CITY OF MEDINA
AGENDA FOR COUNCIL MEETING

July 8, 2019
Medina City Hall
7:30 p.m.

Public Hearing.

To consider the rezoning of 1088 S. Court Street from R-3, High Density Urban Residential to C-3, General Commercial.

Call to Order.

Roll Call.

Reading of minutes. (June 26, 2019)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

- Mayoral Proclamation: July National League of Cities – Small Cities Month

Notices, communications and petitions.

Quality of Life Award – Presented to Ryan Rose, Owner of 17 Public Square, by Council-At-Large Bill Lamb

Liquor Permit:
Not to object to the issuance of a new D2 and D3 permit to Chancote LLC, 871 N. Court Street.

Unfinished business.

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

- Dale Hartle – Ohio Regional Development Corp. – Fair Housing Presentation

Introduction and consideration of ordinances and resolutions.

Res. 99-19
A Resolution congratulating Elijah Schmeller on attaining the rank of Eagle Scout.

Ord. 100-19
An Ordinance authorizing the payment to Jen Met Construction LLC for the Private Home Rehabilitation at 3877 Miller Drive, Brunswick, Ohio as part of the PY18 CHIP Grant Program.

Ord. 101-19
An Ordinance adopting the City of Medina Community Development Block Grant Program Citizen Participation Plan.
(emergency clause requested)

Res. 102-19
A Resolution authorizing the filing of an application for grant assistance with the U.S. Department of Homeland Security for a 2018 AFG Operations and Safety Equipment Grant for the Fire Department.
(emergency clause requested)

Res. 103-19
A Resolution adopting the Tax Budget of the City of Medina, Ohio for the fiscal year beginning January 1, 2020 and submitting the same to the Medina County Auditor.

Ord. 104-19
An Ordinance amending the agreement with Lafayette Township Trustees for Community Policing Law Enforcement Services in its jurisdiction.
(emergency clause requested)

Ord. 105-19
An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the South Broadway Street Reconstruction Project.

Res. 106-19
A Resolution authorizing the Mayor to file an application for grant assistance with the Ohio Department of Transportation (ODOT), Municipal Bridge Program for the replacement of the South Prospect Street Bridge.

Ord. 107-19
An Ordinance rezoning the properties located at 216, 222 & 226 S. Jefferson Street from R-3, High Density Residential to M-U, Multi-Use.

Ord. 108-19
An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances of the City of Medina, Ohio.

Res. 109-19
A Resolution extending the Intensive Supervision Probation Grant for the Medina Municipal Court through the fiscal year 2020 and 2021.
(emergency clause requested)

Ord. 110-19
An Ordinance amending Section 31.02(B)(6) of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Intensive Supervision Probation employees for the Municipal Court.
(emergency clause requested)

Ord. 111-19
An Ordinance amending Section 541.08 of the Codified Ordinances of the City of Medina, Ohio to Prohibit Intimidation on the basis of Sex, Gender Identity or Expression, or Sexual Orientation.

Ord. 112-19
An Ordinance adopting a New Chapter 717 of the Codified Ordinances of the City of Medina, Ohio to Prohibit Discriminatory Conduct on the basis of Sexual Orientation and Gender Identity or Expression.

Ord. 113-19
An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the sale and removal of the City-owned house located at 347 N. Huntington Street.
(emergency clause requested)

Council comments.

Adjournment.

OK for Hearing 5-21-19

REQUEST FOR COUNCIL ACTION No. RCA 19-099-5/28

FROM: Jonathan Mendel, Community Development Director Committee: Finance

DATE: May 21, 2019

SUBJECT: May 9, 2019 Planning Commission Recommendation to rezone 1088 S. Court Street from R-3, High Density Residential to C-3, General Commercial.

SUMMARY AND BACKGROUND:
On May 9, 2019, the applicant requested rezoning the property at 1088 S. Court Street from R-3, High Density Urban Residential to C-3, General Commercial. After reviewing the applicant's request and staff's analysis, the Planning Commission **recommended** the requested rezoning to City Council.

The requested rezoning is delineated for the City Council in the below attached documents:

- May 9, 2019 staff report & packet
- May 16, 2019 Planning Commission recommendation resolution
- May 9, 2019 Planning Commission – #P19-13 draft meeting minutes

Since a rezoning requires a City Council public hearing, staff suggests the following timeline:

- May 28, 2019 – Finance Ctte of City Council review
- May 29, 2019 to July 7, 2019 – Minimum 30 day notice period for the City Council Public hearing
- July 8, 2019 – Public Hearing before the City Council
- August 26, 2019 – Ordinance review by City Council

Estimated Cost: Not Applicable
Suggested Funding: Sufficient funds in Account No.

Transfer needed from Account No. to Account No.
NEW APPROPRIATION needed in Account No.

Emergency Clause Requested: N/A
Reason:

COUNCIL USE ONLY:
Committee Action/Recommendation:

Council Action Taken: 5-28-19 Pub Hrg ~~[illegible]~~ Schedule for 7-8-19 Ord./Res. Date:

Page	: 1 of 1 05/31/2019 10:40:40	**Ad Number**	: 70657518
		Ad Key	: 70657518
Order Number	: 20641528	**Salesperson**	: 8202 - Legals
PO Number	: 1088 S COURT ST	**Publication**	: Medina Gazette
Customer	: 50028056 CITY OF MEDINA	**Section**	: Legals
Contact	:	**Sub Section**	: Legals
Address1	: 132 N. ELMWOOD	**Category**	: Legals Medina 1-
Address2	: P.O. BOX 703	**Dates Run**	: 06/04/2019-06/04/2019
City St Zip	: MEDINA OH 442560703	**Days**	: 1
Phone	: (330) 725-8861	**Size**	: 1 x 2.97, 33 lines
Fax	:	**Words**	: 93
	:	**Ad Rate**	: MG LEGALS
	:	**Ad Price**	: 54.66
	:	**Amount Paid**	: 0.00
		Amount Due	: 54.66

Keywords : NOTICE OF PUBLIC HEARING Medina City Council will
Position :
Zones :

Color: none
Pub Dates: 06/04/2019
Notes:

NOTICE OF PUBLIC HEARING

Medina City Council will hold a public hearing Monday, July 8, 2019 at 7:30 p.m. in the Council Rotunda of the Medina City Hall located at 132 North Elmwood Avenue, Medina, Ohio.

The public hearing is to consider the rezoning of 1088 S. Court Street from R-3, High Density Urban Residential to C-3, General Commercial.

Interested persons are requested to appear and voice their opinions thereto.

By order of the Council of the City of Medina, Ohio.

Kathy Patton, CMC, Clerk
of Council
City of Medina

M.G. 6/4/19
20641528

May 9, 2019 staff report & packet

CITY of MEDINA
Planning Commission
May 9, 2019 Meeting

Case No: P19-13

Address: 1088 S. Court St.

Applicant: Tucker Ellis, LLP representing Trillium Creek, LLC

Subject: Request to rezone 1088 S. Court St. from R-3 to C-3

Submitted by: Jonathan Mendel, Community Development Director

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Subject Site:
The subject property is 0.92 acres on the ~~west~~ east side of S. Court Street at the City of Medina corporation boundary. The site is occupied by a 2,369 sqft one-story principal building, a 2,029 sqft accessory building and accessory vehicle circulation areas.

Project Introduction:
The applicant requests rezoning the property from R-3, High Density Urban Residential to C-3, General Commercial. At the moment, applicant wishes to develop the property with a bank ATM drive-thru, but this is not a permitted use within the R-3 district and is a conditionally permitted use within the C-3 district.

The applicant went before the Board of Zoning Appeals on April 11, 2019 requesting a Land Use Variance to develop the subject site with the bank ATM drive-thru and was denied the Land Use Variance. The applicant also went before the Planning Commission for Site Plan Approval, which was approved with the condition that the subject property be rezoned to C-3.

Please find attached to this report:

1. Applicant's narrative in support of the rezoning and site plans received April 17, 2019
2. Current City of Medina Zoning Map
3. Future Land Use map from the City of Medina 2007 Comprehensive Plan Update and a detail of the subject property's immediate vicinity on the map
4. C-3, General Commercial Principally Permitted and Conditionally Permitted use tables
5. Aerial photograph with City of Medina Zoning Districts overlay.

Present Zoning:
The subject property is presently zoned R-3, High Density Urban Residential. The permitted uses include single-family detached dwellings. The conditionally permitted uses include two-family dwellings, group homes, schools, churches, etc. Commercial uses are not permitted in the R-3 zoning district.

Proposed Zoning:
The applicant proposes rezoning the subject properties to C-3 General Commercial. This zoning district permits a wide range of commercial uses such as office, retail, commercial entertainment and auto sales. The conditionally permitted uses are a range of uses such as multi-family dwellings, churches, gas stations and restaurants with drive through.

The applicant provides discussion points to support the request to rezone from R-3 to C-3, which are attached in the packet.

2007 City of Medina Comprehensive Plan Update – Future Land Use Map:
The Future Land Use map in the Comprehensive Plan Update is a visual guide to future municipal planning and land use within the city. The map currently designates the subject property 'Residential High Density' as part of a specific area of the same designation to the north encompassing properties on the eastside of the S. Court and Sturbridge Dr.

Staff Comment:
In evaluating the proposed rezoning, the following items must be considered:

- Consistency with the 2007 City of Medina Comprehensive Plan Update – Future Land Use Map
- Consider all possible permitted and conditionally permitted uses in the proposed zoning district.
- Intrusion of commercial development and change of neighborhood land use character

The City's 2007 Comprehensive Plan Update designates the subject property as 'Residential High Density', which is consistent with the multi-family development patterns on neighboring properties to the north along the eastside of S. Court St. The future land use map designation represents the community's wishes that the subject property's future development be consistent with the designation and predominant land use and development pattern on the greater southeast corner of S. Court St. and Sturbridge Dr.

To be consistent with the Future Land Use Map designation, the more appropriate zoning district for the subject property would be the R-4, Multi-Family Residential.

The applicant does outline the potential limited impact of the proposed development for the subject property (drive-thru bank ATM), but best practice when considering a rezoning is to also consider the appropriateness of all the permitted and conditionally permitted uses (attached). The principally permitted uses in the C-3 includes a wide

range of land uses such as restaurant, retail store, professional office, hotel/motel, car sales, motor vehicle repair, etc. The conditionally permitted use range from multi-family, place of worship, gas station, child day care center, etc.

The permitted and conditionally permitted uses similar to those in the C-3 district may have been considered too intensive for the east side of the 1000 block of S. Court St. during the 2007 Comprehensive Plan creation process. During the creation process, it may have been determined the multi-family/high density residential development pattern that had occurred on the adjacent properties to the immediate north and east should continue to be a future development pattern for the immediate vicinity including the subject property.

Recommendation:

Staff **does not recommend rezoning** the subject property from R-3, High Density Urban Residential to C-3, General Commercial because of the following reasons:

1. The C-3 district is not consistent with the 2007 City of Medina Comprehensive Update - Future Land Use Map designation of 'Residential High Density'.
2. The C-3 district full range of permitted and conditionally permitted uses have greater potential for negative impacts on the surrounding residential land uses.

Applicant's narrative in support of the rezoning and site plans received April 17, 2019

Tucker Ellis | LLP

Addendum to Rezoning Application (Map Amendment)

City of Medina
Planning Director and Planning Commission

1088 S. Court Street, Medina Ohio (the "Property")

Trillium Creek, LLC (the "Applicant")

April 17, 2019

RECEIVED
APR 17 2019
By

To the Planning Director and Planning Commission:

This Addendum to Rezoning Application (this "Addendum") is hereby incorporated into the Boards and Commissions Application for Zoning Approval (the "Application") of the referenced Applicant filed in connection herewith. This Addendum is intended to provide, in addition to the copies of all plan submittals, the information required in connection with the Application, including a statement supporting the proposed amendment to the zoning map.

Request

The Applicant hereby respectfully requests an amendment to the zoning map reclassifying the Property from the R-3 High Density Urban Residential zoning classification as contained within the provisions of the Codified Ordinances of Medina, Ohio (the "Code"), Chapter 1125, to the C-3 General Commercial District zoning classification as contained within the provisions of Code Chapter 1137.

Description of Proposed Work

The Applicant proposes the development of the vacant portion of the Property abutting S. Court Street for the installation of a KeyBank ATM kiosk (the "Work") in accordance with the plans and specifications included herewith (the "Plans"). The Work will include the installation of a thirty-six foot (36') concrete apron on S. Court Street at the southern boundary of the Property, with a circular access drive as depicted on the "Site Plan" included with Plans. The access drive will incorporate a passing lane to allow customers to bypass the ATM kiosk.

The existing landscaping mound along the northern boundary of the Property, and the existing buildings and vegetation along the eastern boundary of the Property, will remain as indicated on the Landscape Plan included with the Plans. It is anticipated that approximately three (3) existing trees will be removed.[1]

Statement in Support of Rezoning

The intent of the Applicant's requested rezoning is to bring the zoning classification of the Property into conformance with the character of the surrounding area. The current R-3 zoning classification has been rendered obsolete and economically infeasible due to the substantial and ongoing commercial development of the properties along South Court Street. The City's Comprehensive Plan Update and Future Land Use Map (the "Plan") indicate the zoning relative to the Property should change. Therefore, even the City's own Plan says that, at minimum, the current R-3 zoning classification is inappropriate. The question becomes, what is

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1 The Applicant received Site Plan approval from the Planning Commission on April 11, 2019, subject to the condition that the existing driveway located on the northern boundary of the Property be removed and all ingress and egress be directed through the southern driveway depicted on the Site Plan. Site Plan approval was also conditioned upon approval of all building permits, site development approval, and the rezoning of the Property as requested in this application.

the property zoning? The Applicant submits that a map amendment to the C-3 zoning classification is appropriate.

The requested rezoning is not only proper in light of the substantial commercial development in the area, but is required by Ohio law. *City of Norwood v. Horney*, 110 Ohio State 3d, 353, 853 N.E.2d 1115 (2006) provides:

> Ohio has always considered the right of property to be a fundamental right. There can be no doubt that the bundle of venerable rights associated with property is strongly protected in the Ohio Constitution and must be trod upon lightly, no matter how great the weight of other forces.

Id. at 363. The requested rezoning will protect the Applicant's fundamental property rights, as well as advance legitimate governmental purposes as required by Ohio law. One of the primary factors to be considered in this regard is whether the R-3 zoning classification arbitrarily imposes regulations that are inconsistent with the character of the surrounding area or substantially similar properties. *Shemo v. Mayfield Heights*, 88 Ohio St. 3d 7 (2000).

Currently, the Property is zoned R-3 High Density Urban Residential[2], which permits a Single-Family Detached Dwelling as a principally permitted use, and conditionally permits the following:

Residential	Public/Semi-Public	Commercial
• Group Home up to 8 Individuals	• Cemetery [3,7,20]	• None
• In-Law Suite	• Conservation Use	
• Two Family Dwelling	• Public or Quasi-Public Owned Park or Recreation Facility [1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25]	
• Nursing Home, Assisted Living Facility, Independent Living Facility [1,2,3,5,7,9,11,14]	• Public and Parochial Educational Institution for Primary Education [1,2,3,5,6,11]	
• Mobile Home Park [3,5,8,9,10,11,14,24,26,27, 28,30]	• Public and Parochial Educational Institution for Secondary Education [1,2,3,4,5,7,11]	
	• Publicly Owned or Operated Governmental Facility [3, 7, 8, 11]	
	• Religious Place of Worship [1,3, 7,11,12,14]	

(See Code Sections 1125.02 and .04).

However, these uses are wholly inconsistent with the commercial nature of the South Court Street corridor, as it has developed over the years. The permitted and conditionally permitted

[2] All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Code.

uses under the R-3 zoning classification have been rendered infeasible, both in terms of the economic realities associated with such developments and the Applicant's ability to put the Property to a productive use under the R-3 zoning classification, and the site development requirements imposed under the Code.

Accordingly, the R-3 zoning classification does not substantially advance a legitimate government purpose, and the character of the Property and its location in a major commercial corridor supports a change to the C-3 zoning classification. The Property's location in a commercial corridor renders any of the uses permitted under the current zoning classification economically infeasible. It is not simply that Property is more valuable with a C-3 zoning classification, or less valuable without it. Rather, the Property is unsuitable to any of the permitted or conditionally permitted uses as currently zoned.

Moreover, the properties along the west side of South Court Street all maintain a C-3 zoning classification. The properties to the north of the Property, while all maintaining an R-3 classification, are all commercially developed. The property immediately to the south of the Property (located in Montville Township), which previously contained single-family residences until it was determined that such uses were economically infeasible, is slated to be developed as an assisted living facility. There is an existing legally, non-conforming commercial use located on the Property.

In short, this is an ideal location for uses associated with the C-3 zoning classification. This is supported by Code Section 1137.01, which states:

> The C-3 General Commercial District is established to provide for uses in addition to those specified for the local and commercial Retail Office District, and thereby provide service and sales in support of the primary business activities in the community. *** Their location is advantageous at specified points on major thoroughfares at outlying locations in the community.

There are a substantial amount of similar properties in the immediate area that are either zoned C-3 or currently used for purposes consistent with the C-3 zoning classification. Based on the location of the Property within an existing commercial corridor, the requested zoning amendment is insubstantial and in conformance with the general character of the neighborhood. The proposed use will "provide service and sales in support of the primary business activities in the community" and is located on a major thoroughfare in an outlying location In other words, the requested rezoning will conform the Property to the surrounding commercial uses, consistent with the general intent of the Code with respect to the ongoing development in this particular corridor.

The requested rezoning is further supported by Code Section 1125.01, which states the purpose of the R-3 zoning classification is "to encourage relatively high density residential development in areas generally adjacent to built up sections of the community or in areas of existing development of such density . . . . The development is to consist of single-family and two-family dwellings in areas served with centralized sewer and water facilities." None of the properties which maintain the R-3 zoning classification along this portion of South Court Street

have developed in this fashion, nor in conformance with the R-4 zoning classification, which is the most closely related land use to that identified in the Plan.

With respect to the Pinewood condominium development, it is located to the northeast of the Property and will not experience any nuisance conditions resulting from the proposed development. This is due to the existence of substantial vegetation and buffering, as well as the design of the site lighting, which will minimalize any light or noise pollution into the Pinewood development.

Regarding potential traffic concerns that have been raised by Pinewood residents, during site plan approval the Applicant committed to removing the existing driveway located on the north side of the Property, consolidating all traffic into the south drive as approved. Further, while local governments may legitimately weigh traffic generation from proposed land uses in deciding whether or not to authorize them, controlling traffic is not a primary purpose of zoning (at least as it applies to commercial areas). Where, as here, a proposed use is lawful given the context of the surrounding area, the question of additional (or existing) traffic becomes a secondary consideration. *State ex rel. Killeen Realty Co. v. City of East Cleveland*, 169 Ohio St. 375, 386, 8 Ohio Op. 2d 409, 160 N.E.2d 1, 8 (1959). While "taking into account the rights of others and the needs of the community," zoning regulations must operate "to insure the greatest enjoyment and maximum use of one's land." *Ederer v. Board of Zoning Appeals*, 18 Ohio Misc. 143, 149, 47 Ohio Op. 2d 340, 248 N.E.2d 234 (C.P. 1969).

Here, the proposed use is designed to capture existing traffic and will generate very little traffic in the area. The anticipated amount of traffic to an from the Property (approximately 60-80 trips per day) does not add significant traffic safety concerns relative to the existing traffic in the corridor. In fact, this development will mix appropriately with the existing commercial uses, and replace the loss of services due to the closure of the Huntington Bank branch. This marginal increase in traffic is not sufficient to justify the Applicant's request, given the secondary status of such considerations under Ohio case law.

Conclusion

The current R-3 zoning classification applicable to the Property is unsuitable based on the various commercial uses surrounding the Property. Development of the Property under the R-3 zoning classification is economically infeasible, and the requested rezoning will bring the Property into conformance with the general character of this commercial corridor. In sum, there is no rational basis to continue to apply the restrictive R-3 zoning classification on the Property. Accordingly, the Applicant respectfully requests that the Property be rezoned under the C-3 zoning classification.

LEGAL DESCRIPTION -

PER AMROCK INC. ORDER NO. 6510765T WITH AN EFFECTIVE DATE OF NOVEMBER 12, 2018, AND AS SURVEYED,

LAND SITUATED IN THE CITY OF MEDINA IN THE COUNTY OF MEDINA IN THE STATE OF OHIO

SITUATED IN THE CITY OF MEDINA, COUNTY OF MEDINA AND STATE OF OHIO: AND KNOWN AS BEING THE WHOLE OF MEDINA CITY LOT 4640, CONTAINING 1.1778 ACRES TO BE THE SAME MORE OR LESS BUT SUBJECT TO ALL LEGAL HIGHWAYS.

SCHEDULE B II -

PER AMROCK INC. ORDER NO. 6510765T WITH AN EFFECTIVE DATE OF NOVEMBER 12, 2018.

ITEMS 1-6 ARE NOT SURVEY RELATED

7. Non-exclusive oil and gas easement by and between John H. Schultz and Benjamin Schultz, husband and wife, and Paul H. Schultz, Sr., and Evelyn H. Schultz, husband and wife, dated September 12, 1952 and recorded December 2, 1952 in OR 125, Page 414. Extension of lease dated October 16, 1984 and recorded October 31, 1984 in OR 224, Page 197. Extension of lease dated May 10, 1993 and recorded July 16, 1993 in OR 358, page 934. (LEGAL DESCRIPTION INCLUDES CITY LOT 4640 WHICH CONSISTS OF CITY LOTS 4640, 4660, & 5313 AS SHOWN HEREON)

8. Petition for annexation recorded September 2, 1977 in Volume 507, Page 453. (PLAT IN DOCUMENT SHOWS SUBJECT PARCEL AND MORE LAND)

9. Right of way in favor of Columbia Gas of Ohio, Inc., recorded April 28, 1981 in OR 609, Page 741. (EASEMENT IS LOCATED OFFSITE AND SHOWN HEREON)

10. Plat of Annexation recorded May 23, 1979 in Volume 13, Page 79. (PLAT SHOWS SUBJECT PARCEL AND MORE LAND)

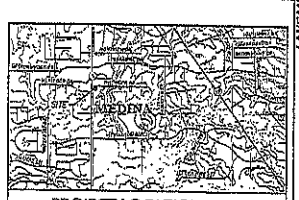
11. Plat of survey recorded May 19, 1982 in Volume 22, Page 222. (PLAT SHOWS SUBJECT PARCEL AND MORE LAND)

12. Plat of survey recorded August 2, 1977 in Volume 22, Page 12. (PLAT SHOWS SUBJECT PARCEL AND MORE LAND)

ITEMS 13-16 ARE NOT SURVEY RELATED.

NOTES

1. THIS PLAN WAS PROVIDED WITH THE RESPECT TO THE FOLLOWING REFERENCE:
   A. PER AMROCK INC. TITLE REPORT ORDER NO. 6510765T WITH AN EFFECTIVE DATE OF NOVEMBER 12, 2018.
   B. PINEWOOD CONDOMINIUMS PHASE 1 PLAT, RECORDED IN PLAT VOLUME 20, PAGE 06 OF THE MEDINA COUNTY RECORDS.
   C. SURVEY PLAT BY CUNNINGHAM & ASSOCIATES DATED MARCH, 2001, RECORDED IN PLAT VOLUME 39 PAGE 117 OF THE MEDINA COUNTY RECORDS.
2. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON HAS BEEN OBTAINED FROM ORIGINAL SURVEYS OF LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES FIELD WORK CONDUCTED DURING THE MONTHS OF NOVEMBER AND DECEMBER, 2018.
3. UNLESS SPECIFICALLY NOTED HEREON, STORM AND SANITARY SEWER INFORMATION (INCLUDING PIPE SIZES, PIPE MATERIAL, AND PIPE LOCS) WAS DETERMINED AND MEASURED AT FIELD LOCATED STRUCTURES (MANHOLES/CATCH BASINS, ETC.). OPERATORS CAN VARY FROM THOSE ENCOUNTERED AT THE TIMES WHEN AND LOCATIONS WHERE DATA IS OBTAINED. DEPTHS WITHIN THE REQUIRED TOLERANCE OF GATE, THE SURVEYOR CANNOT, AND DOES NOT WARRANT THAT PIPE SIZE(S), MATERIAL AND/OR PIPE LOCS SUPPLIED BY THE PIPE RUN ARE THE SAME AS THOSE ENCOUNTERED AT EACH STRUCTURE, OR THAT THE PIPE RUN IS STRAIGHT BETWEEN THE LOCATED STRUCTURES. ADDITIONAL UTILITY (WATER, GAS, ELECTRIC ETC.) DATA MAY BE SHOWN FROM FIELD LOCATED SURVEYS, DRAWINGS (BY OTHERS), EXISTING SYMBOLOGY, AND/OR FROM EXISTING DRAWINGS.
4. UNLESS SPECIFICALLY NOTED HEREON, THE SURVEYOR HAS NOT ATTEMPTED TO PHYSICALLY LOCATE THE UNDERGROUND UTILITIES. THE SURVEYOR MAKES NO GUARANTEES THAT THE SHOWN UNDERGROUND UTILITIES ARE EITHER IN SERVICE, ABANDONED OR SURPLUS FOR USE, NOR ARE IN THE EXACT LOCATION OR CONFIGURATION INDICATED HEREON.
5. PRIOR TO ANY DESIGN OR CONSTRUCTION, THE PROPER UTILITY AGENCIES MUST BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
6. THIS SURVEY IS NOT VALID WITHOUT THE EMBOSSED OR INKED SEAL OF THE PROFESSIONAL.



