requests an extension for filing of its S-W3 form, the City of Medina shall make the grant payment within three months of the extended filing date. It is the responsibility of Miller Plating, LLC to advise the Economic Development Director of the filing extension.
  - C. Use of Grant Payments. Grants shall be allocated by Miller Plating, LLC for land acquisition, building acquisition, purchase of machinery/equipment, purchase of furniture/fixtures, and/or other non-construction related and non-installation related costs of the project.
6. Payment of Taxes and Filing Reports and Returns. Miller Plating, LLC shall pay all taxes and shall file all tax reports and returns as required by law. If Miller Plating, LLC fails to pay such taxes or file such returns and reports, all incentives granted under this Agreement are terminated beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
7. Information for Annual Review. Miller Plating, LLC shall timely provide to the City of Medina any information reasonably required by the City of Medina to evaluate Miller Plating, LLC's compliance with the Agreement.
8. Maintenance of Grant.
  - A. Medina shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain incentives granted under this Agreement including, without limitation, joining in the execution of all documentation and providing necessary information to maintain the incentives granted hereunder.
  - B. If for any reason the Job Creation Grant Program is discontinued, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless Miller Plating, LLC materially fails to fulfill its obligations under this Agreement and Medina terminates or modifies the incentives granted under this Agreement.
9. Certification as to Payment of Taxes. Miller Plating, LLC certifies that at the time this Agreement is executed, Miller Plating, LLC does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which Miller Plating, LLC is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or, if such delinquent taxes are owed, Miller Plating, LLC currently is paying the delinquent

taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against **Miller Plating, LLC**. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

10. **Non-Discrimination Hiring**. Medina has developed a policy to ensure recipients of Job Creation Grants practice non-discriminatory hiring in its operations. By executing this Agreement, **Miller Plating, LLC** is committing to following non-discriminatory hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

11. **Transfer and Assignment**. This Agreement is not transferable or assignable without the express, written approval of Medina. The City of Medina acknowledges that it would be unreasonable to withhold such consent in the event of a proposed transfer or assignment to any parent, subsidiary or affiliate of **Miller Plating, LLC** or to any third party so long as with respect to all or any of such proposed transfers or assignments, the proposed transferee or assignee adequately and sufficiently demonstrates to the City of Medina, to the City of Medina's reasonable satisfaction, its financial ability, business experience and intentions to continue its operations of the Facility and Project in a manner similar to that of **Miller Plating, LLC** in all pertinent respects.

12. **Termination or Modification of Incentives**.

- A. If **Miller Plating, LLC** fails to meet 75% of new payroll or new employment projections in any given year, the grant shall not be awarded for that year.
- B. If **Miller Plating, LLC** fails to meet 75% of new payroll or new employment projections for three consecutive years, this Agreement shall be terminated by the City of Medina.
- C. If the project does not proceed as specified in Section 5(A)(1) of the Agreement or within the approved one year extension period, the City of Medina may terminate the Agreement upon recommendation of the Business Development Committee.
- D. If **Miller Plating, LLC** fails to submit required information and/or reports as set forth in Section 7 above, the City of Medina may terminate or modify this Agreement and deny or modify future grants heretofore granted from the date of **Miller Plating, LLC's** breach or default.

In the case as provided in this Subsection D, the City of Medina's termination or modification of this Agreement may be instituted only if **Miller Plating, LLC**

fails to cure any breach of any term of this Agreement as determined by the City of Medina within ten (10) days of receiving written notice of such failure from the City of Medina or, if cure of the breach cannot be completed within ten (10) days, if Miller Plating, LLC has not made a good faith start of the cure, and/or not diligently pursued same.

- E. Nothing contained in Sections 12(A), 12(B), 12(C), or 12(D) shall permit the City of Medina to recapture or otherwise deny Miller Plating, LLC the benefit of a grant in respect of any period prior to the date of such termination or modification by the City of Medina.
- F. The City of Medina may terminate or modify this Agreement and may also require the repayment of the full amount of grant payments awarded under this Agreement, upon the occurrence of any of the following:
  - 1) the City of Medina determines that the certification as to delinquent taxes required by this Agreement is fraudulent, or
  - 2) In the event that Miller Plating, LLC vacates the Facility and/or moves the Project out of the City of Medina or terminates its operations at the Facility altogether during a 7 (numeral) year period beginning on the effective date of this Agreement.