PROJECT LOCATION MAP
SCALE: 1" = 2000'

ZONING

AS PER THE CITY OF MEDINA ZONING MAP, DATED FEBRUARY 21, 2016, THE SUBJECT PARCEL IS ZONED R-3 HIGH DENSITY URBAN RESIDENTIAL.

NO ZONING INFORMATION WAS PROVIDED BY BUILDER. FOR MORE INFORMATION REFER TO THE CITY OF MEDINA ZONING CODE.

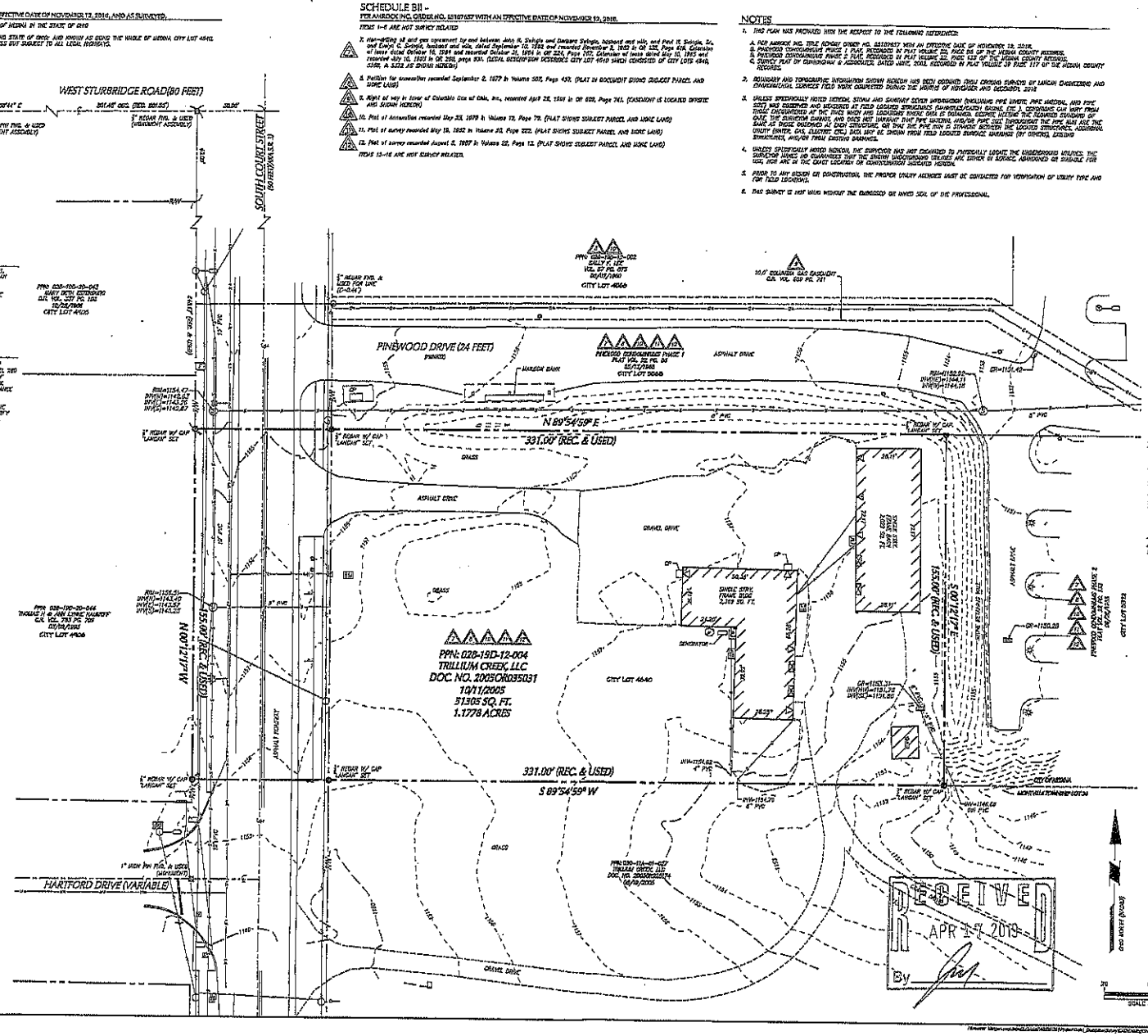
FLOOD CERTIFICATION

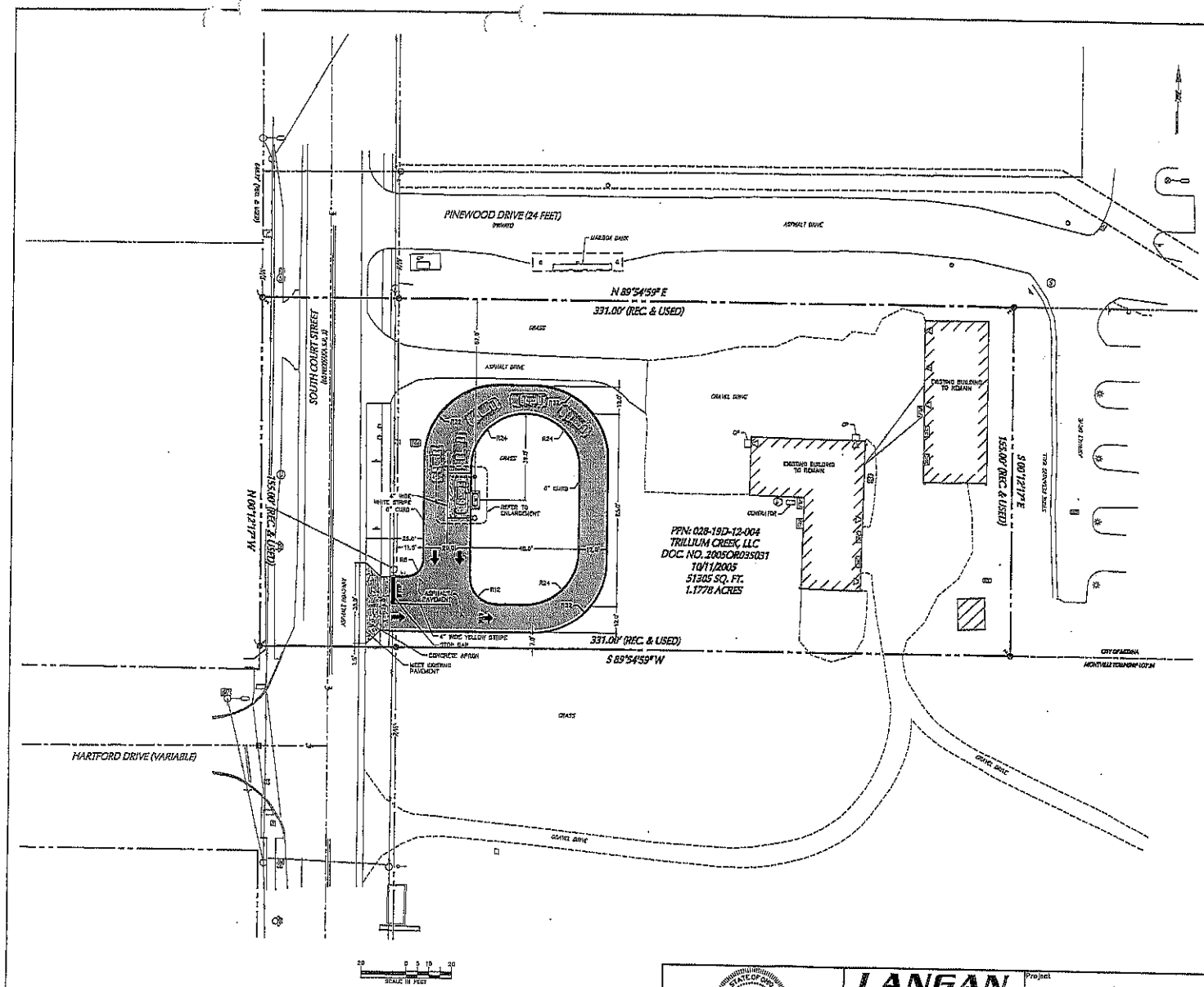
AS PER THE NATIONAL FLOOD INSURANCE PROGRAM (FIRM) MAP SERIES MEDINA COUNTY, OHIO AND INCORPORATED AREAS, PANEL 390 OF 450 MAP NUMBER 39103C0390J, AND AN EFFECTIVE DATE OF AUGUST 19, 2013, THE SUBJECT PARCEL IS LOCATED IN ZONE X, WHICH IS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

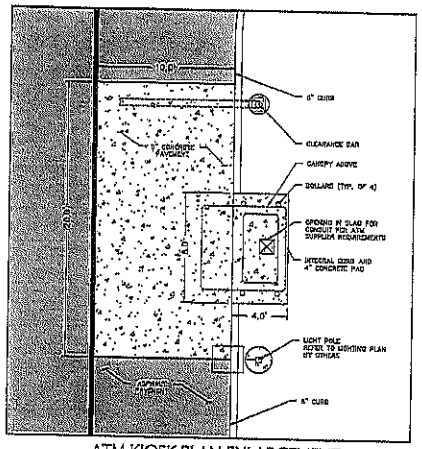
NO FIELD SURVEY OF ELEVATIONS WAS PERFORMED TO DETERMINE THE ZONE AND ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

LEGEND (NOT SHOWN IN MAP)

- MONUMENTATION FOUND (TYPE AS NOTED)
- 30" L x 30" STEEL PIN WITH CAP "LANGAN"
- SET SPIKE HOLE
- HYDRANT
- STAND PIPE
- ROOF DRAIN
- BOLLARD
- STREET LIGHT
- AREA LIGHT
- SIGNAL POLE
- POWER POLE
- GUY WIRE
- MANHOLE (TYPE AS LABELED)
- WATER VALVE
- GAS VALVE
- MAILBOX VALVE
- CATCH BASIN
- CLEAN OUT
- SIGN
- BOLLARD
- ELECTRIC BOX
- ELECTRIC METER
- GAS METER
- WATER METER
- TELEPHONE BOX
- TRAFFIC SIGNAL POLE
- DOOR
- DOUBLE DOOR
- GARAGE DOOR
- REC. DOC. — RECORD OF RECORD
- A.D. — AGREED
- CALC. — CALCULATED
- OBS. — OBSERVED
- ZONING FELT
- PARCEL NUMBER
- DOUBLE VOLUME
- PARC
- LANDSCAPE AREA
- CONCRETE PAD
- CONCRETE CURB
- EDGE OF PAVEMENT
- FENCE (TYPE AS NOTED)
- SUBJECT PROPERTY LINE
- ADJOINING PROPERTY LINE
- EASEMENT LINE
- TREE LINE
- GUARD RAIL (TYPE AS NOTED)
- STREAM LINE
- DIVERGED WOOD
- OVERHEAD SEWER LINE
- GAS LINE
- WATER LINE
- ELECTRIC LINE
- TELECOMMUNICATION LINE
- SANITARY LINE
- DRAINAGE LINE
- HYDROGRAPHIC UTILITY LINE (TYPE AS NOTED) — PLOTTED FROM GRAPHIC DRAWING


WEST STURBRIDGE ROAD(60 FEET)
SOUTH COURT STREET (VARIEDWIDTH)
PINEWOOD DRIVE (24 FEET)
HARTFORD DRIVE (VARIABLE)
N 89°54'59" E
331.00' (REC. & USED)
S 89°54'59" W
N 00°12'12" W
S 00°12'12" E
PPN: 028-19D-12-004
TRILLIUM CREEK, LLC
DOC. NO. 200500035031
10/11/2005
51305 SQ. FT.
1.1778 ACRES
CITY LOT 4640
CITY LOT 4660
CITY LOT 5313
PINEWOOD CONDOMINIUMS PHASE 1
PLAT VOL. 20, PG. 06
02/12/1985
CITY LOT 5065
ASPHALT DRIVE
GRAVEL DRIVE
GRASS
SINGLE STORY FRAME BLDG. 2,289 SQ. FT.
DECK
DECK
DECK





ATM KIOSK PLAN ENLARGEMENT
SCALE: 1/4" = 1'-0"

STATE OF OHIO
CHRISTOPHER WESTBROOK
PROFESSIONAL ENGINEER
SIGNATURE
CHRISTOPHER WESTBROOK
PROFESSIONAL ENGINEER OH Lic. No. 73221

LANGAN
Langan Engineering and Environmental Services, Inc.
6000 Lombardo Center, Suite 210
Cleveland, OH 44131
T: 216.328.2300 F: 216.328.2301 www.langan.com

Project
KEYBANK
MEDINA SOUTH ATM
CITY OF MEDINA
MEDINA COUNTY OHIO

Drawing Title
SITE PLAN

Project No. 400057201
Date 02/22/2019
Drawn By HMC
Checked By CW

Drawing No.
CS101

LANGAN
PROJECT NO. 400057201

Future Land Use map from the City of Medina 2007 Comprehensive Plan Update and a detail of the subject property's immediate vicinity on the map

The City Of Medina Ohio

Preserving the Past, Forging the Future

Zoning District Map

Effective February 21, 2018 (Ord. 15-18)

Legend

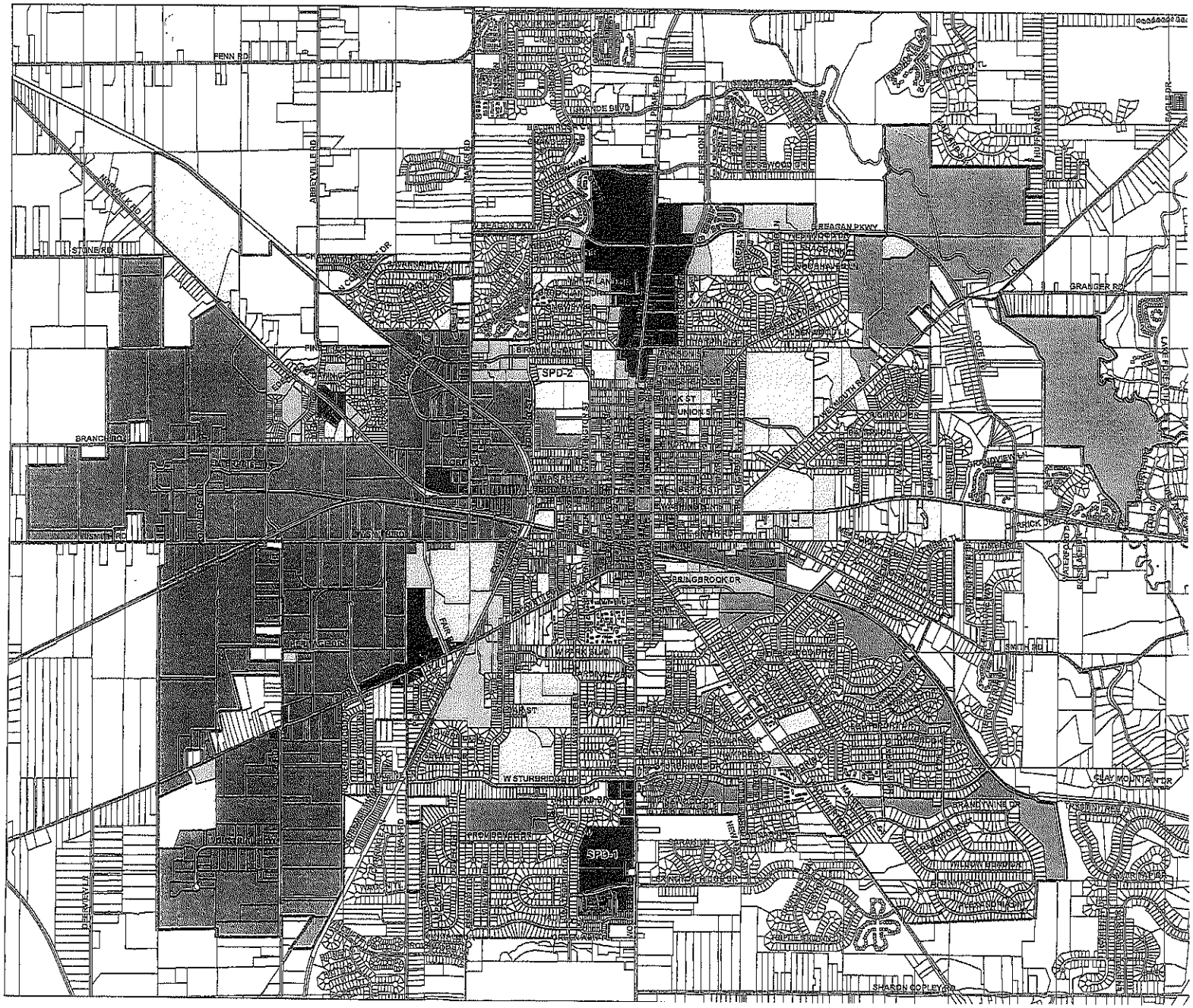
- City Boundary
- O-C Open Space Conservation
- R-1 Low Density Urban Residential
- R-2 Medium Density Urban Residential
- R-3 High Density Urban Residential
- R-4 Multi-Family Residential
- M-U Multi-Use
- P-F Public Facilities
- C-S Commercial Service
- C-1 Local Commercial
- C-2 Central Business
- C-3 General Commercial
- I-1 Industrial

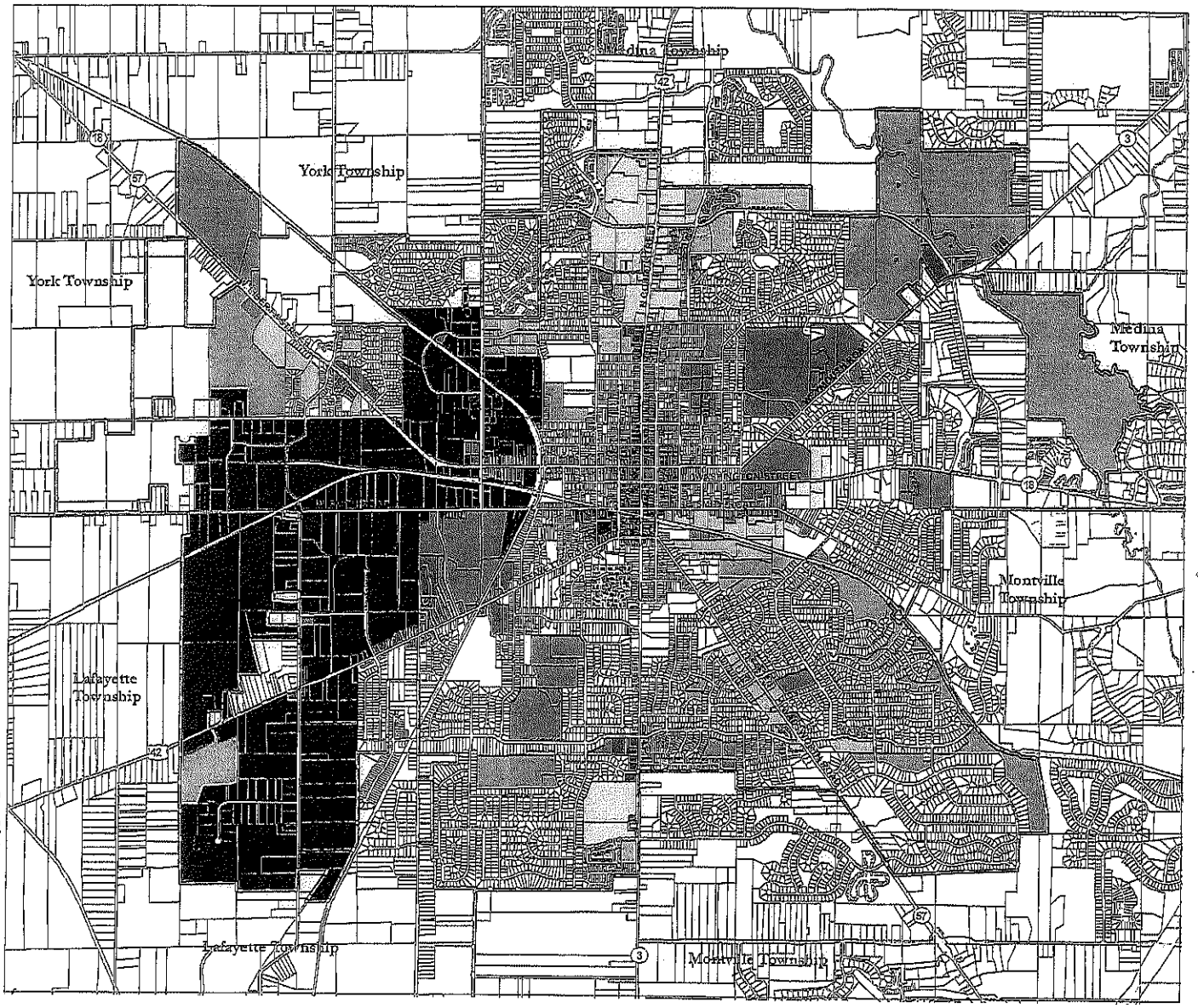
Note:
This map is updated frequently and may not represent the most current information. To ensure accurate information contact the City of Medina at 330-764-4652.

The lot lines of this map are representative of the actual lot lines and are not intended to be substituted for an official survey or used to resolve boundary or area issues. Secure a survey, consult County records or the City Clerk of Council records for dimensions and areas of lots and boundaries.