The City of Medina may, absent any legislative action, resolution or court ordered mandate to the contrary, collect any and all grant payments awarded under this Agreement, and Miller Plating, LLC shall pay directly to the City of Medina or its authorized agent any and all grant payments awarded under this Agreement due on the date Miller Plating, LLC moves the Project out of the City of Medina or terminates its operations at the Facility altogether during the 7 year period beginning on the effective date of this Agreement; or within ten (10) days from the date Miller Plating, LLC is notified by the City of Medina that any tax certification is fraudulent.

- G. Miller Plating, LLC or successor entity shall promptly notify the City of Medina if any of the following events occur:
  - (i) If control of Miller Plating, LLC or substantially all of its assets located at the Project site is obtained by another entity or shareholders or
  - (ii) If Miller Plating, LLC merges with another entity or
  - (iii) If Miller Plating, LLC substantially restructures itself through an acquisition or divestiture or otherwise

and if any of these events affects the ability of Miller Plating, LLC or its successor entity to perform substantially the obligations of Miller Plating, LLC under this Agreement and to meet the employment and payroll projections anticipated herein. "Control of Miller Plating, LLC" for the purposes of this

subsection means that persons and/or entities owning the majority of Company's outstanding voting stock at the date of this Agreement cease to own such or cease to have the unconditional right to elect a majority of Miller Plating, LLC's board of directors.

- H. Each provision for modification or termination hereunder shall not affect Miller Plating, LLC's obligations or the City of Medina's rights under any other provision of this Agreement.
13. Fees. Miller Plating, LLC shall pay an annual fee of \$ 500 (five hundred dollars) in each year that Miller Plating, LLC has a grant agreement in effect upon notification that such payment is due. The proceeds will be used to defray costs of program administration and to help fund the program.
14. Any notices, statements, acknowledgements, consent approvals, certificates, or requests required to be given on behalf of either party shall be made in writing addressed as follows:

If to the City to: Dennis Hanwell, Mayor  
Medina City Hall  
132 N. Elmwood Avenue  
Medina, Ohio 44256

With a copy to: Director of Law- City of Medina  
Gregory Huber  
Medina City Hall  
132 N. Elmwood Avenue  
Medina, Ohio 44256

If to \_\_\_\_\_ to:

Miller Plating, LLC  
\_\_\_\_\_  
15 Cindy Lane  
Ocean Twp, NJ 07712

or such other address as may be noticed.

15. Condition Precedent. Miller Plating, LLC and Medina acknowledge that this Agreement must be approved by formal action of the legislative authority of the City of Medina as a condition for the Agreement to take effect.

IN WITNESS WHEREOF, the City of Medina, Ohio, by Dennis Hanwell, its Mayor, and pursuant to Ordinance No. 154-07 and Miller Plating, LLC, by William Glass, its Owner, CEO, have caused this instrument to be executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

WITNESSED BY:

\_\_\_\_\_  
\_\_\_\_\_

CITY OF MEDINA

By: \_\_\_\_\_

Title: Mayor

WITNESSED BY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

The legal form and correctness of the within instrument is hereby approved.

DIRECTOR OF LAW— CITY OF MEDINA

By: \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION NO. 111-20**

**A RESOLUTION DONATING A 2013 FORD EXPLORER TO THE MEDINA COUNTY CAREER CENTER CRIMINAL JUSTICE PROGRAM.**

**WHEREAS:** The City of Medina is the legal owner of a 2013 Ford Explorer Unit 99, VIN 1FM5K7ARXDGB63821; and

**WHEREAS:** The City believes it is in the best interest of the City to donate the 2013 Ford Explorer to the Medina County Career Center Criminal Justice Program for the training and education of the students.

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

**SEC. 1:** That Council hereby approves the donation of the 2013 Ford Explorer, VIN 1FM5K7ARXDGB63821 to the Medina County Career Center Criminal Justice Program for the training and education of the students.