Prepared by City of Medina
Community Development Department
February 22, 2018

N





Map 8
Future Land Use

11/13/2006

City of Medina, Ohio

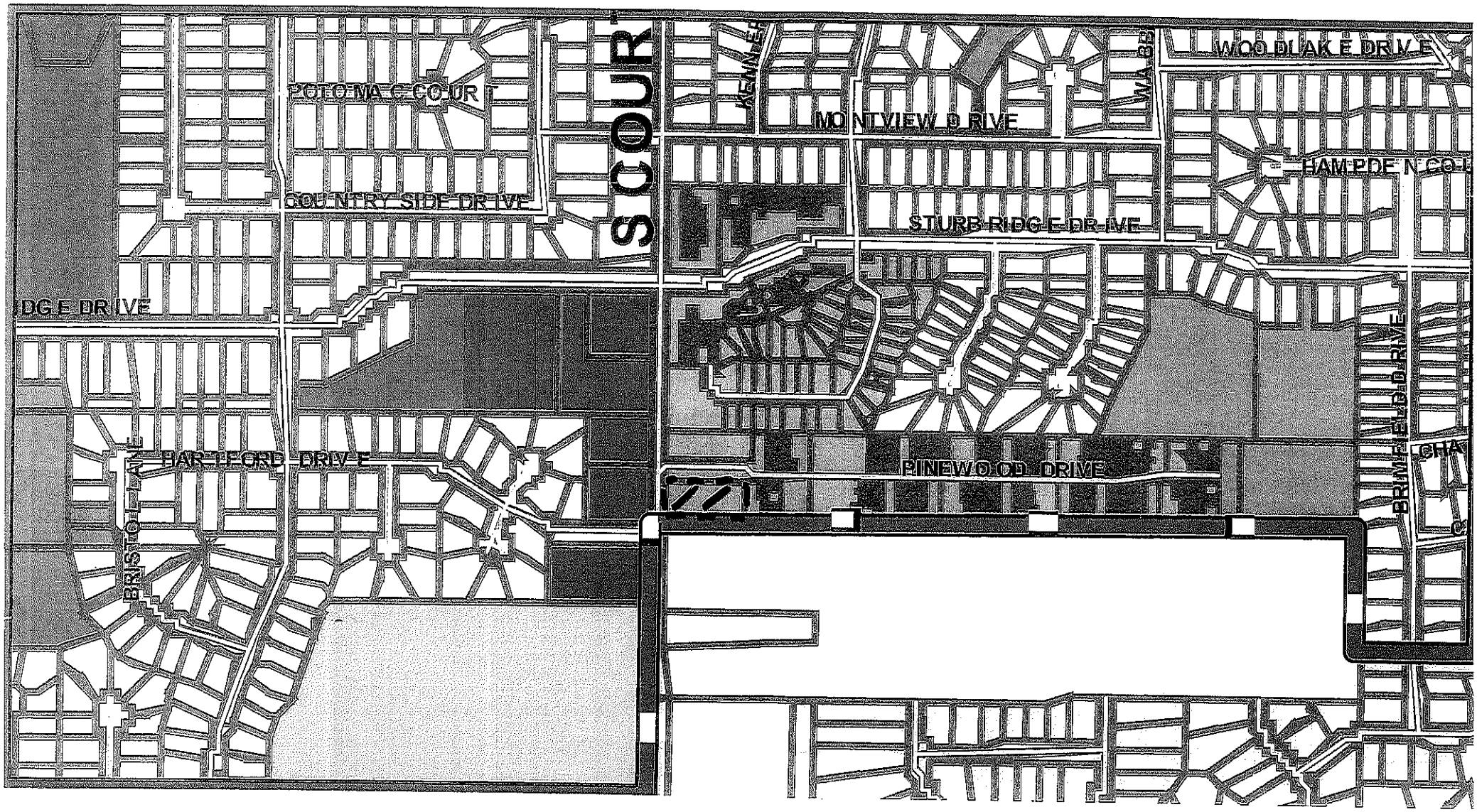
Future Land Use

- Residential Low Density
- Residential Medium Density
- Residential High Density
- Mixed Use
- Central Business District
- Thoroughfare Commercial
- Planned Commercial
- Restricted Office
- Office/ Technology
- Light Industrial
- General Industrial
- Public Facilities
- Conservation/ Recreation
- Municipal Boundary
- Township Boundary
- Surrounding Area

0 1,250 2,500 Feet

Base Map Source: Medina County GIS, 2005
Data Source: McKenna Associates, Incorporated, 2006.

McKenna Associates Incorporated


POTOMAC COUR
COUNTRY SIDE DRIVE
SCOUR
MONTVIEW DRIVE
WOODLAKE DRIVE
STURBRIDGE DRIVE
HAMPDEN CO
DGE DRIVE
HARTFORD DRIVE
BRISTOL LANE
PINEWOOD DRIVE
BRIMFIELD DRIVE

C-3, General Commercial Principally Permitted and Conditionally Permitted use tables

1137.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the C-3 General Commercial District:

Residential	Public/Semi-Public	Commercial
• None	• Club, Lodge or Fraternal Organization	• Bar or Tavern
	• Passenger Transportation Agency and Terminal	• Commercial Entertainment
		• Commercial Recreation
		• Convenience Retail
		• Drive-In Establishments including Restaurants and Theaters
		• Heavy Duty Repair Services for Machinery and Equipment Including Repair Garages and Specialty Establishments including Motor, Body, Fender, Radiator Work.
		• Hotel or Motel
		• Mixed Use Building - Residential Excluded from Ground Level Floor
		• Motor Vehicle Truck, Trailer and Farm Implement Sales, Rental or Leasing - New or Used
		• Motor Vehicle, Truck, Trailer and Farm Implements Repair, Service and Storage (Excluding Body Work, Painting and Engine Work)
		• Off-Street Parking Lot, Garage or Deck
		• Office - Professional, Medical and Administrative
		• Other Similar Uses as Determined by the Planning Commission
		• Personal and Professional Services
		• Plant Greenhouse
		• Restaurant
		• Retail less than 80,000 square feet in size
		• Veterinary Office or Hospital in Enclosed Building
		• Wholesale Establishments

(Ord. 109-14. Passed 6-23-14.)

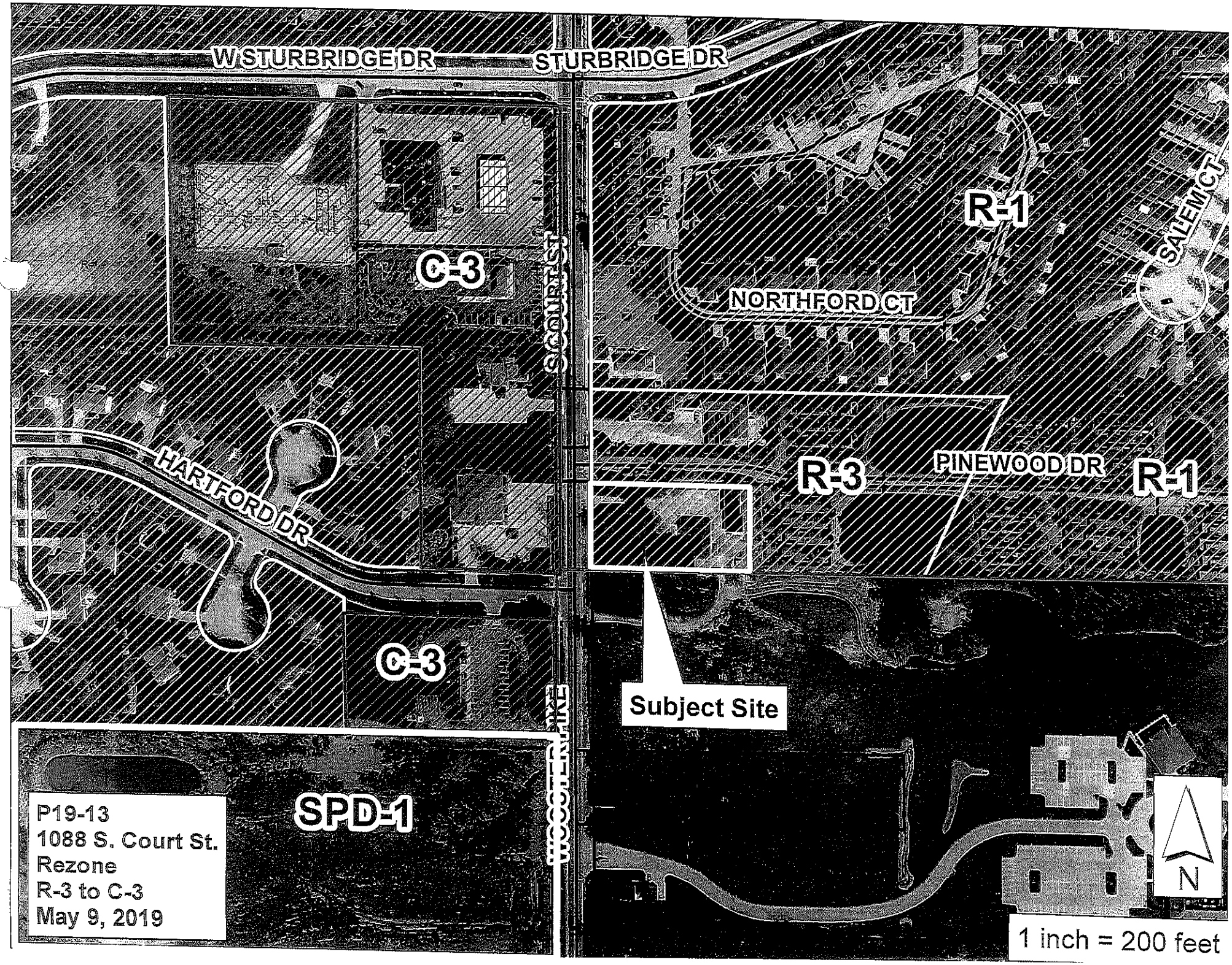
1137.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the C-3 General Commercial District subject to the requirements of Chapter 1153, Conditional Uses. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

Residential	Public/Semi-Public	Commercial
•Multi-Family Dwelling	• Conservation Use	• Car Wash
•Transitional Housing7,24	• Educational Institution for Higher Education	• Child Day Care Center and Nursery 2,5,9,11,14
	• Publicly Owned or Operated Governmental Facility 3,7,8,11	• Conference Center, Banquet Facility or Meeting Hall 1,3,7,11,12,14
	• Public Utility 1,10,11	• Cremation Facility
	• Religious Place of Worship 1,3,7,11,12,14	• Hospital 1,2,3,5,7,9,11,14
	• Wireless Telecommunications Facility	
		• Motor Vehicle Filling Station with or without Convenience Retail 5,7,17,29,31
		• Open Air Building materials Sales and Lumber Yard
		• Outdoor Dining
		• Personal and Professional Services with Drive-Thru
		• Research and Development Laboratory and Processing with No External Hazardous, Noxious or Offensive Conditions
		• Restaurant with Drive-Thru or Drive In
		• Retail larger than 80,000 square feet in size
		• Sexually Oriented Business 36

(Ord. 009-17. Passed 1-23-17.)

Aerial photograph with City of Medina Zoning Districts overlay.


W STURBRIDGE DR
STURBRIDGE DR
C-3
S COURT ST
R-1
SALEM CT
NORTHFORD CT
HARTFORD DR
R-3
PINEWOOD DR
R-1
C-3
Subject Site
SPD-1
P19-13
1088 S. Court St.
Rezone
R-3 to C-3
May 9, 2019
N
1 inch = 200 feet

May 16, 2019 Planning Commission recommendation resolution

RESOLUTION
PLANNING COMMISSION

May 16, 2019

Justin Eddy
Tucker Ellis LLP
950 Main Ave., Ste 1100
Cleveland, Ohio 44113

PROPERTY: 1088 S Court

CASE NO: P19-13

WHEREAS, YOUR APPLICATION WAS DULY PROCESSED AND AFTER APPROPRIATE REVIEW AND STUDY THE COMMISSION HAS PASSED THE FOLLOWING RESOLUTION:

At the May 9, 2019 meeting the Planning Commission approved a recommendation to City Council to rezone 1088 S. Court Street from R-3 to C-3.

Sincerely,

Jonathan Mendel
Community Development Director

PLANNING COMMISSION
CITY OF MEDINA

May 9, 2019 Planning Commission – #P19-13 draft meeting minutes

CITY of MEDINA
Planning Commission

Planning Commission Meeting

Draft

Meeting Date: May 9, 2019

Meeting Time: 7:00 pm

Present: Brian Hilberg (alternate), Bruce Gold, Rick Grice, Andrew Dutton, Bob Thompson(alternate), Jonathan Mendel (Community Development Director), Sandy Davis (Administrative Assistant)

Absent: Paul Rose, Monica Russell

The Court Reporter swore in all attendees.

Mr. Gold made a motion to approve the minutes from the April 11, 2019 meeting and the April 25, 2019 meeting as submitted.

The motion was seconded by Mr. Dutton.

Vote:	
Grice	Y
Hilberg	Y
Gold	Y
Dutton	Y
Thompson	Y
Approved	5-0

Announcements: Mr. Mendel stated the bid request process was restarted for the parking garage. Mr. Mendel stated when the project is awarded, the project will be coming before the Planning Commission for site plan review.

Old Business:

There were no cases under Old Business.

New Business:

1. P19-12 5986 Branch Road Architectural Design Studio CZC/SPA

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is for Conditional Zoning Certificate and Site Plan for a Heavy Manufacturing (Soil Screening). Mr. Mendel stated the applicant is Architectural Design Studio representing A-1 Topsoil who would be the operator of the screening operation and Discount Drug Mart, the owner of the property.

Mr. Mendel stated the site is located on the south side of the 5900 block of Branch Rd near the City of Medina corporation limits. Mr. Mendel stated the site is currently vacant with some remaining improvements from the site's previous farmstead use. Mr. Mendel stated the properties to north are I-1 zoned, but residentially developed and occupied. The property to the west is undeveloped I-1 zoned and the property to the east and south are I-1 zoned and industrially developed.

Mr. Mendel stated the applicant wishes to locate an outdoor portable soil screening operation on the subject site to screen and remove a sizeable soil stockpile on the west end of property immediately to the south where the Discount Drug Mart warehouses and offices are located. Mr. Mendel stated the subject site is also owned by Discount Drug Mart and the soil screening operation is contracted to make way for the next phase of warehouse expansion at the northwest corner of the existing Discount Drug Mart campus.

Mr. Mendel stated the operation will consist of digging into the stockpile from the last expansion, screening the soil with a portable screener machinery and stockpiling the processed soil to be trucked from the site.

Mr. Mendel stated given the above project description, the applicant requests a Conditional Zoning Certificate to permit a soil screening operation as this it is considered Manufacturing, Heavy under Section 1105.097 of the Planning and Zoning Code. Mr. Mendel stated it a conditionally permitted use in the I-1 zoning district. Mr. Mendel stated Site Plan approval must be sought for the general site development plan.

Mr. Mendel stated the Zoning Code requires the Planning Commission conduct a Public Hearing for the proposed Conditional Use. Mr. Mendel stated the legal notices have been issued to permit the Public Hearing at the May 9, 2019 meeting. Mr. Mendel stated based on the review of the case and the public hearing the Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for the insuring that the intent and objectives of this Zoning Ordinance will be observed.

Mr. Mendel stated the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards:
(1) Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Land Use and Thoroughfare Plan of current adoption;

2. P19-13 1088 S. Court Trillium Creek COM

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated the applicant is Tucker Ellis LLP representing Trillium Creek LLC, the owners. Mr. Mendel stated their request is to rezone the subject property, 1088 S. Court Street, from R-3 (high density urban residential) to C-3 (general commercial).

Mr. Mendel stated the subject property is 0.92 acres on the east side of S. Court Street at the City of Medina corporation boundary. Mr. Mendel stated the site is occupied by a 2,369 sqft one-story principal building, a 2,029 sqft accessory building and accessory vehicle circulation areas.

Mr. Mendel stated the applicant requests rezoning the property from R-3, High Density Urban Residential to C-3, General Commercial. Mr. Mendel stated at the moment, the applicant wishes to develop the property with a bank ATM drive-thru, but this is not a permitted use within the R-3 district and is a conditionally permitted use within the C-3 district.

Mr. Mendel stated the applicant went before the Board of Zoning Appeals on April 11, 2019 requesting a Land Use Variance to develop the subject site with the bank ATM drive-thru and was denied the Land Use Variance. Mr. Mendel stated the applicant also went before the Planning Commission for Site Plan Approval, which was approved with the condition that the subject property be rezoned to C-3. Mr. Mendel stated if the property is rezoned to C-3 by City Council through their legislative process, they have site plan approval and could theoretically have the zoning in place but they will still need to come back before the Planning Commission for a Conditional Zoning Approval by the Planning Commission.

Mr. Mendel stated the subject property is presently zoned R-3, High Density Urban Residential. Mr. Mendel stated the permitted uses include single-family detached dwellings. Mr. Mendel stated the conditionally permitted uses include two-family dwellings, group homes, schools, churches, etc. Commercial uses are not permitted in the R-3 zoning district.

Mr. Mendel stated the applicant proposes rezoning the subject properties to C-3 General Commercial which is the city's highest intensity commercial district. Mr. Mendel stated this zoning district permits a wide range of commercial uses such as office, retail, commercial entertainment and auto sales. Mr. Mendel stated the conditionally permitted uses are a range of uses such as multi-family dwellings, churches, gas stations and restaurants with drive through.

Mr. Mendel stated the applicant provides discussion points to support the request to rezone from R-3 to C-3, which are attached in the packet.

Mr. Mendel stated the Future Land Use map in the Comprehensive Plan Update is a visual guide to future municipal planning and land use within the city. Mr. Mendel stated

the map currently designates the subject property 'Residential High Density' as part of a specific area of the same designation to the north encompassing properties on the eastside of the S. Court and Sturbridge Dr.

Mr. Mendel stated in evaluating the proposed rezoning, the following items must be considered:

- Consistency with the 2007 City of Medina Comprehensive Plan Update – Future Land Use Map
- Consider all possible permitted and conditionally permitted uses in the proposed zoning district.
- Intrusion of commercial development and change of neighborhood land use character

Mr. Mendel stated the City's 2007 Comprehensive Plan Update designates the subject property as 'Residential High Density', which is consistent with the multi-family development patterns on neighboring properties to the north along the eastside of S. Court St. Mr. Mendel stated the future land use map designation represents the community's wishes that the subject property's future development be consistent with the designation and predominant land use and development pattern on the greater southeast corner of S. Court St. and Sturbridge Dr.

Mr. Mendel stated to be consistent with the Future Land Use Map designation, the more appropriate zoning district for the subject property would be the R-4, Multi-Family Residential.

Mr. Mendel stated the applicant does outline the potential limited impact of the proposed development for the subject property (drive-thru bank ATM), but best practice when considering a rezoning is to also consider the appropriateness of all the permitted and conditionally permitted uses (attached). Mr. Mendel stated the principally permitted uses in the C-3 includes a wide range of land uses such as restaurant, retail store, professional office, hotel/motel, car sales, motor vehicle repair, etc. Mr. Mendel stated the conditionally permitted use range from multi-family, place of worship, gas station, child day care center, etc.

Mr. Mendel stated the permitted and conditionally permitted uses similar to those in the C-3 district may have been considered too intensive for the east side of the 1000 block of S. Court St. during the 2007 Comprehensive Plan creation process. Mr. Mendel stated during the creation process, it may have been determined the multi-family/high density residential development pattern that had occurred on the adjacent properties to the immediate north and east should continue to be a future development pattern for the immediate vicinity including the subject property.

Mr. Mendel stated Staff **does not recommend rezoning** the subject property from R-3, High Density Urban Residential to C-3, General Commercial because of the following reasons:

1. The C-3 district is not consistent with the 2007 City of Medina Comprehensive Update - Future Land Use Map designation of 'Residential High Density'.
2. The C-3 district full range of permitted and conditionally permitted uses have greater potential for negative impacts on the surrounding residential land uses.

Present for the case was Justin Eddy, Tucker Ellis LLP representing Trillium Creek LLC. Also present was Erin Funk, Trillium Creek LLC, CFO.

Mr. Eddy stated after last month's meeting for Site Plan approval, he went back to KeyBank and discussed the condition with respect to the driveway and relocating the north drive to have all the traffic flow through the southern drive. Mr. Eddy stated KeyBank is prepared to move forward in that fashion. Mr. Eddy passed out a revised site plan showing the northern asphalt driveway to be removed with a sidewalk installed and then have some curbing at the back of the round-about at the ATM Kiosk to allow access to the buildings in the rear.

Mr. Mendel stated the new gravel driveway would not be permitted and would need to be a paved driveway. Mr. Mendel suggested having it connect to the existing drive with the existing conditions as opposed to creating the new drive. Mr. Mendel stated the applicant can repave it if they would like. Mr. Eddy stated he thinks that would be accessible in terms of fixing that discrepancy. Mr. Eddy stated as Mr. Mendel mentioned, our application relates to the rezoning of this property from the R-3 High Density Urban Residential zoning classification as stated under Chapter 1125 of the Medina Codified Ordinances to the General Commercial District zoning classification contained within the provisions of Chapter 1137. Mr. Eddy stated on the outset, part of what Mr. Mendel's report related to is the multitude of uses that are available within that C-3 District. Mr. Eddy asked if there is a less intensive Commercial Zoning District that would permit this similar to the C-3 District as a Conditional Use. Mr. Mendel stated there are two other commercial zoning district. Mr. Mendel stated the C-2 and C-1. Mr. Mendel stated C-2 is the Central Business District and is really designed to be more for the downtown area, the immediate downtown Medina area. Mr. Mendel stated it is designed to have different standards for construction and detailing and is a conditionally permitted use. Mr. Mendel stated the C-1 is the lowest intensity commercial zoning district and personal and professional services and drive-thru, which is what this proposal falls under, is a conditionally permitted use in the C-1 and there are no policies of specific limitations of where C-1 can be located in the community. Mr. Mendel stated from a perspective of the existing zoning map, there is C-3 on the west side of this part of South Court Street. Mr. Mendel stated if this property were rezoned to C-1, it would be a small island of C-1 and would need to be reviewed for spot zoning which would be a stretch because it is a lower intensity commercial zoning so you could say this is a transitional area going from the higher intensity on the west side to a lower intensity land use. Mr. Mendel stated C-1 is a possibility for this area and it still would not be inconsistent with the designation in the future land use map. The question was asked if a Vet's office and an Ice Cream store belong in the C-1 as well. Mr. Mendel stated the permitted uses in the C-1 district are office, so the vet would be permitted, professional, medical, and administrative. Mr. Mendel stated a Veterinary office would fall under that for those purposes.

Mr. Mendel stated the restaurant is a conditionally permitted use and the Ice Cream store is considered a restaurant and is a conditionally permitted use in the C-1 zoning district.

Mr. Dutton stated it seems like there are a number of nonconforming uses there on the east side of the road. Mr. Mendel stated the subject property had a house on it at one time and a few accessory buildings. Mr. Mendel stated it was a commercial use for a contractor's office. Mr. Mendel stated he does not know if it was there when the property was annexed to the city. Mr. Mendel stated the Veterinary office was annexed with the use as part of the annexation when the corridor annexed between the late 1980's and mid 1990's. Mr. Mendel stated what is now Handel's Ice Cream was a vacant lot until 7 or 8 years ago. Mr. Mendel stated it was a commercially designated portion of the PUD for the Townhouse development on the south side of Sturbridge and on the north side of Sturbridge. Mr. Mendel stated it was under the previous regulatory framework and went through City Council approval as part of the PUD process at the time. Mr. Mendel stated that process is no longer in the zoning code.

Mr. Mendel stated that is the history of the corridor on the east side developed. Mr. Mendel stated on the west side, those annexed over several decades.

Mr. Eddy stated he thinks it would be prudent for the applicant at this point to change their rezoning request. Mr. Mendel reviewed the conditionally permitted uses with the C-1. Mr. Eddy stated, aside from the commercial uses, there is definitely some overlap with the current zoning, more along the lines of Public Buildings, Nursing Home, etc. Mr. Eddy stated their intent is to narrowly tailor this as much as possible. Mr. Eddy stated for that reason, they would like, if the Commission thinks it appropriate, is amend their application to request a rezoning to the C-1 designation. Mr. Eddy stated he thinks the same logic with their application still applies.

Mr. Mendel stated it is not an unreasonable request but given the packet that has been sent out by Staff, the Staff report is developed and predicated under the C-3 rezoning request. Mr. Mendel stated C-1, although he could probably rattle it off in 20 minutes, he does not know if the Commission would like it to be at this meeting and whether the members of the community who are present are prepared to discuss that change. Mr. Mendel stated ideally it would be best if there was a request to amend the application but with a continuance at least to the next meeting to permit Staff time to adjust the staff report accordingly. Mr. Mendel stated the applicant could re-evaluate their narrative argument because it talks about C-3 and there is a substantial difference between the permitted and conditionally permitted use tables of the C-1 and the C-3 Zoning District. Mr. Mendel stated it would provide time to receive this from the applicant and amend the Planning Commission packet and redistribute it for the public process. Mr. Mendel stated the time to come back can be open-ended with a time to be determined in the future. Mr. Mendel stated that is what he would suggest to the applicant and the Commission if they wish to amend their request accordingly.

Mr. Eddy asked, assuming they proceeded this evening under the current application, would they be permitted to file under the C-1 classification for the next meeting if the C-3 request is denied.

Mr. Mendel read from the Planning & Zoning Code Section 1107.06, administration section, states in 1107.06(e) "no application for zoning amendment (map or text) which has been denied wholly or in part by Council, shall be resubmitted within 1 year after the date of such denial except on grounds of newly discovered evidence or proof of changed conditions which could be sufficient to justify reconsideration as determined by the Planning Commission. At the expiration of one year, each reapplication shall be accompanies by the required data and fees."

Mr. Mendel stated he interprets that as the actual application that was made, so if it was denied by City Council for C-3, they would be able to come back for rezoning of C-1. Mr. Mendel states the Planning Commission is a recommending body for rezoning. Mr. Mendel stated the Council legislative process for rezoning does not take a month but takes at least another 3 months and given the time of year, it would be longer due to the council summer recess. Mr. Mendel stated a recommendation to not rezone by the Planning Commission would not be the one they can come back with C-1. Mr. Mendel stated they would need to be denied by City Council at which point the applicant could submit an application for rezoning to C-1.

Mr. Eddy stated they will proceed with their request for C-3 this evening. Mr. Eddy stated it is the applicant's position this request should be granted because the commercial zoning classification is essentially consistent with the surrounding character of this neighborhood. Mr. Eddy stated it has been permitted to be developed by the zoning code relative to the C-3 zoning designation on the west side of Court Street and as it is developed otherwise, on the east side of S. Court Street as Mr. Mendel explained. Mr. Eddy stated this body is a recommending body and it is ultimately going to be up to council to make a legislative determination as to whether our request is appropriate. Mr. Eddy stated the function of the Commission is to balance the interplay between a land owner's fundamental property rights because it is essentially what is at stake here, in terms of what they are able to do with their property, as well as the City's obligation to advance legitimate government interests with respect to a zoning classification.

Mr. Eddy stated a very famous case to Land Use Lawyers is Chemo vs the City of Mayfield Heights out of the Ohio Supreme Court in 2000 which states that one of the primary factors that courts look to in determining whether a zoning classification passed constitutional muster is whether it imposes regulations inconsistent with the character of the surrounding area and substantially similar properties.

Mr. Eddy stated their position is the R-3 zoning designation does not advance legitimate government purposes because of the change of the character in this area as it has developed over the years. Mr. Eddy stated even if you look at the Comprehensive Land Use Plan, which designates this as similar to the R-4 zoning designation, we can all agree that even the plan suggests the zoning should change on this parcel. Mr. Eddy stated the

question becomes, what is the appropriate zoning classification for this parcel and the surrounding areas on the east side of Court Street.

Mr. Eddy stated as to the types of uses and the map, these considerations are important but Ohio law requires that the over-riding consideration be the owner's fundamental property rights and preventing what, at times amounts to, discriminatory zoning regulations on property where those uses in the surrounding area are not substantially similar to that zoning classification.

Mr. Eddy stated it is their intent to bring this property into conformance and use it in conformance with the general character of this neighborhood. Mr. Eddy stated the Handel's Ice Cream development occurred after the 2007 Comprehensive Plan was enacted, which he believes was in contradiction to what was designated at that time as the desired land use for that parcel.

Mr. Eddy stated it is worth noting to the south there were houses lining the street at one time. Mr. Eddy stated there was a house on the subject property as well as a few parcels. Mr. Eddy stated he believes all of those homes have been removed. Mr. Eddy stated at the very least, it is clear that a residential zoning designation for the properties immediately adjacent to S. Court Street is not appropriate for this area. Mr. Eddy stated the residential uses are disappearing and being replaced with commercial uses consistently through that area.

Mr. Eddy stated those types of uses are not feasible, the economic infeasibility of actually developing a property for a single family residence such that you can get some value out of it and sell it really isn't an economically feasible use given the character of the neighborhood.

Mr. Eddy stated the applicant feels this is consistent with the purposes of the C-3 Zoning designation which provides in Chapter 1137.01 which states the C-3 General Commercial District is established to provide for uses in addition to those specified for the local commercial retail district and thereby provide service and sales in support of the primary business activities in the community. Mr. Eddy stated their location is advantageous at specific points on major thoroughfares at outlying locations in the community.

Mr. Eddy stated they are trying to create a use which is in service to other existing commercial uses located along a commercial corridor and an outlying location in the community.

Mr. Eddy stated they think this is appropriate for this area. Mr. Eddy stated they have engaged in discussions with the Mayor's office and with the Local Council office and it is his sense they are generally supportive of some type of development on this property and they feel it would be a nice addition to this community. Mr. Eddy stated they have had discussions with residents at the Pinewood Development who have voiced their objections, most related to traffic considerations. Mr. Eddy stated they are committed to address the buffering concerns. Mr. Eddy stated traffic is important but per case law is a

separate consideration. Mr. Eddy stated the first consideration is the zoning and the second is the traffic concerns. Mr. Eddy stated this is a passive use designed to capture existing traffic and is not a destination.

Mr. Eddy stated they do not anticipate the traffic being intensive to and from the site and estimate 60 to 80 trips per day onto and off the site counting as 2 trips, so 3 to 40 cars per day.

Mr. Eddy stated the Comprehensive Plan is outdated and needs to be taken a look at updating.

Mr. Eddy respectfully requested the Commission recommend to City Council to rezone to the C-3 classification which is necessary to protect the applicant's fundamental property rights with respect to developing the site in a fashion that is beneficial to the owner and community and will advance legitimate government purposes.

Mr. Eric Funk stated the storage buildings used to be a commercial use for plumbing. Mr. Funk stated Trillium Creek turned it into storage of medical records and such.

Mr. Grice asked for comments from the public.

John Kavouras, 58 Pinewood Drive, President of the Homeowners Association representing the residents of Pinewood. John stated the proposed use is detrimental to the area because in the middle of what is being termed as a "commercial corridor" are 64 dwellings on Pinewood that have multiple cars and drivers coming in and out in an area that is narrow on Court Street without room for a turning lane or passing lane. Mr. Kavouras stated there is traffic coming from the south at speeds of 45mph before it slows down. Mr. Kavouras stated the cars rarely slow down. Mr. Kavouras stated there are 6 driveways and 3 streets between Sturbridge and Hartford Lane. Mr. Kavouras stated they do not want to see another one there that will have 60 to 80 vehicles coming in and out of the area. Mr. Kavouras stated they are all aware of the need for expansion as well as it is convenient and some of the Pinewood residents will probably be using the ATM however, we have to consider the cost in safety and the cost in traffic suggestion. Mr. Kavouras stated their position is that the alternate suggestion of closing the driveway that exists now, which is not really a driveway but a gravel or blacktop road that is just used to go in and out, and he doubts it is used more than a couple times day. Mr. Kavouras stated the Staff has recommended the Commission deny the rezoning request and that is what he on behalf of Pinewood Homeowners encourage the Commission to do.

Mr. Gold stated he is against spot zoning but that doesn't seem to be the case in this instance when there is C-3 across the street and a veterinary office and Ice Cream store which would be consistent in a C-3 zoning, it seems like the odd man out is the R-3 for that entire block. Mr. Gold stated he personally is not opposed to the C-3 zoning because the property is too small to make it anything larger such as a gas station. Mr. Gold stated the use of an ATM would be a convenience to the residents in the area and he does not think the Keybank, without doing their homework, would establish an ATM there

without knowing if they had a customer base there. Mr. Gold stated he does not see it adding to the traffic flow because he sees it as coming to and from the area, going home from work or going to work would end up using it as opposed to somebody coming from the other side of town. Mr. Gold stated they would have to pass up many ATM's before getting to this one. Mr. Gold stated he does not see it as a problem and would recommend the rezoning.

Mr. Dutton stated with the current application, you need to take the ATM out of the consideration because that is not what the Commission is looking at this evening. Mr. Dutton stated that is what this applicant is going to do but ten years from now, someone could put a more intensive use there such as a bar. Mr. Mendel stated a bar is a permitted use in the C-3 and conditionally permitted use in the C-1 district.

Mr. Dutton stated he has no problem with the ATM but the Commission has to look at the long term possibilities.

Mr. Funk stated the property going south as you enter Medina is being sold and is contingent, those 5 acres, on becoming a nursing home. Mr. Funk stated they have already submitted their application to the State for approval for a nursing home so that 5 acres will be a nursing home in Montville Township.

Mr. Mendel stated that side of Montville Township is all commercially zoned on their zoning map. Mr. Mendel stated in the Special Planning District #1 frontage, is designated for restaurant and commercial development fronting S Court Street.

Mr. Gold made a motion to approve a recommendation to City Council to rezone 1088 S. Court Street from R-3 to C-3.

The motion was seconded by Mr. Dutton.

Vote:

Dutton	Y
Grice	Y
Gold	Y
Thompson	Y
Hilberg	N
Approved	4-1

Mr. Mendel stated he will inform the applicant of the soonest steps and timeframe for the Council Legislative process.

Discussion Item: Expansion of downtown Parking District #1.

Mr. Mendel stated back on March 14th, the Planning Commission discussed the Downtown Parking District and asked for comments from the Planning Commission for the City Council legislative process.

LEGAL DESCRIPTION -

PER AMROCK INC. ORDER NO. 6310637 WITH AN EFFECTIVE DATE OF NOVEMBER 12, 2018, AND (AS SURVEYED).

LAND SITUATED IN THE CITY OF MEDINA IN THE COUNTY OF MEDINA IN THE STATE OF OHIO

SITUATED IN THE CITY OF MEDINA, COUNTY OF MEDINA AND STATE OF OHIO AND KNOWN AS BEING THE WHOLE OF MEDINA CITY LOT 4640, CONTAINING 1.1778 ACRES TO BE THE SAME, MORE OR LESS BUT SUBJECT TO ALL LEGAL HIGHWAYS.

SCHEDULE BII -

PER AMROCK INC. ORDER NO. 6310637 WITH AN EFFECTIVE DATE OF NOVEMBER 12, 2018.

ITEMS 1-6 ARE NOT SURVEY RELATED

7. Non-exclusive oil and gas agreement by and between John C. Sutnick and Barbara Sutnick, husband and wife, and Paul E. Sutnick, Trustee under Trust U. Sutnick, husband and wife, dated September 10, 1993 and recorded November 2, 1993 in OR 130, Page 678. Extension of lease filed October 10, 1994 and recorded October 31, 1994 in OR 224, Page 797. Extension of lease dated May 16, 1995 and recorded July 10, 1995 in OR 288, page 531. (LEGAL DESCRIPTION INCLUDES CITY LOT 4640 WHICH CONSISTED OF CITY LOTS 4640, 3056, & 3172 AS SHOWN HEREON)

8. Petition for annexation recorded September 2, 1977 in Volume 602, Page 452. (PLAT IN DOCUMENT SHOWS SUBJECT PARCEL AND MORE LAND)

9. Right of way in favor of Colonial Gas of Ohio, Inc. recorded April 26, 1991 in OR 815, Page 761. (EASEMENT IS LOCATED OFFSITE AND SHOWN HEREON)

10. Plat of Annexation recorded May 22, 1986 in Volume 19, Page 79. (PLAT SHOWS SUBJECT PARCEL AND MORE LAND)

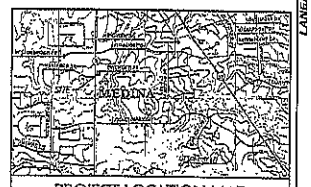
11. Plat of survey recorded May 19, 1982 in Volume 20, Page 272. (PLAT SHOWS SUBJECT PARCEL AND MORE LAND)

12. Plat of survey recorded August 5, 1987 in Volume 22, Page 13. (PLAT SHOWS SUBJECT PARCEL AND MORE LAND)

ITEMS 13-16 ARE NOT SURVEY RELATED.

NOTES

1. THIS PLAN WAS PREPARED WITH THE ASSISTANCE OF THE FOLLOWING REFERENCES:
   A. PER AMROCK INC. TITLE REPORT ORDER NO. 6310637 WITH AN EFFECTIVE DATE OF NOVEMBER 12, 2018.
   B. PINEWOOD CONDOMINIUMS PHASE 1 PLAT RECORDED IN PLAT VOLUME 22, PAGE 86 OF THE MEDINA COUNTY RECORDS.
   C. PINEWOOD CONDOMINIUMS PHASE 2 PLAT RECORDED IN PLAT VOLUME 22, PAGE 133 OF THE MEDINA COUNTY RECORDS.
   D. SURVEY PLAT BY CHARTRUNE & ASSOCIATES, DATED APRIL 2002, RECORDED IN PLAT VOLUME 29 PAGE 117 OF THE MEDINA COUNTY RECORDS.
2. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON HAS BEEN OBTAINED FROM GROUND SURVEYS BY LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES (FIELD WORK COMPLETED DURING THE MONTHS OF NOVEMBER AND DECEMBER, 2018.
3. UNLESS SPECIFICALLY NOTED HEREON, STORM AND SANITARY SEWER INFORMATION (INCLUDING PIPE INVERT, PIPE MATERIAL, AND PIPE SIZE) WAS OBSERVED AND MEASURED AT FIELD LOCATED STRUCTURES (MANHOLES/CATCH BASINS, ETC.). DIMENSIONS CAN VARY FROM THOSE ENGRAVED AT THE TIMES WATER AND LOCKHARD UTILITY GAS IS DETAILED. DURING VISITING THE REQUIRED STANDARD OF CARE, THE SURVEYOR CANNOT, AND DOES NOT WARRANT THAT PIPE MATERIAL AND/OR PIPE SIZE THROUGHOUT THE PIPE RUN ARE THE SAME AS THOSE OBSERVED AT EACH STRUCTURE, OR THAT THE PIPE RUN IS STRAIGHT BETWEEN THE LOCATED STRUCTURES. ADDITIONAL UTILITY (WATER, GAS, ELECTRIC ETC.) DATA MAY BE SHOWN FROM FIELD LOCATED SURFACE MARKINGS (BY OTHERS), CLEANOUTS STRUCTURES, AND/OR FROM EXISTING DRAWINGS.
4. UNLESS SPECIFICALLY NOTED HEREON, THE SURVEYOR HAS NOT ENGAGED TO PHYSICALLY LOCATE THE UNDERGROUND UTILITIES. THE SURVEYOR MAKES NO GUARANTEES THAT THE SHOWN UNDERGROUND UTILITIES ARE EITHER IN SERVICE, ABANDONED OR SUITABLE FOR USE, NOR ARE IN THE EXACT LOCATION OR CONFIGURATION INDICATED HEREON.
5. PRIOR TO ANY DESIGN OR CONSTRUCTION, THE PROPER UTILITY AGENCIES MUST BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
6. THIS SURVEY IS NOT VALID WITHOUT THE EMBOSSED OR INKED SEAL OF THE PROFESSIONAL.



PROJECT LOCATION MAP
SCALE: 1" = 2000'

SOURCE: USGS 7.5 minute Quad Map for Seville, OH

ZONING

AS PER THE CITY OF MEDINA ZONING MAP, DATED FEBRUARY 21, 2018, THE SUBJECT PARCEL IS ZONED B-3, HIGH DENSITY URBAN RESIDENTIAL.

NO ZONING INFORMATION WAS PROVIDED BY SURVEYOR. FOR MORE INFORMATION REFER TO THE CITY OF MEDINA ZONING CODE.

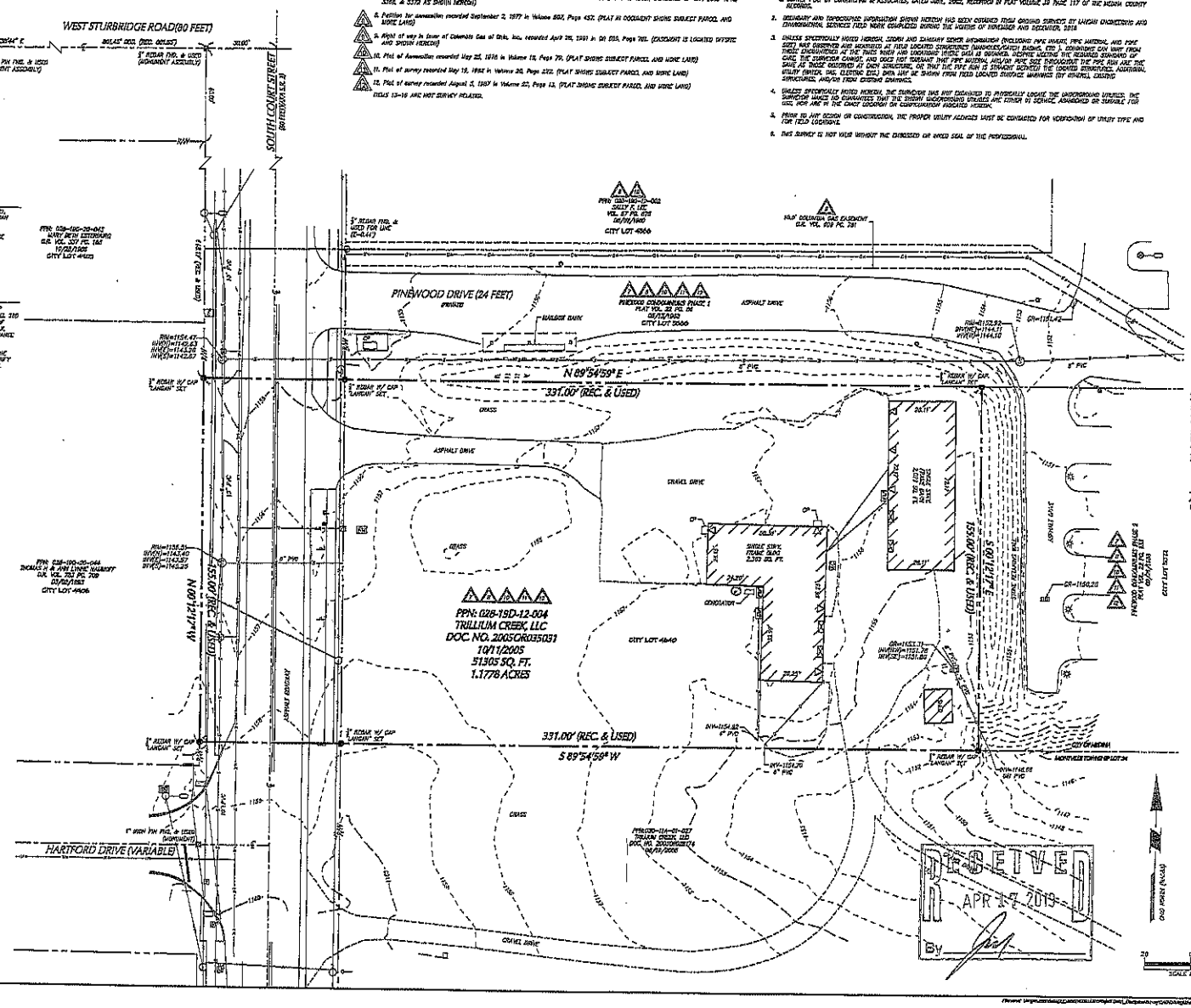
FLOOD CERTIFICATION

AS PER THE NATIONAL FLOOD INSURANCE PROGRAM (FIRM) MAP TITLE "MEDINA COUNTY, OHIO AND INCORPORATED AREAS, PANEL 390 OF 450" MAP NUMBER 39103C0390D, AND AN EFFECTIVE DATE OF AUGUST 19, 2013, THE SUBJECT PARCEL IS LOCATED IN ZONE X, WHICH IS DESIGNATED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

NO FIELD SURVEY OF ELEVATIONS WAS PERFORMED TO DETERMINE THIS ZONE AND ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

LEGEND (NOT SHOWN TO SCALE)

	MONUMENTATION FOUND (TYPE AS NOTED)
	SET 5/8" X 30" REBAR W/ CAP "LANGAN"
	SET DRILL HOLE
	HYDRANT
	SIGNS POST
	FIRE DRILL
	BOLLARD
	STREET LIGHT
	AREA LIGHT
	SIGNAL POLE
	POWER POLE
	GUY WIRE
	MANHOLE (TYPE AS LABELED)
	WATER VALVE
	GAS VALVE
	IRRIGATION VALVE
	CATCH BASIN
	CLEAN OUT
	SIGN
	BILLBOARD
	ELECTRIC BOX
	ELECTRIC METER
	GAS METER
	WATER METER
	TELEPHONE BOX
	TRAFFIC SIGNAL POLE
	DOOR
	DOUBLE DOOR
	GARAGE DOOR
RCD.	DEED OF RECORD
AC.	ACRES
CALC	CALCULATED
OBS.	OBSERVED
SQ. FT.	SQUARE FEET
PH	PARKED HANDICAP
VOL.	DEED VOLUME
PG.	PAGE
LSA	LANDSCAPE AREA
CP	CONCRETE PAD
CC	CONCRETE CURB
EP	EDGE OF PAVEMENT
	FENCE (TYPE AS NOTED)
	SUBJECT PROPERTY LINE
	ADJOINING PROPERTY LINE
	EASEMENT LINE
	TIE LINE
	RAILROAD (TYPE AS NOTED)
	STREAM LINE
	UNDERGROUND WIRE
	COMBINED SEWER LINE
	GAS LINE
	WATER LINE
	ELECTRIC LINE
	COMMUNICATION LINE
	SANITARY LINE
	DRAINAGE LINE
	REFERENCE BEARING LINE (TYPE AS NOTED) - PLOTTED FROM EXISTING MAPPING



DATUM

VERTICAL DATUM IS NAVD 88 OBTAINED FROM GPS OBSERVATIONS ON NOVEMBER, 2018.

BASIS OF BEARINGS

HORIZONTAL IS REFERENCED TO OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83 PER GPS OBSERVATIONS IN NOVEMBER, 2018.

UTILITY ONE CALL

OUPC TICKET NO. B83300163 (GAC)
OUPC TICKET NO. B83300284 (GEOSH)

CERTIFICATION

TO:
1. AMROCK INC.
2. TRILLIUM CREEK, LLC
3. JCTF BANK

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6(b), 7(a), 7(b)-1), 8, 9, 13, AND 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED IN DECEMBER, 2018.

ANTHONY L. MAIONE, P.S.
PROFESSIONAL LAND SURVEYOR
OH LIC. No. 8344

STATE OF OHIO
ANTHONY L. MAIONE
8344
REGISTERED
PROFESSIONAL SURVEYOR

Date	Description	No.
	REVISIONS	

LANGAN

Langan Engineering and Environmental Services, Inc.
6000 Lombardo Center, Suite 210
Cleveland, OH 44131

T: 216.328.3300 F: 216.328.3301 www.langan.com

Project

MEDINA SOUTH ATM

MEDINA CITY LOT 4640
CITY OF MEDINA
MEDINA COUNTY OHIO

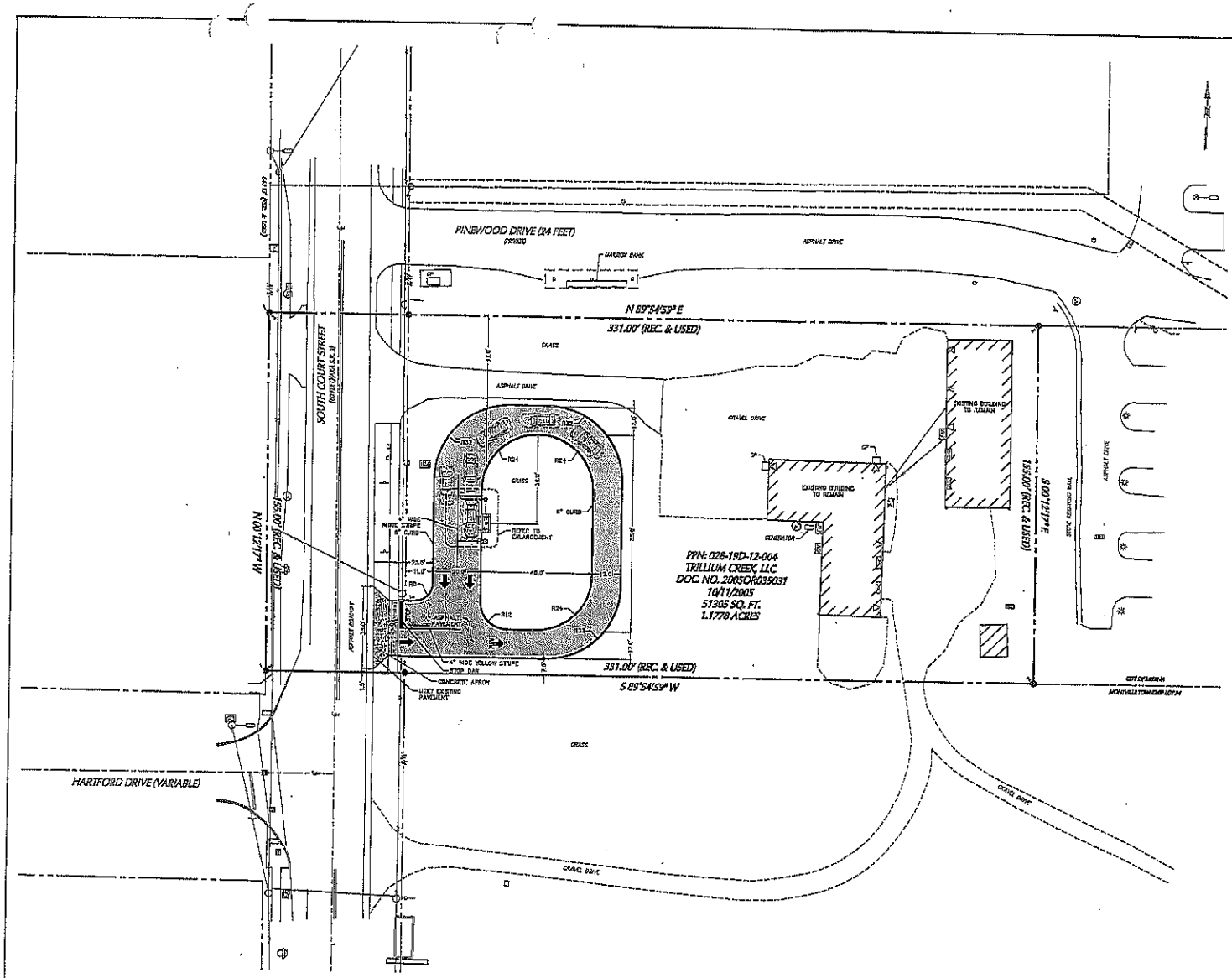
Drawing Title

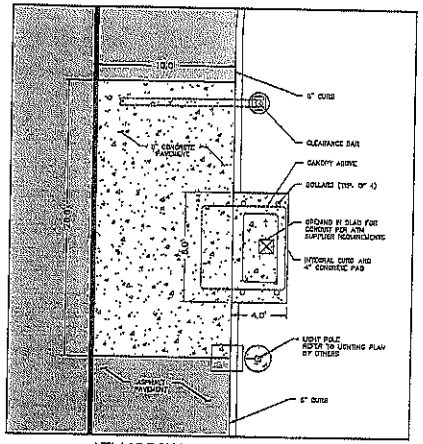
ALTA/NSPS LAND TITLE SURVEY

Project No. 400051201	Drawing No. VL101
Date 12/06/2018	
Drawn By MAH	
Checked By ALM	Sheet 1 of 1

PROJECT NO. 400051201

LANGAN





ATM KIOSK PLAN ENLARGEMENT

SCALE: 1/4" = 1'-0"

SIGNATURE CHRISTOPHER W. WESTBROOK PROFESSIONAL ENGINEER OH Lic. No. 73221	LANGAN Langan Engineering and Environmental Services, Inc. 6000 Lombardo Center, Suite 210 Cleveland, OH 44131 T: 216.328.3300 F: 216.328.3301 www.langan.com	Project KEYBANK MEDINA SOUTH ATM CITY OF MEDINA MEDINA COUNTY OHIO	Drawing Title SITE PLAN	Project No. 400051201 Date 02/22/2019 Drawn By HMC Checked By CW Drawing No. CS101

LANGAN

PROJECT NO. 400051201

The City Of Medina Ohio

Preserving the Past. Forging the Future.