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

**SEC. 3:** That this Resolution 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**

**RESOLUTION NO. 112-20**

**A RESOLUTION DIRECTING OWNERS TO DRAIN LINDENWOOD LAKE, REPAIR THE LINDENWOOD LAKE DAM AND REMOVE OBSTRUCTIONS, SILT AND SUBSTANCES AS WOULD CREATE A NUISANCE, AND DECLARING AN EMERGENCY.**

**WHEREAS:** The owners listed in Exhibit A attached hereto and incorporated herein are the owners of Lindenwood Lake; Lindenwood Lake is located on parts of the parcel numbers that are also included in the listing as set forth in Exhibit A attached hereto and incorporated herein; and

**WHEREAS:** It has been determined that Lindenwood Lake at this time constitutes a nuisance as the Lindenwood Lake Dam is in need of serious repair and the lake itself is obstructed with an excess of silt, obstructions and substances that must be removed by way of dredging; it has also been determined herein that the overflow apparatus associated with Lindenwood Lake is in need of repair; and

**WHEREAS:** The owners of Lindenwood Lake enjoy an equal potential benefit with respect to the use of Lindenwood Lake and it is the determination of the Medina City Council that the owners of the lake will be equally accountable for repairs and maintenance of the lake; and

**WHEREAS:** R.C. 715.47 allows the City of Medina the ability by resolution to direct the owners of Lindenwood Lake to repair a potential nuisance and remove obstructions, silt and substances as necessary so as to avoid a nuisance; and

**WHEREAS:** If owners of Lindenwood Lake and Lindenwood Lake Dam do not, refuse to, or are unable to repair the dam and the overflow and remove substances, silt and obstructions in the lake as required to avoid a nuisance upon receipt of this Resolution and after the named time period, the City may complete the work of repair and removal of nuisances and recover the expenses of the completion of the work by way of lien placed upon an owner's lot which may be enforced by suit in the court of common pleas or by way of agreement with owners for a tax assessment upon properties owned by the owners.

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

**SEC. 1:** That the statements as set forth in the clauses outlined hereinabove are hereby adopted in this section.

**SEC. 2:** That the owners listed in Exhibit A, a copy of which is attached hereto and incorporated herein, are hereby required to repair Lindenwood Lake Dam and remove silt, substances and obstructions in Lindenwood Lake and further repair the lake overflow apparatus so as to remove all nuisances associated with the lake.

- SEC. 3:** That the owners listed and named in Exhibit A shall be given a period of thirty (30) days from the passage of this Resolution within which to complete the repairs required to remove the above named nuisances from Lindenwood Lake and Lindenwood Lake Dam.
- SEC.4:** That this Resolution shall be served upon owners of Lindenwood Lake at the address for each owner listed on the Medina County Auditor's tax records for the property parcel number associated with each owner;
- SEC. 5:** That if owners of the Lindenwood Lake properties do not or are unable to complete repairs or refuse to complete repairs, the City of Medina shall after the above named thirty (30) day time period, expend funds so as to repair the Lindenwood Lake Dam, dredge Lindenwood Lake so as to remove obstructions, substances and silt, and repair the lake overflow apparatus so as to remove nuisances associated with the lake.
- SEC. 6:** That the City of Medina may recover expenses for the completion of work outlined in this Resolution by way of lien placed upon owner's lots effective from time of passage of this Resolution; said lien may be enforced or foreclosed upon by suit in the Medina County Court of Common Pleas. Alternatively an owner may agree with the City to repayment of expenses outlined herein by way of a tax assessment upon the owner's property. Repayments to the City for expenses outlined herein may be made by way of lump sum payment at the option of the owner. If an owner should choose repayment by way of tax assessment, the assessment against each lot or parcel of land named herein shall be payable in twenty (20) annual installments with interest at the same rate as shall be born by bonds to be issued in anticipation for the collection of the same. All cash payments shall be made payable to the Director of Finance of the City of Medina. All liens, or assessments and installments thereof remaining unpaid shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed on the tax duplicate that shall be collected by the Director of Finance in place of the County Treasurer, and he shall apply such amounts collected to the amount owing, together with any interest thereon to payment of the bonds and interest thereon, issued in anticipation of the collection of said assessments and for no other purpose, pursuant to applicable provisions of the Ohio Revised Code.
- SEC. 7:** That the Clerk of this Council shall cause notice of the passage of this Resolution to be published for two (2) consecutive weeks in a newspaper of general circulation in the City of Medina and that the owners named and listed herein shall comply with the direction of this Resolution within the time period of thirty (30) days.
- SEC. 8:** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the peace, health and safety of said City and for the reason that the Ohio Department of Natural Resources ordered repair of the Lindenwood Lake Dam as soon as the repairs can be reasonably be completed and that this Resolution must be deemed effective at once; wherefore this Resolution shall be in full force and effect immediately after its passage and approval by the Mayor.