Zoning District Map

ffective February 21, 2018 (Ord. 15-18)

Legend

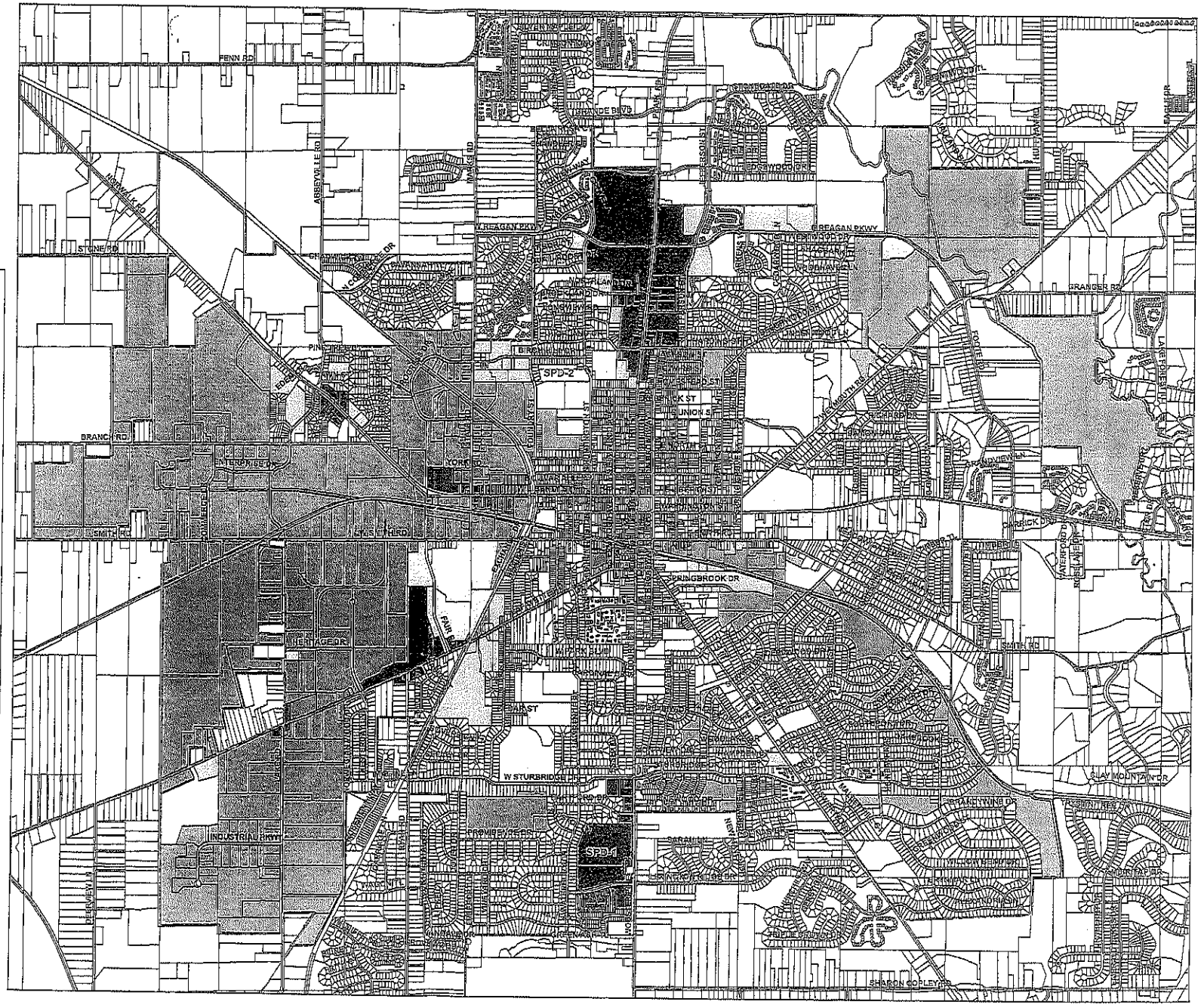
- City Boundary
- O-C Open Space Conservation
- R-1 Low Density Urban Residential
- R-2 Medium Density Urban Residential
- R-3 High Density Urban Residential
- R-4 Multi-Family Residential
- M-U Multi-Use
- P-F Public Facilities
- C-S Commercial Service
- C-1 Local Commercial
- C-2 Central Business
- C-3 General Commercial
- I-1 Industrial

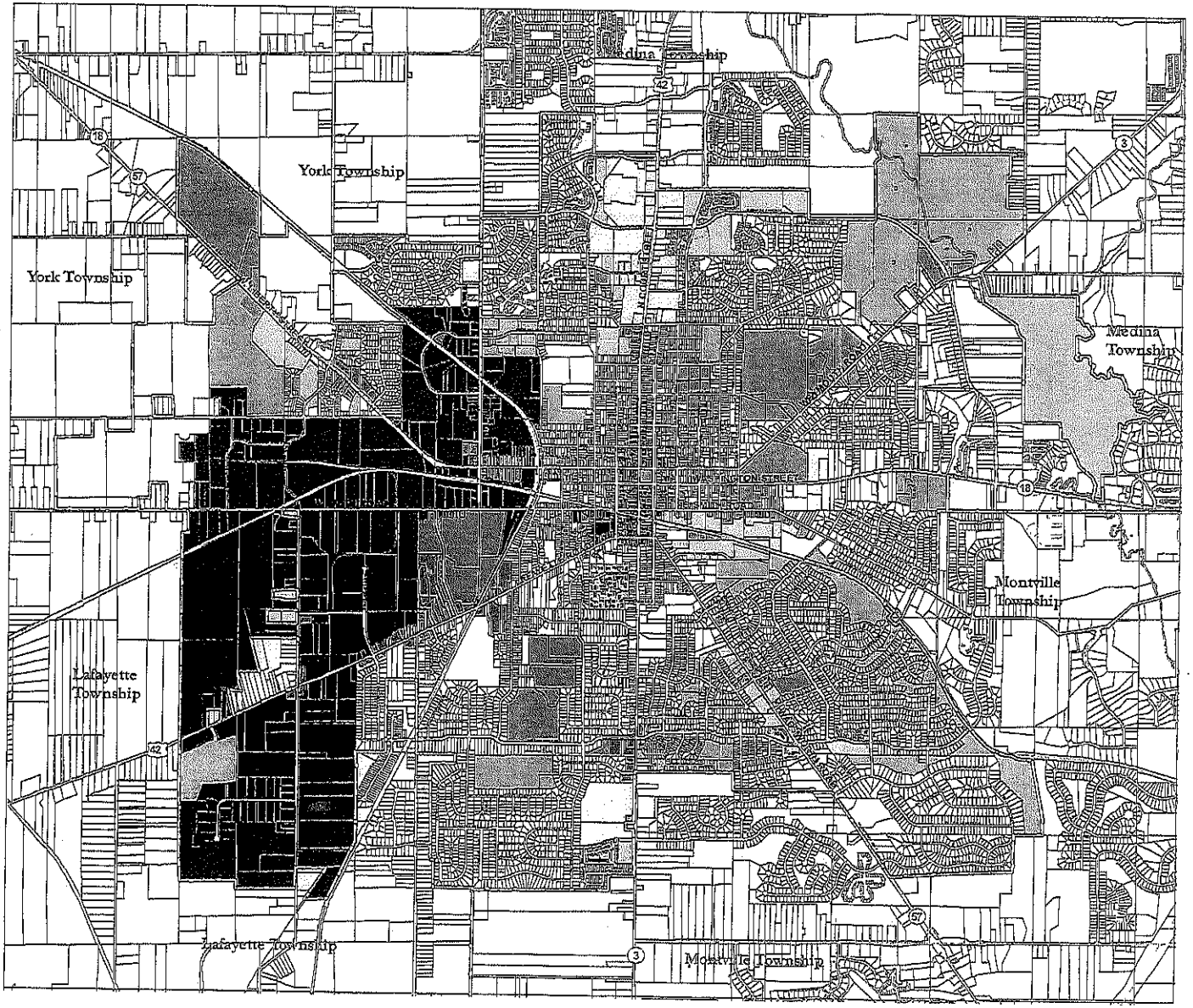
Note:
This map is updated frequently and may not represent the most current information. To ensure accurate information contact the City of Medina at 330-764-4652.

The lot lines of this map are representative of the actual lot lines and are not intended to be substituted for an official survey or used to resolve boundary or area issues. Secure a survey, consult County records or the City Clerk of Council records for dimensions and areas of lots and boundaries.

Prepared by City of Medina
Community Development Department
February 22, 2018

N





Map 8
Future Land Use

11/13/2006

City of Medina, Ohio

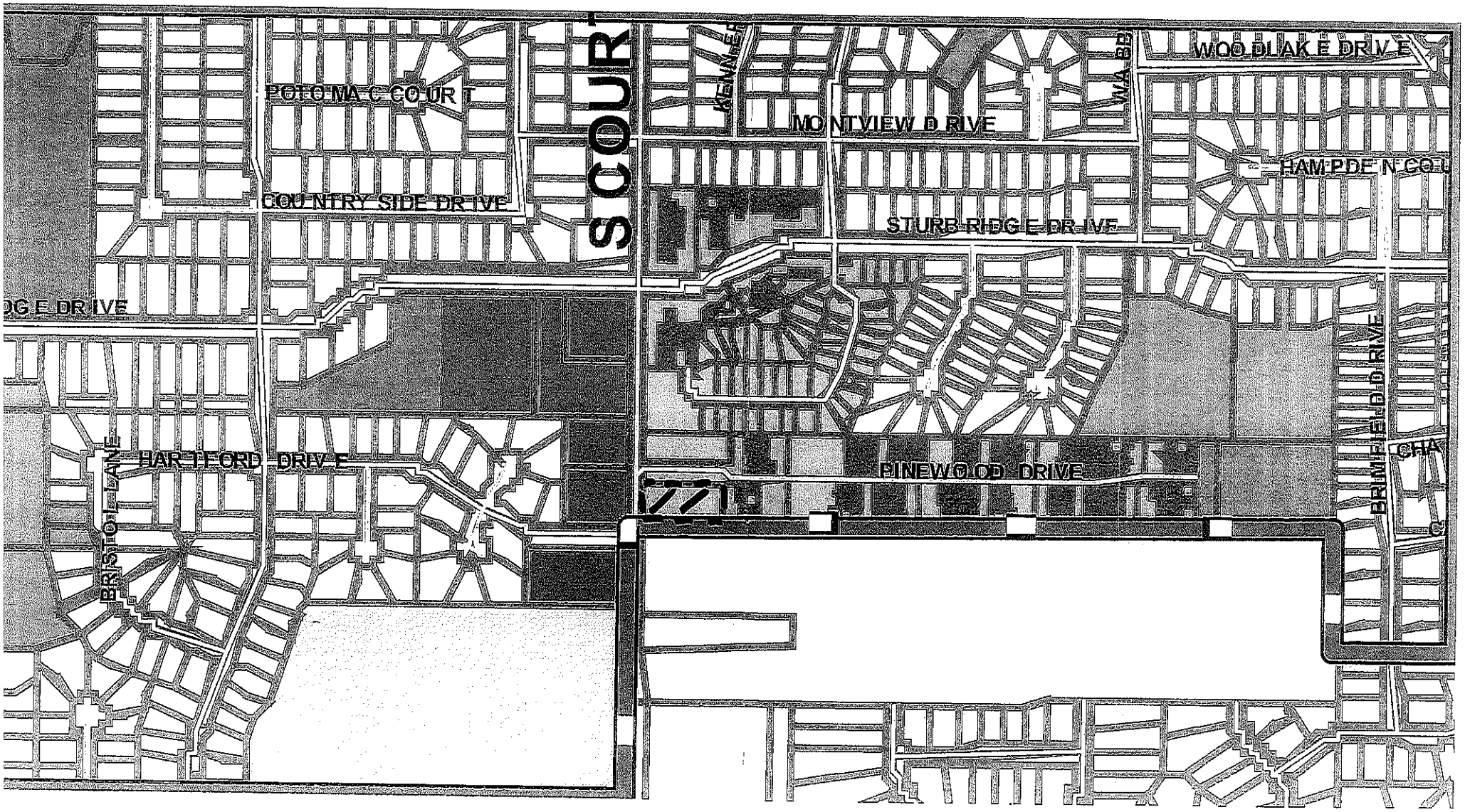
Future Land Use

- Residential Low Density
- Residential Medium Density
- Residential High Density
- Mixed Use
- Central Business District
- Thoroughfare Commercial
- Planned Commercial
- Restricted Office
- Office/ Technology
- Light Industrial
- General Industrial
- Public Facilities
- Conservation/ Recreation
- Municipal Boundary
- Township Boundary
- Surrounding Area

0 1,250 2,500 Feet

Base Map Source: Medina County GIS, 2005
Data Source: McKenna Associates, Incorporated, 2006.

McKenna Associates


POTOMAC COURT
COUNTRY SIDE DRIVE
SCOUR
MONTVIEW DRIVE
WOODLAKE DRIVE
HAMPDEN COU
STURBRIDGE DRIVE
DGE DRIVE
HARTFORD DRIVE
BRISTOL LANE
PINEWOOD DRIVE
BRIMFIELD DRIVE
CHA

MEDINA CITY COUNCIL
Monday, June 26, 2019

Public Hearing (7:30 p.m.)
To consider the rezoning of 216, 222, and 226 S. Jefferson Street from R-3, High Density Residential to M-U, Multi-Use.

For: Mr. Mendel isn't speaking in favor, he just wanted to explain the Planning Commission process. On April 11th, 2019 applicant requested rezoning of these properties. This went through the administrative review process and went to Planning Commission for review where they did not recommend the requested rezoning to City Council by a 2 to 3 vote. Jonathon stated this went before the Finance Committee on May 13th, 2019. A Public Notice of 30 days was published as per city code requirements.

Anthony Vacanti (Buckingham, Doolittle & Burroughs, LLC) spoke on behalf of the property owner stating they are seeking a rezoning from R-3 residential to M-U for Multi-Use. Mr. Vacanti distributed a packet of information to Council describing a vision for these properties, describing the area and why this rezoning makes sense from a legal stand point and from a practical stand point, and some of the benefits for the city and for the neighbors because with any rezoning there comes a lot of misperception and misunderstanding and he would like to try and dispel some of that and articulate again that they are willing to work with the City and the residents to find a proper use of this property. It's important to remember while this is a legislative act there are certain constitutional requirements like when City Council legislates dealing with private property rights they have to be reasonable and balance the private property interest of the community and the private property interest of the subject property owner. Mr. Vacanti stated he feels what they are proposing strikes that balance. Mr. Vacanti distributed packets to the City Council Members.

He stated he is representing his client Dominic Carrino and he is present in the audience and he is also the authorized representative of SDS Properties. He obviously owns Carrino's on the West Side of Jefferson and Jo Jo's, those properties, it's important to note, are zoned C-2 Commercial which is a higher intensity commercial use. He acquired the three subject properties on Jefferson on the east side of Jefferson St. with the vision of developing them as mixed use. Before he did so, he did consult with the city and had some initial discussions and it was revealed under the Comprehensive Land Use Plan these properties were recommended to be rezoned to Multi-Use, similar to other properties that are similarly situated on Smith which is immediately adjacent to residential properties and on Washington across the street which is also adjacent to similar residential properties. The vision is a mixed use to maintain the residential streetscape, the residential structures, but to allow a little more flexibility because these properties are across from high intensity commercial uses and it does front on a major truck route of Jefferson Street a commercial corridor. So allowing this flexibility allows the city to maintain these residential properties because if they are rezoned to multi-use they can't tear them down, as they stand right now they can tear them down, and that's not their plan but there is nothing stopping him from selling them in the future and someone else may want to do it. So this will preserve and propitiatory these residential structures for multi-use. What kind of uses are they talking about? They are talking about office administrative uses, again similar to the properties across Washington and across Smith and also residential uses. This is the vision for the subject property and in conjunction with that, they did submit a site plan that had some parking, landscaping, fencing and buffering and are open to discussions on those items as part of the site plan review but obviously they need the rezoning in order to move forward with the site plan. His client is a business owner and has substantially invested millions of dollars in this corner of the city and has done a pretty good job in maintaining those properties. These residential properties, a lot of them were in disrepair, some

of them were vacant. The subject properties his client has spent over $300,000.00 in renovating them and continues to do so in reliance on good planning and zoning and recommendations to the plan.

The City's Comprehensive Plan indicated that these properties should be rezoned M-U. The basis under this plan was that because they are across from high intensity commercial development you need some sort of buffer between that and the residential properties to the east, and this mixed use type of zoning provides that buffer from a planning perspective and the Comprehensive Plan rationale just identified that as the reason. A Comprehensive Plan is not law and this was adopted by Council but it is not the zoning code, it is just a guideline to move forward on a case by case basis. They would submit that the basis and the purpose identified in the Comprehensive Plan exists today, because it will provide a nice buffer for the residential properties to the east from the commercial properties to the west, and will also maintain the residential streetscape which is important to the city and the residents who have spoken up and expressed some concern about these being developed commercially, he thinks it's clear that these residential structures will remain. That is some of the benefit, and in addition it is important to understand that this city is obligated to treat similar properties similarly.

Mr. Vacanti referred to the packet that was distributed and stated they already reviewed tab one which is an aerial of the subject properties, tab two is a little different than the packet he distributed before it shows the streetscape as it currently exists you will see the subject properties across the street is Dominic's and Jo Jo's and you can see all the commercial properties on the other side of Jefferson. These subject properties face these commercial properties. Under tab two you can see the streetscape and how they are directly across from these commercial properties. That's not conducive to single family residential which is what any planner will tell you, that's what the staff report indicated, and that's what the Comprehensive Plan indicated as well. The fact is that some of these were vacant, not moving on the market or being sold is indicative of that as well. Under tab three is the site plan which we've already reviewed. Landscaping Plan, tab four Zoning Maps, tab five Future Land Use Map and tab six which shows these properties identified as mixed-use, and his letter to Council with legal basis for their request.

Mr. Vacanti stated he would like to focus on tab eight where it shows an overview of the area and you can see there are two black boxes, those are the properties north on Washington and then also south on Smith in the immediate vicinity of our subject property, those properties likewise are zoned mixed-use consistent with the Comprehensive Plan. The same type of zoning that his client is requesting and that the Comprehensive Plan has identified as appropriate for the subject property. You can see these properties, these are the properties on Washington there are three commercial properties, residential structures with almost exactly, very similar type of parking that his client was proposing, these are immediately across from the historical house on Washington and these properties already exist, and they are across from that house and his client is not proposing anything different. As a matter of fact he is willing to scale down some of the items to address some of the residential concerns. The third page again shows some of these properties such as Kingdom Title, Cigar Shop, and the third house has some offices. Further down Jefferson a couple of houses down from his client's properties, is a dental office with onsite parking and that is on the residential side. So the character of this area is already mixed-use as the city has intended.

The final two pages shows some properties on Smith, again mixed-use properties substantially similar to his client's properties such as commercial with residential structures commercial use with parking. His client is just requesting to be treated the same way as some of these other properties. Mr. Vacanti stated he understands that rezoning is not always popular and it's not easy to be in City Council's position with regards to this, but his client will commit to you to working with the city and with the residents to provide a site plan that allows the economically feasible use of these properties, consistent with what the City of Medina has already allowed in this area. It's going to benefit the city and the neighbors because it's going to maintain those residential structures, it's going to provide buffering. There were concerns about Jo Jo's and Dominic's late at night with people at the bar being loud, but they are willing to put parking restrictions on those properties and this will allow for that type of buffering. Mr. Vacanti stated he knows there were some concerns about the residential tenants on some of these properties being loud and so by allowing this rezoning he's be getting rid of some of those residential tenants and allow commercial use regular hours which would quiet things down. There are a lot of benefits to this, he realizes it is not an easy question for council and he knows there are some legal issues involved as well, but stated he is here on behalf of the property owner saying they want to work with the city it's proper from a land use prospective. Tony asked that the city respect his client's private property rights, take into consideration the neighbors rights, and strike a balance and they believe that this zoning strikes that balance again as recognized in staff report, the Comprehensive Plan and any professional planner you know that would articulate on this issue.

Against:
Michael Schwin from 230 S. Jefferson stated his chief objection is the overflow of parking from the business across the street and what that brings at 2:30 – 3 a.m. Especially when people are leaving at that time, they tend to be very loud, motorcycles are loud and his wife goes to work at 4 a.m. and will lose sleep. Mr. Schwin mentioned he viewed the site plan and has concerns with the lighting that was 12 feet tall and how they will be shining in his house all night. Yes, we get trucks but it's because they are bypassing the square. The dentist office that was mentioned has been there forever and the guy before him was a dentist also and he is kind of grandfathered in, their patients are gone well before dark. He feels this will change the character of the neighborhood, it's peaceful and quiet and clean, he doesn't want the litter.

Skip Baran from 536 N. Broadway St. Spoke as a representative of the CDC (Medina Community Design Committee) as a board member. He read a statement that the CDC put together and was handed out to council members. The CDC has spent over fifty years encouraging the restoration and preservation of Medina's Historical buildings and homes. The heart of the City of Medina; it's historic and vibrant downtown: is a culmination of decades of building and business owners working to restore and preserve the architecture and space which has become a nationally recognized area. Downtown Medina is a destination location for those seeking to enjoy the shops, restaurants and open space situated within this unique historical venue.

They are here to express their concerns pertaining to the rezoning of the properties located at 216, 222, 226 South Jefferson from R-3 to M-U. The block which this rezoning is being requested lies between two significant transportation corridors into the heart of Medina. This area is also only one half block east of the historic downtown district and consists primarily of residents. The block

north of these properties is zoned a combination of R-3 High Density Urban Residential and M-U both of which utilize the existing housing stock and land in a fashion that conveys a residential or neighborhood appearance. Transitional Corridor Overlay Districts encompass both the north and south sides of East Washington and East Smith Roads. The overlay district requires businesses to maintain their buildings and properties in such a manner that is harmonious with the surrounding neighborhood. Additionally the block in which the South Jefferson properties are located is considered Historic Residential according to the City's Neighborhood Action Plan.