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**President of Council**

**ATTEST:** \_\_\_\_\_  
**Clerk of Council**

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**Mayor**

**Effective date –**

City Project #1018: Lindenwood Lake Dam Repair  
PROPERTY OWNER CONTACT LIST

PARCEL ID #	OWNER	LOCATION ADDRESS		TAX MAILING ADDRESS		CITY LOT #	PPN
		#	STREET	#	STREET		
01a	CLINTON I III & SANDRA L DELAFIELD	n/a	Lindenwood Lane	851	Lindenwood Lane	999	02819B11023
01b	CLINTON I III & SANDRA L DELAFIELD	851	Lindenwood Lane	851	Lindenwood Lane	2800	02819B11024
02	BRIAN R & CYNTHIA A CARVER	841	Lindenwood Lane	841	Lindenwood Lane	2799	02819B11025
03	WARREN D & SANDRA L LIMER	831	Lindenwood Lane	831	Lindenwood Lane	2798	02819B11026
04a	RAYMOND A & SANDRA S TOMAZIC	811	Lindenwood Lane	811	Lindenwood Lane	2797	02819B11027
04b	RAYMOND A & SANDRA S TOMAZIC	811	Lindenwood Lane	811	Lindenwood Lane	2796	02819B11027
05	ROBERT A BLOMQUIST & KATHERINE J BAILLIS	850	Shorewood Drive	850	Shorewood Drive	2710	02819B11028
06a	W BRUCE & JACQUELINE E DAVEY	n/a	Shorewood Drive	870	Shorewood Drive	4497	02819B11103
06b	W BRUCE & JACQUELINE E DAVEY	n/a	Shorewood Drive	870	Shorewood Drive	4498	02819B11087
07	KATHLEEN KRYSZAN & DAVID J KRYSZAN	880	Shorewood Drive	880	Shorewood Drive	4499	02819B11031
08	JANE N & LOUIS SCHAEFER	810	Beechwood Drive	810	Beechwood Drive	2281	02819B11033
09	BERT E & CAROLE A HUMPAL	820	Beechwood Drive	820	Beechwood Drive	3190	02819B11034
10	TERRY N & AGNES M KEENAN	830	Beechwood Drive	830	Beechwood Drive	3744	02819B11035
11	CYNTHIA C DAVIS	844	Beechwood Drive	844	Beechwood Drive	3745	02819B11036
12	JEFFREY R JR & DINA M HOMAN	856	Beechwood Drive	216	N Harmony Street	3746	02819B11037
13	JAMES A & ADRIENNE M GERSPACHER	870	Beechwood Drive	870	Beechwood Drive	3747	02819B11038
14	ANTHONY JR & JANE E LECIAN	888	Beechwood Drive	888	Beechwood Drive	3748	02819B11039

**ORDINANCE NO. 113-20**

**AN ORDINANCE AMENDING ORDINANCE NO. 187-19,  
PASSED NOVEMBER 25, 2019. (Amendments to 2020 Budget)**

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

**SEC. 1:** That Ordinance No. 187-19, passed November 25, 2019, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
104-0301-52215	7,662.54 *

**SEC. 2:** That Ordinance No. 187-19, passed November 25, 2019, shall be amended by the following reductions:

<u>Account No./Line Item</u>	<u>Reductions</u>
514-0541-50111 (Reduction per 5/27 Budget Hrg.)	5,623.00
514-0708-50111 (Reduction per 5/27 Budget Hrg.)	14,691.00
574-0350-54412 (Reduction per 5/13 Budget Hrg.)	29,863.00

**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.

\* - new appropriation

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**President of Council**

**ATTEST:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**Clerk of Council**

**SIGNED:** \_\_\_\_\_

**Mayor**