A review of the City's Existing Land Use Map, Zoning District Map, Transitional Corridor Overlay District Map, Neighbors Action Plan Map and Future Land Use Map all of which are posted on the City's Website indicate no new commercial zoning or development in this area. These maps depict traveling east to west, a gradual transition from Residential Medium Density to Residential High Density with a Transitional Corridor Overlay District along the main thoroughfares prior to entering the historic downtown area. The Community Design Committee supports the City's current vision as conveyed through the aforementioned documents that there be gentle and harmonious melding of land use of the areas approaching the historic downtown area thus maintaining Medina's "Hometown" charm.

Amy Barnes resides at 314 E. Washington St. and owns the Colonel HG Blake House which is on the National Register of Historic Places, located at the corner of East Washington and South Jefferson. With part of the property on South Jefferson and the rest facing East Washington. Amy presented a petition signed by 50 people and they are asking that Council deny the request to change the zoning from residential to multi-use for the properties located at 216, 222 and 226 S. Jefferson St. and thus deny the installation of a parking lot at the fore mentioned properties. The three properties in question back into the Historic Colonel HG Blake House property and adjoin another privately owned home. Many times in discussion regarding the rezoning, the Comprehensive Plan has been brought up because it shows the areas possibly being changed to Multi-Use zoning in the future. Ms. Barnes stated the Comprehensive Plan is not set in concrete for a reason, it is a projection of possible future zoning changes with those projected changes depending on many changing factors because those who drew up the Comprehensive Plan do not know what the future will bring any more than she has the winning lottery ticket. The designers of the Comprehensive Plan did not predict the housing shortage that has occurred. They could not predict that good people would want to and do remain in the neighborhood maintaining its residential feel and flavor. The properties in question can and have yielded a reasonable return as residential properties. When the properties were purchased they rezoned residential and two of the three homes had occupants while the third was for sale by owner. In fact, one of the residents had rented there for over 20 years and had no intention of moving. In a zoning meeting it was mentioned that the house listed for sale had difficulty selling. Amy had spoken more than once with the former owner of that property and he refused to have it represented by a real estate agent or to advertise it for sale, other than a small sign in the front yard and he admitted to her that he was asking for a price well above the house's market value. After the Zoning Commission denied petitioners request for zoning change, she sent numerous people who were looking for houses to rent to petitioner because he complained in a zoning meeting he had difficulty renting them. All three houses are currently occupied. A zoning change will cause an increase in traffic, noise and congestion at a corner that already suffers from heavy traffic and change the neighborhood from

being overwhelmingly commercial and paved. The zoning should remain residential to maintain the social fabric, local history, natural beauty and texture and integrity of the neighborhood. A previous City Council agreed, 20 years ago just before she bought the HG Blake house the previous owner sought to turn the house into a Bed & Breakfast Inn and to sell the attached side property that is on the corner of Washington and Jefferson to tonight's petitioner so he could turn it into a parking lot. The homeowners were denied based on the city's desire to maintain this large space of 1.5 acres so close to the square as residential green space. We are asking for that attend to continue to be honored. Petitioner has said numerous times that he is requesting the zoning change to provide additional parking for his restaurant and bar. Paul Calarezi senior took a look at the parking area that the petitioner owns and came up with a new design that would add an additional fifteen spaces to the parking lot, and he offered his redesign to petitioner for no charge and offered to explain it in detail, the last Amy heard his offer was declined. The petitioner's current parking lot alone is more parking than any other square area restaurant owns, he also has full and easy access to the Library Parking after it closes and the Court House Parking which is empty at night and the 350 space parking deck across the street from his business. If petitioner's customers walked to the corner of Washington and Jefferson legally and safely cross the street it is actually a shorter walk to the parking deck than it would be to the proposed lots on Jefferson. She realizes that petitioner's customers will simply jaywalk to cross Jefferson, which makes it much more dangerous to open those lots to extra parking for petitioner's businesses, jaywalking across Jefferson with as much traffic as travels on the two-way street is very dangerous and would be irresponsible to encourage patrons to cross the street in that manner. The zoning change that the petitioner is requesting is not natural law nor is it economic inevitability it is a function of power and wealth. He purchased three homes fully aware of what the zoning was and now wants to change the neighborhood that he does not live in while claiming he is filling a need that does not exist. We may not be able to afford lawyers or be able to purchase a substantial number of a neighborhood's properties but we still have the right to have the neighborhood that we live in remain the wonderful textured mix it is instead of becoming an over paid eyesore.

What is the highest and best use of these properties, is it to add more commercial space in a city where there are many what vacant store fronts in such areas as North Court, is it to eliminate housing when there is a housing shortage, is it to add additional bland parking areas where there are so many available including the 350 spaces across a one-way street from petitioner's business or is it to maintain the atmosphere and look of an older neighborhood where the houses are not cookie cutters and they represent an era of Medina, different from the square, mixed with the rich history of the Colonel HG Blake house. We hope you honor our plea to not allow Medina to lose yet another of ingredients that make it charming and unique and make people want to move to and visit Medina again and again. We ask that you will see your way to deny the requested zoning change.

Pam Miller resides at 450 Woodland Dr. (former Council person and former member of Planning Commission) Pam is speaking against the rezoning request for the properties on South Jefferson and feels there is not a compelling reason to rezone the properties and to do so would create spot zoning on the block in question. The applicant claims that the city's Economic Development Director and Community Development Director suggested that he pursue this course as a means of gaining more parking for his restaurant and bar located across the street even though his business

is across the street from the city parking garage and near to many lots and spaces throughout the historic district. He had to have known that neither of these individuals had the authority to make the rezoning happen but he went ahead and purchased the properties and has even gone so far as to clear cut the backyards in anticipation of putting in parking lots. His cover letters to the Planning Commission and the Board of Zoning Appeals were ambiguous in describing the plan use for the houses on these properties indicating that they might be residential but they might also be commercial and there was no overall concept presented to the Planning Commission for development that would benefit the community. The Planning Commission acted responsibly in denying this request and hopefully you have read the transcripts from Planning Commission meeting as well as the Board of Zoning Appeals meeting and seen the comments from neighbors and others. The city's Comprehensive Plan does play an important role in future land use planning suggesting that changes might be beneficial in certain areas of the city if circumstances warrant which is not the case here. Zoning changes should only be considered when changes have occurred in a neighborhood that prevent use of the land as originally zoned. Zoning changes should also depend on any future plans for surrounding properties. This neighborhood along South Jefferson, the south side of East Washington, the west side of Spring Grove, the north side of East Smith and the side streets between Washington and Smith is predominately single family residential with a few exceptions. There is no trend that would suggest a change in zoning MU for any part of this East Washington neighborhood. Surely, the city would embark on a comprehensive study involving the residents if it thought that zoning changes would be desirable. That has not happened in this case.

Bear in mind, too, that the Comprehensive Plan is sadly out of date and really should be reviewed. In the intervening years, there has been a renewed effort to maintain and support the residential nature of the neighborhoods adjacent to the Square.

Furthermore, as Councilperson Rose stated at the Planning Commission, the City needs residential housing. As a matter of fact, there is a nationwide shortage of affordable houses so we should not be quick to convert or demolish viable homes, especially in the historic neighborhoods abutting the Historic District. With proper marketing, any of the real estate firms in the Medina area could successfully sell or rent these houses on South Jefferson to potential homeowners.

Spot zoning these properties serves no useful purpose to the adjoining properties. To single out these three properties for a use that is different from that of the surrounding area for the benefit only of the owner of such property – and especially because that owner wants to utilize the property to accommodate a business that is across the street in still another zoning category – is to create a situation that is detrimental to the other property owners.

Council must evaluate whether it is in the public interest to change this zoning, what its effect will be on neighboring properties, and what ramifications will be created if a change is made. You should also consider the real reason that this applicant desires the change and acknowledge that it is an unacceptable premise. I urge you to uphold the recommendation made by the Planning Commission to deny this rezoning.

Elizabeth Biggins Ramer resides at 141 S. Prospect St. and is here representing the Bankers Row

Historic Neighborhood Association, which is one of the five historic neighborhoods that have been formed to preserve the residential nature of the original Village of Medina. Many of these historic neighborhoods also have mixed use throughout their particular boundaries through what is called the Overlay District for example, Banker's Row which does abut West Liberty which means the homes along that area can be used residentially and commercially however keeping with the flavor of the residential neighborhood. Since the inception of the historic neighborhood associations, several of the homes not only in our neighborhood but other of the historical neighborhoods have actually been purchased and converted from the businesses they had been prior back to residential use because these homes embrace the flavor of our Medina as well as some extraordinary architectural values. The preservation of the inner ring neighborhoods provides economic support to our historic downtown and the flavor of Medina in general. We would hope that you consider the actions of the Historic Neighborhoods Associations as they have supported the downtown and in return consider supporting a neighborhood to stay a neighborhood.

Mr. Lamb asked Jonathon Mendel how many times in recent history has council over ridden the Planning Commission vote and how rare is that?

Jonathon stated in the 5 ½ years that he has been employed with Medina City it has not occurred.

The public hearing was closed at 8:12 p.m.

Opening:
Medina City Council met in regular, open session on Monday, June 26th, 2019. The meeting was called to order at 7:35 p.m. by President of Council John Coyne. Eagle Scout James Feeks led the Pledge of Allegiance.

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

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

Minutes:
Mr. Shields moved that the minutes from the regular meeting on June 10, 2019 as prepared and submitted by the Clerk be approved. The roll was called and the minutes were approved by the yea votes of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields and D. Simpson.

Reports of Standing Committees:
Finance Committee: Mr. Coyne stated the Finance Committee met prior to this evening's Council meeting and will meet again for the last time before summer break on July 8th.

Health, Safety & Sanitation Committee: Mr. Simpson had no report.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb stated no meetings are scheduled until after the break but they did meet last Monday night and Special Legislation passed the ordinances of LGTBQ legislation.

Streets & Sidewalks Committee: Mr. Heffinger had no report or meetings scheduled.

Water & Utilities Committee: Mr. Starcher had no report or meetings scheduled.

Emerging Technologies Committee: Mr. Rose stated they did have a meeting last Wednesday with the Medina County Fiber Loop with plans in southern Medina County where they are bringing fiber optics in. Paul will post the information for anyone interested in signing up, the more public that is interested and takes the survey the better the chances and they will be looking at that information to make their next move. This has been very well received out west.

Emerging Technologies Committee will meet again sometime after the break with Armstrong Cable to show what they are doing now recently announced bringing fiber into the City of Medina and we will be able to discuss what they have to offer.

Mr. Coyne wanted to dispel one misconception that he commonly hears throughout the community is that we are not prohibiting any other cable company from coming into the city. Armstrong is a provider, and we would gladly have other providers but there is a cost barrier that they don't want to incur to come into the city so that is why we don't have other cable companies.

Mr. Rose stated to that point in some cases it costs $20,000 per pole to hang a line and that is part of the reason.

Requests for Council Action:
19-112-6/24 – Amend Lafayette Township Law Enforcement Services Agreement
19-113-6/24 – PY18 CHIP – Private Rehab at 3877 Miller Dr. Brunswick, OH
19-114-6/24 – CDBG Citizens Participation Plan Update
19-115-6/24 – 2019 Codification Update – Walter Drane
19-116-6/24 – Increase P.O. #2019-513 ORDC Soft Costs for PY18 CHIP Grant
19-117-6/24 – Bids, S. Broadway Reconstruction Project
19-118-6/24 – Grant Application – ODOT – South Prospect Street Bridge
19-119-6/24 – Job Creation Grant Payment – Discount Drug Mart
19-120-6/24 – Job Creation Grant Payment – Sandridge Food Corp.

Reports of Municipal Officers:
Dennis Hanwell, Mayor, reported the following:

1) Parking Deck- Parking will be very limited at Medina City Hall and lot between Sully's patio and Porter's Shoes. Available long term lots are at the southeast corner of West Liberty and South Elmwood; lot on west side of 200 block of South Elmwood (between Smith and Washington); as well as at the existing parking deck behind Common Pleas

Courts. The project is being bid for the second time and once we get that back there will be a panel to review and council will have a special meeting to award that bid during their break period and we will get that project going as quickly as possible and will last likely into spring of 2020.

2) Medina Community Band free concerts on Square each Friday night in June and July, as well as July 4th. Weather dependent. Starts 8:30 p.m.
3) Farmers Market each Saturday on Square 9 a.m. to 1 p.m.
4) Thursday, June 27th at 6:30 p.m. – 8:30 p.m., Medina Co. Board of Developmental Disabilities will host ice cream social on Square.
5) City of Medina Fireworks at MHS. July 3rd at dark; co-supported with Medina and Montville Townships
6) City of Medina July 4th Parade- Thursday July 4th, lineup at 3 p.m., starts 4 p.m. at Medina High School student lot; south on Spring Grove to E. Liberty and around Square. Applications for parade and release forms available at Mayor's office.
7) ORMACO presents Jazz Under the Stars on Square Saturday, July 6th, 7 p.m. -9 p.m.
8) Thanks to Councilmen Paul Rose, Dennie Simpson, Bob Starcher and Bill Lamb for attending ribbon cuttings (6) on Friday, June 21st, 2019 as well as Councilmen Bill Lamb and Jim Shields for attending the Firehouse Community Room Ribbon cutting at 5 p.m. on Friday, June 21st.

Keith Dirham, Finance Director, Keith stated they are proceeding with budgets and will have the tax budget at the next meeting.

Greg Huber, Law Director, had no report.

Chief Kinney, Police Department, Reported they filled one of the two vacant Patrol Officer positions. Xavier Payton will be sworn in July 1st and will start her FTO program shortly after her swear in. They are continuing with interviews to fill that last position.

Kimberly Marshall, Economic Development Director, had no report.

Jonathan Mendel, Planning Community Director, had no report.

Chief Painter, Fire Department, had no report.

Mike Wright, Recreation Center Director, had no report, stated the next Rec. Advisory Committee Meeting is Thursday, July 18th at 7:30 a.m. at the Rec Center.

Jansen Wehrley, Parks and Recreation Director, Absent.

Dan Gladish, Building Official, had no report.

Patrick Patton, City Engineer, reported last week work on the intersection of East Smith and Court, and East Smith and Broadway is complete and unfortunately it did cause some traffic congestion both Monday and Tuesday. This Friday they will be installing the decorative

crosswalks on Broadway and this shouldn't be as disruptive as last week but Broadway will be closed north and south bound Friday and reopen on Monday. Smith Road will remain open the whole time.

Nino Piccoli, Service Director, reported service crews have been responding to flooded property calls the last few weeks but we are fortunate that our residents didn't receive the flooded basements like some of the other communities. The completion of the Engine House was two years in the making and a great collaborative effort from many groups. Donations from CDC, VanEpp & Mike Morse.

Confirmation of Mayor's appointment:

Civil Service Commission – Delmar Jones – Expiring 6/30/2025

Medina County Energy Special Improvement Board:
Kimberly Marshall – Mayor's Appointment

Mr. Shields moved to approve the mayoral appointments, seconded by Mr. Simpson. The roll was called and approved by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson and B. Starcher.

Confirmation of Council appointment:

Medina County Energy Special Improvement Board:
Water & Utilities Chair (Bob Starcher) – City Council Appointment

Mr. Shields moved to approve Council's appointment, seconded by Mr. Simpson. The roll was called and approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger.

Notices, Communications and Petitions:
There were none.

Unfinished Business:
There were none.

Introduction of Visitors:

Adam Krystowski resides at 985 Norwegian Wood Dr. spoke of the noise issues from Carlisle Brake and Friction. Adam has attended several council meetings on this subject, recently the residents in that area have received letters from City Council and Mr. Dan Gladish basically stating that nothing is going to happen. Adam read a letter from his neighbors stating: We are not big name, big bank account, politically elite folks but middle class professionals, small business owners, superintendents and retirees caring for elderly parents, stay at home moms, Sunday school teachers, tee ball and soccer coaches and they invest every day in this town by their work and

volunteer time. They are what you want in the city that prides itself on quality of life and community. While at home watching the NBA finals at night and the laundry room dryer running he heard a noise from Carlisle and it was so loud it nearly had him jump off the couch. His children came inside the house to let him know there is a thunderstorm coming when it was just the incredibly loud rumbles consistently rolling out of the Carlisle dumpsters and into their peaceful neighborhood. You all have heard the tornado sirens every first Saturday of the month and from his house the siren is often drowned out by the Carlisle rumbling, droning, crashing, beeping and banging. Adam's 5 year old wears hearing protection while he is outside so that he doesn't have to fear the loud noises and be bothered by it. Imagine the noise of a stranger mowing your yard and the sound of random thunder every day of the week at all hours of the day. So when Carlisle states the measured noise is acceptable, he is sure it was not recorded during times like this. Would you accept the word of Carlisle on their noise levels if this was your backyard?

At the first council meeting they heard from multiple city council members that knew nothing about this issue and months later even with their knowledge, nothing has been done. Second council meeting Dan Gladish told him that Carlisle has agreed to meet with them. Councilman Jim Shields said they would receive letters in the mail with a plan for date and time but nothing ever came. Two weeks later at the next council meeting they were told that the Carlisle would indeed not meet with the concerned neighbors and that members of council had met with them instead. Some officials would be quick to give them the Carlisle PR line and they expect that but they don't expect that from their council members who are specifically tasked with helping our neighborhoods. This isn't DC or Columbus this is local politics and the residents of Medina the ordinary people of Strawberry Fields deserve better representation against problems created by the city who voted to put a neighborhood next to an industrial zone and even more recently approve the Carlisle expansion without giving them any protection or consideration. A July 2017 Gazette article on the Carlisle expansion was quoted with Ted Mesmer saying we've had tremendous support from the City of Medina, Medina County and the State of Ohio. So when the city was giving Carlisle this tremendous support, what city official looked out for our neighborhood next door to see how we might be affected. What city official told Carlisle that they are excited for the business opportunity and the revenues that it brings to the city but asked Carlisle to maybe consider some provision for the neighborhood right next door. Perhaps if someone had been looking out for our interests this 24 hour industrial noise would not have been put with the loudest levels being closest to our houses.

He stated he is talking presses, scrap dumping, and diesel engines roaring for long periods of time only 500 feet from the bedrooms of children, the elderly and all those in between. Perhaps adding noise barriers could have been negotiated with Carlisle as part of their expansion plans. The solution could have been as simple as locating their dumpsters and the roaring diesel engines on the other side of the building. When the trees have lost their leaves this fall we hope you will walk the property lines again but not with Carlisle but with us and without telling them. Come see if this quality of life would be acceptable to you and your children and consider whether or not it is acceptable to those you have been elected to represent. His 5 year old son asked him to please ask them to be quiet at night so he doesn't have to wear ear muffs anymore.

Pat Walker resides at 523 East Friendship St. spoke of the Court House project. The Court House

project is substantial, and it will cost anywhere from $38 million to $45 million or more. This is a lot of money and is the type of project the voters of the City of Medina and the County of Medina should have a say in by vote. She understands the city portion may not need to have a vote and the county either, but with the county she understands they are paying for this by bonds which is a lot of bonds and commitment for the county. This should go to the voters. Not everybody that is in the current courthouse has been consulted about the square footage that is needed or what their needs are now and 50 years from now. Square footage is up in the air and needs to be looked at. Pat stated she has learned that tonight council will be adding to the council agenda an ordinance to authorize $70,000 in design costs to be paid for the project, and this should be delayed until there is more certainty. Pat Walker urges the council to delay this since it was not on the original agenda item.

Skip Baran resides at 536 North Broadway, Skip explained that the project that they presented earlier to the Finance Committee was not a onetime project. That project is the beginning of a long term project hopefully it will help revitalize the inner core of Medina. Again it's not a onetime project, and if you allow them to go forward hopefully you will see some great results.

Introduction and Consideration of Ordinances and Resolutions:

Res. 091-19:
A Resolution congratulating James Feeks IV on attaining the rank of Eagle Scout. Mr. Shields moved for the adoption of Ordinance/Resolution No. 091-19, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 091-19 passed by the yea votes of P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger and B. Lamb.

Ord. 092-19:
An Ordinance authorizing the purchase of equipment from Parr Public Safety Equipment to outfit new Police cruisers for the Public Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 092-19, seconded by Mr. Simpson. Chief Kinney stated this is equipment for the five vehicles that were authorized for purchase earlier this year. It's to outfit and is all state bid equipment. The roll was called and Ordinance/Resolution No. 092-19 passed by the yea votes of J. Shields, D. Simpson, B. Starcher J. Coyne, E. Heffinger, B. Lamb and P. Rose.

Ord. 093-19:
An Ordinance authorizing the Mayor to sign the Plat of Survey to create a new parcel at 625 Bowman Lane. Mr. Rose moved for the adoption of Ordinance/Resolution No. 093-19, seconded by Mr. Simpson. Mr. Rose moved that the emergency clause be added to Ordinance/Resolution No. 093-19, seconded by Mr. Simpson. Mr. Patton stated this would give the authorization to have the Mayor sign for the city for this minor subdivision plat creating the lot at 625 Bowman Lane. Emergency clause is needed due to a delay involving an error with Board of Zoning Appeals. Mr. Shields stated due to his employment with the Medina City Schools he will be abstaining from voting on this and the next ordinance. The roll was called on adding the emergency clause and was approved by the yea votes of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose, and D. Simpson. J. Shields abstained. The roll was called and Ordinance/Resolution No. 093-19 passed by the yea votes of D. Simpson, B. Starcher, J. Coyne, E. Heffinger, B. Lamb, and P. Rose. J.

Shields abstained.

Ord. 094-19:
An Ordinance authorizing the Mayor to enter into a Declaration of Mutual Easements and Cooperation Agreement with the Board of Education of the Medina City School District relative to the Reagan Park / Eliza Northrop connector Trail Project. Mr. Rose moved for the adoption of Ordinance/Resolution No. 094-19, seconded by Mr. Simpson. Mr. Rose moved that the emergency clause be added to Ordinance/Resolution No. 094-19, seconded by Mr. Simpson. Mayor Hanwell stated that Jansen Wehrley is not here tonight and explained that this is going to be a trail that leads to the back of Eliza Northrop School and down into the city park and parking lot. This is an advantage to both the city and the schools because it provides another egress area as well as the chance for the children to come down through the park and use the park for programs and also provides additional parking for the city when having events at the park when the school is not in session that we could take advantage of their parking lot as well. The emergency clause is needed due to the school trying to get this project going 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, D. Simpson, B. Starcher and J. Coyne. J. Shields abstained. The roll was called and Ordinance/Resolution No. 094-19 passed by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, D. Simpson and B. Starcher. J. Shields abstained.

Res. 095-19:
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. 095-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 095-19, seconded by Mr. Simpson. Chief Kinney stated that this is a grant award from the State of Ohio and we are requesting permission to accept this grant. Emergency clause is requested the grant needs to be accepted by June 30th. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger and B. Lamb. The roll was called and Ordinance/Resolution No. 095-19 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger.

Ord. 096-19:
An Ordinance authorizing the Mayor to enter into an Agreement with Delta Airport Consultants, Inc. for professional services for the Medina Municipal Airport. Mr. Shields moved for the adoption of Ordinance/Resolution No. 096-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 096-19, seconded by Mr. Simpson. Mr. Huber stated that this will allow for an agreement between the City and Delta Airport Consultants for engineering on the proposed detention basin that we are required to construct in order meet the standards from Medina County with respect to surface water runoff and the emergency clause is requested as they are trying to get this project underway during the current building season. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose and J. Shields. The roll was called and Ordinance/Resolution No. 096-19 passed by the yea votes of J. Shields, D. Simpson, B. Starcher J. Coyne, E. Heffinger, B. Lamb and P. Rose.

Ord. 097-19:
An Ordinance increasing the expenditure to Ohio Regional Development Corporation for the soft costs related to the implementation and administration of the PY18 Community Housing Impact and Preservation Program (CHIP) Grant. Mr. Shields moved for the adoption of Ordinance/Resolution No. 097-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 097-19, seconded by Mr. Simpson. Jonathon Mendel stated this is to increase their existing purchase order to add soft costs payable to their CHIP Program Consultant ORDC. This was money that was allocated through their contract to administer the program. Emergency clause is requested to get payments out of the Purchase Orders as soon as possible. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger and B. Lamb. The roll was called and Ordinance/Resolution No. 097-19 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher and J. Coyne.

To be added to the agenda:

Mr. Shields moved to add Ord. 098-19 to the agenda, seconded by Mr. Simpson. The roll was called and Ordinance 098-19 was added to the agenda by the yea votes of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields and D. Simpson.

Mr. Lamb stated he will be voting for this but feels they really need to get the funding figured out and that he views this as having the cart before the horse because they are putting money in and have not committed as a body in agreement on funding that would follow. He does not want to derail the project.

Mr. Coyne stated Mr. Lamb is correct in there being an issue of how it is actually going to be funded through what accounts and through what participation level between the current Municipal Court and the City of Medina and that would have to be discussed but in order to go forward and even make a determination on what we are going to do they need to expend these funds to enable the architect to start talking to the various judges and Law Library to make a determination of what is actually needed so we know how much money we need to come up with. Without going through this process we will never know what is needed because he thinks that process is just starting which includes public input from the Historic Society, CDC about actually what will be done at the Court House. He does agree with Bill and understands his concerns about spending some money before we know exactly the cost allocation and the amount of money. We kind of have a number in mind of what we talked about when Judge Chase was involved and it's going to be similar to those numbers, but again the allocation of cost between the Court and the City has yet to be determined. This will take about 6 to 9 months before this even gets to that point and that will give us time to make that determination.

Ord. 098-19:
An Ordinance authorizing the Mayor to enter into an Agreement with the Board of Commissioners of Medina County, Ohio to share Construction Management Services for the Joint Construction and Management of a County-City Courthouse. Mr. Shields moved for the adoption of Ordinance/Resolution No. 098-19, seconded by Mr. Simpson. Mr. Shields moved that

the emergency clause be added to Ordinance/Resolution No. 098-19, seconded by Mr. Simpson. Mayor Hanwell clarified that the amount that they are entering into the agreement with the County Commissioners is not to exceed $133,000.00. 50% of that would be $66,500 out of the court fees, and $66,500 from the city so it's not $70,000.00. The reason for the emergency clause is that the architect is standing by waiting for us to get this agreement executed so they can begin and we have been very clear in the subcommittee of the County Facility Study that they need to visit each and every elected office there, each user group, as well as meet locally with the CDC, the Archive Commission, The Historical Society and Main Street Medina so that everyone has input and understands what is going on. 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, D. Simpson and B. Starcher. The roll was called and Ordinance/Resolution No. 098-19 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger.

Council Comments:

Mr. Rose stated that his son has an exchange student visiting with him, Matt Snell, and he is from Norton Kings in a town north of London and he is interested in politics. Matt is currently working with the County Auditor.

Mr. Heffinger stated on Saturday they had the South Town Cleanup with about 30 to 40 people show up which was outstanding and the weather even cooperated. Eric thanked Main Street Medina, Spokes Café, City of Medina, and Sustain. There is the Champion Creek Cleanup on July 20th

Mr. Starcher stated he would like to encourage Department Heads to work as hard as possible to avoid the use of Emergency Clauses. We had 8 ordinances tonight and 5 of them required the emergency clause. He realized emergencies do occur but he would like to make sure we work to prepare in advance as much as possible.

Mr. Coyne stated there is a budget meeting scheduled for July 10th

Adjournment:

There being no further business before Council, the meeting adjourned at 8:52 p.m.

_____

Kathy Patton, CMC - Clerk of Council

_____

John M. Coyne, President of Council

City of Medina, Ohio
Proclamation

National League of Cities-Small Cities Month-July 2019

WHEREAS, small cities and towns under 50,000 population are the home to millions of Americans and constitute the vast majority of municipalities across the United States; and

WHEREAS, small cities and towns strive to strengthen their communities through the provision of services and programs to improve the quality of life for all citizens; and

WHEREAS, the federal government is an essential partner in the success of small cities and towns, and must be encouraged to continue to support programs and legislation that strengthen small communities; and

WHEREAS, state governments are partners in the success of small cities and towns, and must be encouraged to continue to support key programs and legislation that strengthen communities; and

WHEREAS, organizations, businesses, and citizens are partners in the success of small cities and towns, and must be encouraged to continue to grow their efforts to make small communities a viable choice for people to live in; and

WHEREAS, during these challenging economic times, the need for a renewed intergovernmental partnership to support essential public services is more important than ever to ensure the safety and growth of small town America; and

WHEREAS, the National League of Cities President *and* the Small Cities Council of the National League of Cities have declared July 2019 as Small Cities Month;

NOW THEREFORE, the Council and the Mayor of the City of Medina do hereby proclaim July 2019, as Small Cities Month, and encourages President Trump, Congress, state governments, organizations, businesses, and all citizens to recognize this event, and to work together this month and throughout the year to invest in small cities and towns to better the lives of all citizens.

Dennis Hanwell, Mayor

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

1414203 PERMIT NUMBER	NEW TYPE	CHANCOTE LLC 871 N COURT ST MEDINA OH 44256
ISSUE DATE		
06 17 2019 FILING DATE		
D2 D3 PERMIT CLASSES		
52 077 C C40176 TAX DISTRICT RECEIPT NO.		

RECEIVED
JUN 26 2019
BY:

FROM 06/24/2019

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	

MAILED 06/24/2019 RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/25/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES C NEW 1414203
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF MEDINA CITY COUNCIL
132 NORTH ELMWOOD AVENUE
MEDINA OHIO 44256

RESOLUTION NO. 99-19

A RESOLUTION CONGRATULATING ELIJAH SCHMELLER ON ATTAINING THE RANK OF EAGLE SCOUT.

WHEREAS: ***Elijah Schmeller*** is currently a member of Troop 514; and

WHEREAS: As a result of considerable hard work in the areas of citizenship, physical fitness, character and leadership development, ***Elijah Schmeller*** received his Eagle Scout Award, the highest award attainable in scouting; and

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

SEC. 1: That the Medina City Council hereby commends ***Elijah Schmeller*** for his outstanding contribution to his community and Boy Scout Troop 514 in attaining the prestigious rank of Eagle Scout.

SEC. 2: That a signed copy of this Resolution shall be presented to ***Elijah Schmeller*** in recognition of his hard work and dedication in obtaining this award.

PASSED: _____ **SIGNED:** _____
President of Council

ATTEST: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

ORDINANCE NO. 100-19

AN ORDINANCE AUTHORIZING THE PAYMENT TO JEN MET CONSTRUCTION LLC FOR THE PRIVATE HOME REHABILITATION AT 3877 MILLER DRIVE BRUNSWICK, OHIO 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 $25,545.00 is hereby authorized to Jen Met Construction LLC for the private home rehabilitation at 3877 Miller Drive, Brunswick, Ohio 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 $25,545.00 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

HOME Written Agreement ORD 99-19

as required by 24 CFR 92.254

This agreement is to ensure the requirements of the US Department of Housing and Urban Development **HOME** Rule are governed and met. Funds for this project are passed from US Department of Housing and Urban Development to the State of Ohio onto Medina County and awarded to the below stated homeowner for the purpose of Private Owner Rehabilitation.

This agreement is between the homeowner(s), **Alan G. Jr. and Dawn A. Sibits,** and the **City of Medina** to commit **HOME** funds for the purpose of Private Rehabilitation thru the Community Housing Impact and Preservation (CHIP) Program.

The amount of assistance for Private Owner Rehabilitation is in the amount of **Twenty Five Thousand Five Hundred Forty Five and 00/00 Dollars ($25,545.00)** In the form of a deferred/declining loan funded with **HOME** (source of funds). These funds are to complete rehabilitation to the property located at: 3877 Miller Drive, Brunswick OH 44212, and legally described, to wit:

Legal Description of property:

Situated in the City of Brunswick, County of Medina, State of Ohio, and is described as follows: And known as being part of Original Brunswick Township Lot No. 4, Tract No. 2 bounded and described as follows: Beginning at a stone at the Southeast corner of Lot No. 4: thence North 0 degrees 04' East, on the East line of Lot No.4, and the center of Count Road 172, a distance of 220.17 feet to an iron pin; thence North 89 degrees 48' West , on the center line of a 50.0 Private Road, a distance of 368.00 feet to a point which is the principal point of beginning; thence North 0 degrees 04' East through an iron pin 25.0 feet to an iron pin in the South line of Grand View Allotment; thence North 89 degrees 48' West on the South Line of Gran View Allotment, a distance of 108.00 feet to an iron pin; thence South 0 degrees 04' West, through an iron pin, 25.0 feet from the center of the Private Road, a distance of 220.17 feet to a point; thence South 89 degrees 48' East, on the center of said 50.0 foot Private Road, a distance of 108.0 feet to the principal place of beginning, be the same more or less but subject to all legal highways.

Parcel Number: 03-188-32-197

Now better known as the whole of Sublot 4 of the Miller Allotment as recorded in the Medina County Recorders Records in Plat Book 8, page 19

REQUIREMENTS: *(Initial each requirement as it is reviewed and understood)*

_____ **Income.** I/we understand I qualify for assistance thru the CHIP Program based on my income and certify I have disclosed all sources of income. This information, however, will remain confidential and will not be disclosed to the news media or other third parties. I/we further understand that my name, address and total amount of rehabilitation assistance will be subject to public disclosure since public funds are being utilized to rehabilitate my property. PENALTY FOR FALSE OR FRAUDULENT STATEMENT: U.S.C. Title 18, Sec1001, provides: "Whoever, in any matter within the jurisdiction of any Department of Agency of the United States knowingly and willfully falsifies...or makes any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

_____ **After-Rehabilitation Value:** I/we understand the After-Rehabilitation Value of my home cannot exceed 95 percent of the median purchase price. If the after-rehab value would exceed this price, the property would not be eligible for the CHIP Program.

_____ **Affordability Period** per HUD 24 CFR 92.254

Home Investment = $25,545.00

Your affordability period will be **5 years**

_____ **Deferred LOAN/Declining GRANT** : You are receiving assistance from the CHIP Program for the purpose of rehabilitating your primary residence to make it safe and decent. These funds are in the form of a combination Deferred LOAN/Declining GRANT. The Grant will decline evenly over the declared affordability period above. The Loan for **Fifteen percent** of the rehabilitation funds spent will not decline and will be due back to the **City of Medina.** These funds will be due the day the term(s) of this agreement are no longer being met.

_____ **Deferred (15%): $ 3,831.75 (Will not decline, will always be due)**

_____ **Declining (85%): $21,713.25 (See Promissory Note for schedule of decline)**

_____ **Principle Residence** for the term of the affordability period. The day this is no longer your principle residence, the term of this agreement is void and payment shall be due.

Taxes and Insurance: I/we further agree as follows: To pay all taxes, assessments and other charges that may be assessed against the property as they become due and payable; to keep the buildings and improvements upon the premises hereinabove described insured against loss by fire and windstorm by extended coverage insurance and against such other hazards and liabilities as are commonly insured against by owners of similar property in **City of Medina, Ohio** in reasonable amounts in companies approved by **City of Medina** and to pay premiums therefore and deliver said policies to the County as so requested.

Work Specifications: I/we agree that the attached work specifications are the only items to be addressed during the course of this agreement. I/we have reviewed the specifications with the rehabilitation specialist and the contractor. I am/we are fully aware of the scope of the proposed work. No changes shall be made without an executed change order.

Standards: I/we understand that the intent of the work performed shall be to conform with the Lead Safe Housing Requirements, The Residential Rehabilitation Standards, The Ohio Building Code (where applicable), and any local codes. When items that may have a direct impact on the health and safety of occupants are not a specific requirement of the aforementioned codes, they shall also be addressed. These codes shall not supersede HUD's HOME regulations for eligible/ineligible activities.

Project Completion: I/we understand the expected date for completion shall be 90 days from the date of signing.

Monitoring: I/we understand and agree upon future inspections by the CHIP Office Staff and/or the State of Ohio for the purpose of monitoring by the State of Ohio Representatives.

SUBORDINATION: I/we understand a mortgage will be placed on my property for the amount of the Deferred loan and declining grant. This loan will remain until the Declining Grant has met the affordability period or been paid in full AND the deferred loan has been paid in full. All subordination requests will be reviewed by the CHIP staff to assure compliance with the County's Subordination policy. However, the subordination guidelines must be met for a subordination to be consider.

Duration of the Agreement: This agreement shall remain in effect until the Declining Grant has met the affordability period or been paid in full AND the deferred loan has been paid in full. If one of the terms of the agreement have been violated, the mortgage shall be come due immediately. Upon payment to the Medina County Commissioners, this agreement will be released.

Repayment of this agreement will be made to the City of Medina and capped as to what is available out of "net proceeds". The funds will be maintained as Program Income and will be used for additional eligible activities thru the CHIP Program.

IN WITNESS WHEREOF, this note has been duly executed by the undersigned this **11th day of June , 2019**

Alan G. Sibits Jr.

Dawn A. Sibits

STATE OF OHIO
COUNTY OF MEDINA, ss:

Before me, a Notary Public for the State of Ohio, appeared the above named **Alan G. Jr. and Dawn A. Sibits** who acknowledged that **They** signed the foregoing instrument and that the signing was a free act.

IN TESTIMONY WHEREOF, I HAVE HERETO SUBSCRIBED MY NAME AND AFFIXED MY SEAL THIS 11 DAY OF June 2019

My Commission Expires;

Malinda K. Freeman, Notary Public

Dennis Hanwell,
Mayor, City of Medina

This instrument prepared by the Ohio Regional Development Corp.

NOTARIAL SEAL STATE OF OHIO

Malinda K. Freeman
Notary Public
In and for the State of Ohio
My Commission Expires
July 14, 2019

RCA 19-114-6/24

ORDINANCE NO. 101-19

AN ORDINANCE ADOPTING THE CITY OF MEDINA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN, AND DECLARING AN EMERGENCY.

WHEREAS: The City of Medina is eligible to receive and has received Community Development Block Grant (CDBG) Small Cities program funds; and

WHEREAS: The City of Medina must adopt a Citizen's Participation Plan for the purpose of providing for and encouraging citizen's participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas with residents in low and moderate income neighborhoods as defined by the local jurisdiction at all stages of the Community Development Program, including at least the development of needs, the review of proposed activities, and review of program performance.

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

SEC. 1: That the City of Medina Community Development Block Grant Program Citizen Participation Plan is hereby adopted.

SEC. 2: That a copy of the City of Medina Community Development Block Grant Program Citizen Participation Plan 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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the current plan expired in January of 2019; 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: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

CITY OF MEDINA
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZEN PARTICIPATION PLAN

Whereas the City of Medina is eligible to receive and has received Community Development Block Grant (CDBG) Small Cities program funds, the City of Medina has adopted the following Citizen's Participation Plan for the purpose of providing for and encouraging citizen's participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas with residents in low and moderate income neighborhoods as defined by the local jurisdiction at all stages of the Community Development Program, including at least the development of needs, the review of proposed activities, and review of program performance.

- Public Hearing #1 – The City will hold the first public hearing prior to the development of the application. The city will use one of the methods below to provide notice:
    1. A standard public hearing notification will be published in the Legal Section of a Newspaper that Serves the Area or;
    2. Alternative Option 1- Verification of Public Notice Publication in a Newspaper Required. This verification will be provided in one of the following methods:
        I. Post in a newspaper that serves the area; publish a public notice, an article or a press release in the non-classified section;
        II. Post a notice in common areas of city hall or county offices where it is accessible and clearly visible to local citizens using the facility;

    3. Alternative Option 2 –No Public notice in a newspaper required.
        I. Post a notice in common areas of city hall where it is accessible and clearly visible to local citizens using the facility;
        II. Provide verification that five of the outreach outlets listed below were used to notify the public about the public hearing;
            1. Local Community Website
            2. Local Public Library (each branch library is considered a separate posting)
            3. Cable TV Community Access Channel Posting
            4. Senior Center or Community Center
            5. Community Action Agency Office
            6. Public Housing Authority
            7. Local Workforce Development Assistance Office
            8. Other Public or Private Agencies or Institutions that Serve the General Public

4. Alternative Option 3 -No Public Notice in a Newspaper Required:
I. Post a notice in common areas of city hall where it is accessible and clearly visible to local citizens using the facility;
II. Provide verification that three of the outreach outlets listed above were used to notify the public about the public hearing; and
III. Provide targeted outreach to each designated investment or target area, which can include:

a. Posting a notice in a facility accessible and frequented by households in the investment area (school, neighborhood center, or grocery store); and
b. Direct contact with households (mailing, flyer, etc.)

Adequate notice of Public Hearing #1 will be published in one of the above methods 10 days in advance in a newspaper of general circulation in the locality and in a non-English language newspaper if and where they exist.
Public notice will also be placed on city media sites such as websites and cable access channels when available. When applicable, notices will be given to individual gathering places such as churches, schools, public offices for older adults, etc. in designated LMI block groups.

- Public Hearing #2 – The City will hold the second public hearing after the application is developed but prior to its submission to the Ohio Development Services Agency. The city will use one of three methods below to provide notice:
  1. Post a notice in common areas of City Hall or County Offices where it is accessible and clearly visible to local citizens using the facility or ;
  2. Provide verification that five outreach outlets were used to notify the public about the public hearing.
  3. Adequate notice of Public Hearing #2, including a summary of the proposed activities to be undertaken, will be published 10 days in advance in a newspaper of general circulation in the locality and in a non-English language newspaper if and where they exist. Public notice #2 will also be placed on city media sites such as websites and cable access channels when available. When applicable, notices will be given to individual gathering places such as churches, schools, public offices for older adults, etc. in designated LMI block groups.

- Minutes of both Public Hearing #1 and #2 – must be maintained in the grantee's citizen participation file. The minutes must be maintained in the grantee's citizen participation file.
- Any written citizen comments or complaints provided at the public hearings or during the implementation of the program must be maintained in the grantee's citizen participation file.
- Citizen's complaints regarding the planned or actual implementation of the program must be responded to promptly in writing within 15 days. The response

to a citizen complaint should include any remedial action (s) that the grantee will undertake.

- **Program documents** must be made available for public inspection and copying during regular business hours at the offices of the grantee, upon written or oral request. Available documents must, at a minimum include:
  (a) program regulations
  (b) Applications
  (c) Status reports and performance reports; and
  (d) Activity guidelines such as housing rehabilitation guidelines.

- **Bilingual opportunities** should be provided where applicable. If the community has a population segment with a primary language other than English, bilingual notices and provision for translations of program documents should be provided.

Since the two public hearings are the primary citizen participation mechanisms required of all applicants, it is important that all of the necessary program information be conveyed at each hearing, and the minutes of each hearing, including all citizen comments, be maintained in the appropriate CDBG file.

Information to be conveyed and program areas to be discussed at Public hearing #1 are the following:

- National and state program objectives;
- Amount of money available to the locality;
- Range of eligible activities;
- Performance of the locality in past CDBG programs, if applicable;
- A summary of other program requirements;
- Date of Public Hearing #2;
- Date application is due to ODSA;
- Citizen views and comments.

Between Public Hearing #1 and Public Hearing #2, the locality may wish to formally solicit block grant proposals from organizations, individuals, other governmental units, or other subrecipients.

Ten (10) or more working days after the first public hearing, Public Hearing #2 is required in order to give citizens an opportunity to review and comment on the locality's proposed Application prior to its submission to ODSA.

The format for Public Hearing #2 must include the following information and areas for discussion:

- A presentation by a representative(s) of the locality on the city's proposed CDBG program, including the activity or activities to be undertaken, the amount of CDBG and other funds allocated for each activity, the objective of each activity, the timetable for

starting through completion of each activity, and what national objective(s) each activity will meet.

- The grantee should have available for citizens a written summary of the proposed CDBG program. (Copies of the newspaper notice that advertised the second public hearing, which includes a summary of the locality's proposed CDBG program, should provide the necessary information).
- Citizen views and comments.

Citizen participation/public hearing is also a part of the program amendment process. If ODSA determines that a program change constitutes an amendment, one public hearing will be required a that time. The primary purpose of an Amendment Public Hearing is to provide citizens with an opportunity to review and comment on a "substantial change" in a grantee's CDBG program. The format for an Amendment Public Hearing should be similar to Public Hearing #2 outlined above.

Supporting Materials:

- Sample Notice of Public Hearing #1
- Sample notice of Public Hearing #2
- Sample Notice of Amendment Public Hearing

SAMPLE
NOTICE OF PUBLIC HEARING #1

Date of Publication _____

The city (or county) of _____ intends to apply to the Ohio Department of Development for funding under the Community Development Block Grnat (CDBG) Small Cities Program, a federally-funded program administered by the state. The city (or county) is eligible for $_____ of Fiscal Year _____ CDBG funding, providing the city (or county) meets applicable program requirements.
(specify year)

The first of two (or more) public hearings will be held _____ (specify date) at _____ (specify time) at _____ (specify location) to provide citizens with pertinent information about the CDBG program including an explanation of eligible activities and program requirements. The CDBG program can fund a broad range of activities, including: economic development projects, street, water supply, drainage and sanitary sewer improvements, park acquisition and improvements, demolition of unsafe structures, rehabilitation of housing, and neighborhood facilities. The activities must be designed to primarily benefit low- and moderate-income persons, aid in the prevention or elimination of slums and blight, or meet an urgent need of the community.

Citizens are encouraged to attend this meeting on _____ (specify date) to provide their input on the city's (or county's) CDBG program.

SAMPLE
NOTICE OF PUBLIC HEARING #2

DATE OF PUBLICATION _____

The city (or county) of _____ intends to apply to the Ohio Department of Development for funding under the Community Development Block Grant (CDBG) Small Cities Program, a federally-funded program administered by the state. The city (or county) is eligible for $_____ (specify amount) of Fiscal Year _____ (specify year) CDBG funding, provided the city (or county) meets applicable program requirements. On _____ (specify date), the city (or county) conducted its first public hearing to inform citizens about the CDBG program, how it may be used, what activities are eligible, and other important program requirements.

Based on both citizen input and local officials' assessment of the city's (or county's) needs, the city (or county) is proposing to undertake the following CDBG activities for Fiscal Year _____ (specify year):

(List activity, CDBG and other funding source amount, and the national objective to be met.)

A second public hearing will be held _____ (specify date) at _____ (specify time) at _____ (specify location) to give citizens an adequate opportunity to review and comment on the city's (or county's) proposed CDBG Application, including the proposed activities summarized above, before the city (or county) submits its Application to the Ohio Department of Development.

Citizens are encouraged to attend this meeting on _____ (specify date) to express their views and comments on the city's (or county's) proposed CDBG Application.

SAMPLE

NOTICE OF AMENDMENT PUBLIC HEARING

The city (or county) of _____ proposes to amend its Fiscal Year _____ Community Development Block Grant (CDBG) Small
(specify year)
Cities Program agreement with the Ohio Department of Development. Specifically, the city (or county) proposes to make the following amendment(s):

Existing Activity: _____
(specify project/activity and budget amount as orginally approved by the State)

Proposed Amended Activity: _____
(specify new, proposed project/activity and budget amount)

A public hearing will be held _____ at _____
(specify date) (specify time)
at _____ to provide citizens with an opportunity to
(specify location)
express their views and opinions on the city's (or county's) proposed CDBG amendment(s) prior to its submission to the Ohio Department of Development.

All the terms contained in the original CDBG agreement between the Ohio Department of Development and the city (or county) of _____ shall remain and no terms of the original agreement, except those set out above, will be changed by the proposed amendment(s).

Citizens are encouraged to attend this meeting on _____
(specify date)
to review and comment on the city's (or county's) proposed CDBG amendment(s).

RESOLUTION NO. 102-19

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR GRANT ASSISTANCE WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR A 2018 AFG OPERATIONS AND SAFETY EQUIPMENT GRANT FOR THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

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 for grant assistance with the U. S. Department of Homeland Security for a 2018 AFG Operations and Safety Equipment Grant for replacement of SCBA's (air tanks) for the Fire department.

SEC. 2: That Gatchell Grant Resources, LLC is authorized to write/administer the grant.

SEC. 3: That if the Grant is awarded to the City, the Mayor is hereby authorized to accept the Grant and complete all documentation for the implementation and administration of the Grant.

SEC. 4: 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. 5: That this Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the application period closes in mid-July, 2019; wherefore, this Resolution 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

CONTRACT FOR SERVICES

Medina City Fire Department
300 W. Reagan Parkway
Medina, Ohio 44256
&
Gatchell Grant Resources, LLC
Vera V. Gatchell/Didi Everhart
5202 14th Street SW
Canton, Ohio 44710

This document represents a contractual agreement effective June 27, 2019, between ***Gatchell Grant Resources, LLC*** *(hereinafter referred to as "GGR") and* ***Medina City Fire Department*** *(hereinafter referred to as "Fire Department").*

Section I
Responsibilities

Grant Advisors

Under this agreement, GGR agrees to develop a specific grant: [2018 AFG Operations and Safety Equipment Grant].

- *In conjunction with the Fire Chief or designee, GGR will develop a proposal according to the Fire Department wishes.*
- *Submit the specified grant proposal on time unless otherwise directed to by the Fire Department. Grant shall not be submitted unless approval has been given by the Fire Chief or designee in writing.*

Fire Department

The Fire Department agrees:

- *Not to share any information or procedures concerning this contract or process with any other entities or their agents. In addition, the Fire Department agrees not to use this or any part of this grant proposal in other future grant proposals to be submitted by the Fire Department without expressed permission from GGR.*

- *Not to release a copy of the grant proposals or the funded grants to any individual or entity in order to protect the technology and grant design which is developed and owned by GGR. The Fire Department agrees that the grant mode, concept, and formatting are the sole property of GGR.*

- *To provide any aid and assistance to GGR in researching and developing the proper information necessary in order to facilitate said grant proposal.*

- *When the Fire Department is actually submitting the grant proposal, will do so on time and agrees not to hold GGR responsible for not submitting the grant proposal on time.*

- *In the event that a grant permits "administration fees", Fire Department agrees to utilize the services of GGR and not a third party source unless GGR declines the offer.*

Section II
Method of Payment

The Fire Department Agrees:

- *All associated payments shall be made by check payable to:* ***Gatchell Grant Resources, LLC***

- *That GGR will* ***waive*** *the initial* ***non-refundable*** *six hundred ninety five dollar ($695.00) fee for the research, preparation and submission of the specified grant proposal. [2018 AFG Operations and Safety Equipment Grant].*

- *An Administrative Fee of eight percent (8%) of the grant award will be paid to GGR at the time the grant contracted for is awarded by the grant funder. This amount shall not exceed three thousand dollars ($3,000.00). It is also understood that some grant funders make payments to the awarded Fire Department over a period of time and not in a lump sum, depending on the type of grant awarded. Therefore, upon issuance of the grant award contracted for by the grant funder, the Fire Department agrees within thirty (30) days of the award date, make full payment of the eight percent (8%) fee to GGR, again not to exceed the $3,000.00 cap. This fee is not an allowable expense through this grant and is the responsibility of the Fire Department.*

GGRLLC Agrees:

- *That if this grant application is not awarded, GGR will re-write the grant application the* ***following*** *year for FREE. The eight percent (8%) Administrative Fee still applies if awarded.*

- *This contract may be terminated by the Fire Department upon thirty (30) days written notice to GGR. Upon notice of termination, GGR shall be entitled to fees for work performed up to the date of receipt of the written notice of termination which is the initial payment which shall be forfeited.*

- *For the eight percent (8%) Administration Fee GGR agrees to assist with any draw downs, amendments, reports, closeout reports, discussions, questions or emails associated with this grant from date of award to the date the close out letter is received.*

- *The Fire Department has the sole discretion as to what grant that they want to apply for. However, GGR will advise as to eligibility and potential for success of grant being submitted.*

- *Renewal of this contract will be voluntary on the part of the Fire Department as it may choose to renew or to terminate Fire Department grant writing services.*

Section III
Agreements

This Agreement is binding between all present and future agents of Fire Department. In the even the authority of the responsible parties detailed in the documentation of this agreement is transferred for any reason, to include occupation, retirement, disability or death, demotion, the agreement shall remain binding with Fire Department.

IN WITNESS THEREOF, all parties have caused this contract to be executed by their duly authorized officials:

Medina city FIRE DEPARTMENT

Fire Chief	*Date*
Fire Department	*Date*

GATCHELL GRANT RESOURCES, LLC

Vera V. Gatchell	*Date*
Diell Everhart	*Date*

RESOLUTION NO. 103-19

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF MEDINA, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND SUBMITTING THE SAME TO THE MEDINA COUNTY AUDITOR.

WHEREAS: The Director of Finance has heretofore prepared a tentative tax budget for the City of Medina, Ohio for the fiscal year beginning January 1, 2020 showing detailed estimates of all balances that will be available at the beginning of the year 2020 for the purposes of such year and of all revenues to be received for such fiscal year including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites, and all other types or classes of revenues; also estimates of all expenditures or charges in or for the purpose of such fiscal year to be paid or met from the said revenues or balances; and otherwise conforming with the requirements of law; and

WHEREAS: The budget has been made conveniently available for public inspection for at least 10 days by having copies thereof on file in the office of the Director of Finance.

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

SEC. 1: That the tax budget of the City of Medina, Ohio for the fiscal year beginning January 1, 2020 is hereby adopted as the official tax budget of the City of Medina for the fiscal year beginning January 1, 2020. Copies of the tax budget are on file in the office of the Director of Finance for public inspection.

SEC. 2: That the Clerk of Council is hereby authorized and directed to certify a copy of the tax budget and a copy of this Resolution and transmit the same to the Medina County Auditor on or before July 20th.

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

ORDINANCE NO. 104-19

AN ORDINANCE AMENDING THE AGREEMENT WITH LAFAYETTE TOWNSHIP TRUSTEES FOR COMMUNITY POLICING LAW ENFORCEMENT SERVICES IN ITS JURISDICTION, AND DECLARING AN EMERGENCY.

WHEREAS: Ordinance 99-18, passed June 25, 2018, authorized the Mayor to enter into an Agreement with Lafayette Township Trustees for Community Policing Law Enforcement Services in its jurisdiction; and

WHEREAS: Ordinance 119-18, passed August 27, 2018 amended the agreement by adding additional language to Section 6 of the Terms regarding 2018 payments; and

WHEREAS: The parties involved agreed to additional language being added as set forth in the attached amendment.

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

SEC. 1: That the Agreement with the Lafayette Township Trustees for Community Policing Law Enforcement Services is hereby amended to include the attached agreement, marked Exhibit A, attached hereto and incorporated herein.

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 authorize said agreement as soon as possible, 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

ORD. 99-18
Exh. A

AGREEMENT FOR COMMUNITY POLICING LAW ENFORCEMENT SERVICES

See Ord. 119-18

THIS AGREEMENT FOR COMMUNITY POLICING LAW ENFORCEMENT SERVICES (Agreement) is made and entered into this 26th day of June 2018, by and between The City of Medina, Medina County, Ohio (Medina), and the Trustees of Lafayette Township, on behalf of the Lafayette Township Police District (the Township).

PURPOSE

The purpose of this Agreement is to provide the Township with law enforcement services to its jurisdiction. This agreement is written in accordance with O.R.C. Section 505.43 and 505.50, which specifically allows a Township and Municipal Corporation to contract for the provision of police protective services on any terms agreed upon.

This agreement is necessary for the health, safety and well-being of the Township and its inhabitants and consistent with the approval of a funding levy authorized by the voters of the Lafayette Police District on November 7, 2017 for a period ending December 31, 2022.

TERMS

1. Law Enforcement Service. The Medina Police Department shall exercise community policing services on behalf of the Township in the same manner and to the same extent it exercises such services for the residents of The City of Medina. This means that the Medina City Police Department shall perform any police function, exercise any police power, or render any police service on behalf of the Township, which the Township may perform, exercise or render. This Agreement does not, however, suspend the Township's power to perform or exercise police services independent of the Medina Police Department, nor does it limit the Sheriff's authority to directly provide police protection services as permitted by law.

The Medina Police Department will add the Township to its Southwest sector (west of Court Street / south of Smith Road) and dedicate a police vehicle for service in that sector for each shift, twenty-four hours, seven days every week of the year, except emergency situations, shift change and processing of prisoners or case investigation resulting from activity in that sector. Backup will be provided as necessary with other Medina Police Officers or nearest police resources. Medina Police will respond to all emergency fire calls per its medical response protocol.

In return for said services the full proceeds of the Township Police District Levy will be passed through to the City of Medina.

In addition the existing levy surplus will be set aside and saved to finance any extraordinary cost that may arise as determined and authorized by the Township.

The City of Medina will submit monthly reports to the Township involving police activity in the Township and provide an officer to attend a Township meeting once a month to present and discuss said report with the Board of Trustees.

2. Separate Entities. The parties agree that the Township and City of Medina are separate and independent legal entities with full authority to perform all acts as necessary to enter into this agreement.

The Parties further agree, that for all legal purposes, the City Police Officers operating under this Agreement within the Township are City of Medina employees under the exclusive control of the City of Medina and shall be covered by its liability insurance the same as other City Police Officers.

3. Medina Liaison. The Medina Police Chief shall designate in writing one officer, in addition to himself, to serve as a direct contact for the Township Board of Trustees to discuss service issues. A direct phone number and email address shall be provided for said officer.

4. Rules and Regulations. All Medina Police Officers who perform law enforcement services for the Township pursuant to this Agreement must observe the normal standards of the Medina Police Department and all Department policies, rules and regulations.

5. Integration. This writing embodies the complete Agreement between the City of Medina and the Township and no other promises, conditions, or terms, express or implied, exist between the City of Medina and the Township.

6. Term. This Agreement shall be in full force and effect until December 31, 2022. Both Parties, however, retain the right to cancel this contract upon ninety days written notice. The Township will have no obligation for any expenses, including, but not limited to unemployment compensation, upon termination of the term, or cancellation of, this Agreement.

2018 PAYMENTS WILL BE PRORATED BASED ON 2018 TOTAL COLLECTIONS 8/2/18

WHEREFORE, in consideration of the mutual covenants and promises set forth, the parties hereby execute this Agreement for law enforcement services.

LAFAYETTE TOWNSHIP POLICE DISTRICT:

BY: _____
Michael Costello,
Lafayette Township Trustee

BY: _____
Martin Warchola
Lafayette Township Trustee

BY: _____
Lynda Bowers
Lafayette Township Trustee

CITY OF MEDINA

BY: _____
Dennis Hanwell
Mayor / Safety Director
6-26-18

ORD. 119-18

5. Integration. This writing embodies the complete Agreement between the City of Medina and the Township and no other promises, conditions, or terms, express or implied, exist between the City of Medina and the Township.

6. Term. This Agreement shall be in full force and effect until December 31, 2022. Both Parties, however, retain the right to cancel this contract upon ninety days written notice. The Township will have no obligation for any expenses, including, but not limited to unemployment compensation, upon termination of the term, or cancellation of, this Agreement.

2018 PAYMENTS WILL BE PRORATED BASED ON 2018 TOTAL COLLECTION

WHEREFORE, in consideration of the mutual covenants and promises set forth, the parties hereby execute this Agreement for law enforcement services.

LAFAYETTE TOWNSHIP POLICE DISTRICT:

BY: _____
Michael Costello,
Lafayette Township Trustee

BY: _____
Martin Warchola
Lafayette Township Trustee

BY: _____
Lynda Bowers
Lafayette Township Trustee

CITY OF MEDINA

BY: _____
Dennis Hanwell
Mayor / Safety Director
6-26-18

ORD.104-19 Exh. A

AMENDMENT ONE TO THE AGREEMENT FOR COMMUNITY LAW ENFORCEMENT SERVICES BY AND BETWEEN THE CITY OF MEDINA AND THE BOARD OF TRUSTEES OF LAFAYETTE TOWNSHIP DATED JUNE 26, 2018

Now come the parties to the above referenced agreement and hereby agree to amend that agreement to include the terms as set forth below, to be effective as of the 1st day of March 2019.

Lafayette Township will employ a Community Resource Officer who shall have work duties that include assisting the Medina Police Department in its community Law Enforcement Services to Lafayette Township; in addition, the Community Resource Officer shall assist the Lafayette Township Fire Department. The Community Resource Officer will maintain a non-commissioned special officer status with the Medina Police Department. The Community Resource Officer's duties with the Medina Police Department shall be compensated for by way of payment directly from the reserve fund (including funds from non-levy sources which may be transferred in that account) in the township law enforcement contract fund. The compensation for the law enforcement contract levy funds collected each year by the township after the commencement of this contractual agreement.

In addition, from time to time as may be requested by the Medina Police Department Chief of Police or directly by the Lafayette Township Board of Trustees, reserve funds in the law enforcement contract fund may be appropriated for law enforcement or Community Policing Resource Officer related expenses. Reserve funds so appropriated will not be deducted from the pass through to the City of Medina of the total law enforcement contract levy funds collected by the township as required pursuant to this agreement.

For Lafayette Township Board of Trustees

_____
Michael Costello
Lafayette Township Trustee

_____
Martin Warchola
Lafayette Township Trustee

_____
Lynda Bowers
Lafayette Township Trustee

_____
Date

For the City of Medina

_____
Dennis Hanwell
Mayor/Public Safety Director

_____
Date

ORDINANCE NO. 105-19

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR COMPETITIVE BIDS AND TO AWARD A CONTRACT TO THE SUCCESSFUL BIDDER FOR THE SOUTH BROADWAY STREET RECONSTRUCTION PROJECT.

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 S. Broadway Street Reconstruction Project (City Job #992) in accordance with plans and specifications on file in the office of the Mayor.

SEC. 2: That the estimated cost of the project, in the amount of $1,245,500.00, is available as follows: $767,500.00 in Account No. 108-0686-54414, and $478,000.00 in Account No. 380-0686-54414.

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: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

RESOLUTION NO. 106-19

A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR GRANT ASSISTANCE WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), MUNICIPAL BRIDGE PROGRAM FOR THE REPLACEMENT OF THE SOUTH PROSPECT STREET BRIDGE.

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 for grant assistance with Ohio Department of Transportation (ODOT), Municipal Bridge Program for the replacement of the South Prospect Street Bridge.

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

ORDINANCE NO. 107-19

AN ORDINANCE REZONING THE PROPERTIES LOCATED AT 216, 222 & 226 S. JEFFERSON STREET FROM R-3, HIGH DENSITY RESIDENTIAL TO M-U, MULTI-USE.

WHEREAS: On April 11, 2019, the Planning Commission reviewed a request to rezone 216, 222 and 226 S. Jefferson Street from R-3, High Density Residential to M-U, Multi-Use. After reviewing the applicant's request and staff's analysis, the Planning Commission ***did not recommend*** the requested rezoning to City Council, as a motion to recommend approval failed by a 2-3 vote; and

WHEREAS: The notice of public hearing by Medina City Council was duly published and the hearing was duly held June 24, 2019.

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

SEC. 1: That the properties located at 216, 222 & 226 S. Jefferson Street be rezoned from R-3, High Density Residential to M-U, Multi-Use.

SEC. 2: That the City Engineer is hereby directed to amend the zoning map as necessary to correctly reflect this change in zoning.

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: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

Effective date –

ORDINANCE NO. 108-19

AN ORDINANCE TO APPROVE, ADOPT AND ENACT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO.

WHEREAS: Various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of the City of Medina, Ohio; and

WHEREAS: Certain traffic and misdemeanor ordinances should be revised to comply with current State law; and

WHEREAS: The codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council.

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

SEC. 1: That the ordinances of the City of Medina, Ohio of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2019 Replacement Pages to the Codified Ordinances, which are hereby attached to this Ordinance as Exhibit A, are hereby approved and adopted.

SEC. 2: That the following sections of the Traffic and General Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

TRAFFIC CODE

301.04	Bicycle, Motorized Bicycle, Moped, Electric Bicycle. (Amended)
301.20	Motor Vehicle. (Amended)
301.251	Predicate Motor Vehicle Offense. (Amended)
301.361	Shared-Use Path. (Amended)
301.51	Vehicle. (Amended)
301.53	Waste Collection Vehicle. (Added)
303.06	Freeway Use Restricted. (Amended)
303.991	Committing an Offense While Distracted Penalty. (Added)
313.01	Obedience to Traffic Control Devices. (Amended)
313.09	Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
331.01	Driving Upon Right Side of Roadway; Exceptions. (Amended)
331.02	Passing to Right When Proceeding in Opposite Directions. (Amended)
331.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
331.04	Overtaking and Passing Upon Right. (Amended)
331.05	Overtaking, Passing to Left of Center. (Amended)
331.06	Additional Restrictions on Driving upon Left Side of Roadway. (Amended)

331.07	Hazardous or No Passing Zones. (Amended)
331.08	Driving in Marked Lanes or Continuous Lines of Traffic. (Amended)
331.09	Following Too Closely. (Amended)
331.10	Turning at Intersections. (Amended)
331.12	"U" Turns Restricted. (Amended)
331.13	Starting and Backing Vehicles. (Amended)
331.14	Signals Before Changing Course, Turning or Stopping. (Amended)
331.15	Hand and Arm Signals. (Amended)
331.16	Right of Way at Intersections. (Amended)
331.17	Right of Way When Turning Left. (Amended)
331.18	Operation of Vehicle at Yield Signs. (Amended)
331.19	Operation of Vehicle at Stop Signs. (Amended)
331.20	Emergency or Public Safety Vehicles at Stop Signals or Signs. (Amended)
331.22	Driving Onto Roadway From Place Other Than Roadway: Duty to Yield. (Amended)
331.23	Driving Onto Roadway From Place Other Than Roadway: Stopping at Sidewalk. (Amended)
331.24	Right of Way of Funeral Procession. (Amended)
331.26	Driving Upon Street Posted as Closed for Repair. (Amended)
331.27	Following and Parking Near Emergency or Safety Vehicles. (Amended)
331.28	Driving Over Fire Hose. (Amended)
331.29	Driving Through Safety Zone. (Amended)
331.30	One-Way Streets and Rotary Traffic Islands. (Amended)
331.31	Driving Upon Divided Roadways. (Amended)
331.33	Obstructing Intersection, Crosswalk or Grade Crossing. (Amended)
331.37	Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
331.40	Stopping at Grade Crossing. (Amended)
333.03	Maximum Speed Limits. (Amended)
333.031	Approaching a Public Safety Vehicle. (Amended)
333.04	Stopping Vehicle. (Amended)
333.05	Speed Limitations Over Bridges. (Amended)
337.16	Number of Lights. (Amended)
371.01	Right of Way in Crosswalk. (Amended)
371.02	Right of Way of Blind Person. (Amended)
371.07	Right of Way on Sidewalk. (Amended)
373.01	Code Application to Bicycles. (Amended)
373.02	Riding Upon Seats. (Amended)
373.03	Attaching Bicycle to Vehicle. (Amended)
373.04	Riding Bicycles and Motorcycles Abreast. (Amended)
373.05	Signal Device on Bicycle. (Amended)
373.06	Lights and Reflector on Bicycle. (Amended)
373.07	Riding Bicycle on Right Side of Roadway. (Amended)
373.08	Reckless Operation. (Amended)
373.10	Parking of Bicycle. (Amended)
373.11	Paths Exclusively for Bicycles. (Amended)
373.15	Electric Bicycles. (Added)

GENERAL OFFENSES CODE

509.03	Disorderly Conduct. (Amended)
513.01	Drug Abuse Control Definitions. (Amended)
513.03	Drug Abuse; Controlled Substance Use. (Amended)
529.07	Open Container Prohibited. (Amended)
533.04	Sexual Imposition. (Amended)
533.07	Public Indecency. (Amended)
533.15	Dissemination of Private Sexual Images. (Added)
545.10	Misuse of Credit Cards. (Amended)
549.01	Weapons Definitions. (Amended)
549.04	Improperly Handling a Firearm in a Motor Vehicle. (Amended)
549.06	Unlawful Transactions in Weapons. (Amended)

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: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

RESOLUTION NO. 109-19

A RESOLUTION EXTENDING THE INTENSIVE SUPERVISION PROBATION GRANT FOR THE MEDINA MUNICIPAL COURT THROUGH THE FISCAL YEAR 2020 AND 2021, AND DECLARING AN EMERGENCY.

WHEREAS: Notice was received from the Ohio Department of Rehabilitation and Correction that the Intensive Supervision Probation Grant for the Medina Municipal Probation Department has been extended to June 30, 2021 at the estimated funding level of $183,586.00.

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

SEC. 1: That the Intensive Supervision Probation Grant, FY 2020/21 Community Correction Act Grant between the Ohio Department of Rehabilitation and Correction and Medina County is hereby extended to June 30, 2021.

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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the Grant took effect July 1st; wherefore, this Resolution 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. 110-19

AN ORDINANCE AMENDING SECTION 31.02(B)(6) OF THE SALARIES AND BENEFITS CODE OF THE CITY OF MEDINA, OHIO RELATIVE TO THE INTENSIVE SUPERVISION PROBATION EMPLOYEES FOR THE MUNICIPAL COURT, AND DECLARING AN EMERGENCY.

WHEREAS: Section 31.02 (B)(6) of the Salaries and Benefits Code of the City of Medina, Ohio presently reads as follows:

(6) **MUNICIPAL COURT GRANT POSITIONS**

		Hourly Rate
1	Intensive Supervision Probation Officer*	$25.08/hr.
1	Probation Officer/Group Facilitator (part-time)*	$25.08/hr.

*Positions effective to June 30, 2019. The Intensive Supervision Probation Officer shall receive health care, vacation, sick and holiday benefits as set forth herein for full time employees. Position of Intensive Supervision Probation Officer may be full or part-time as dictated by grant.
(Ord. 69-12, Ord. 150-12, 128-13, 128-14, 90-15, 8-16, 89-16, 126-17, 157-18)

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

SEC. 1: That Section 31.02(B)(6) of the Salaries and Benefits Code of the City of Medina, Ohio shall be amended to read as follows:

(6) **MUNICIPAL COURT GRANT POSITIONS**

		Hourly Rate
1	Intensive Supervision Probation Officer*	**$25.58/hr.**
1	Probation Officer/Group Facilitator (part-time)*	**$25.58/hr.**

*Positions effective to June 30, **2021.** The Intensive Supervision Probation Officer shall receive health care, vacation, sick and holiday benefits as set forth herein for full time employees. Position of Intensive Supervision Probation Officer may be full or part-time as dictated by grant.
(Ord. 69-12, Ord. 150-12, 128-13, 128-14, 90-15, 8-16, 89-16, 126-17, 157-18, 110-19, **110-19**)

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 the grant is effective as of July 1, 2019; 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

Effective date: July 1, 2019

ORDINANCE NO. 111-19

AN ORDINANCE AMENDING SECTION 541.08 OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO TO PROHIBIT INTIMIDATION ON THE BASIS OF SEX, GENDER IDENTITY OR EXPRESSION, OR SEXUAL ORIENTATION

WHEREAS: This Council aims to ensure that criminal intimidation on the basis of sex, gender identity or expression, or sexual orientation is a punishable offense under the City's Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Medina, Ohio that:

Section 1. Section 541.08, "Ethnic Intimidation," of Chapter 541, "Property Offenses," of the Codified Ordinances of the City of Medina," is amended as follows:

"**541.08 ~~ETHNIC~~ INTIMIDATION.**

(a) No person shall violate Ohio R.C. 2903.21, 2903.22, 2909.06, 2909.07 or 2917.21(A)(3) to (5) or Sections 537.05, 537.06, 537.10 (a)(3) to (5), 541.03 or 541.04 of the General Offenses Code by reason of the race, color, religion, ~~or~~ national origin**, sex, gender identity or expression, or sexual orientation** of another person or group of persons.

(b) **In a prosecution under this section, the offenders' motive, reason or purpose may be shown by the offender's temporally related conduct or statements before, during or after the offense, including ethnic, sexual orientation, gender identity or expression, religious or racial slurs, and by the totality of the facts, circumstances and conduct surrounding the offense.**

(c) Whoever violates this section is guilty of ~~ethnic~~ intimidation. ~~Ethnic I~~ **I**ntimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ~~ethnic~~ intimidation.

(d) This section does not apply if the facts alleged in the complaint would constitute a felony under Section 2927.12 of the Ohio Revised Code.

(e) The Police Department shall keep and maintain records of reported violations of this section and reported incidents the motive of which is victim's race, color, religion, national origin, sex, gender identity or expression, or sexual orientation."

Section 2. 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.

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

Effective date:

ORDINANCE NO. 112-19

AN ORDINANCE ADOPTING NEW CHAPTER 717 OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO TO PROHIBIT DISCRIMINATORY CONDUCT ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION.

WHEREAS, this Council passed Resolution 147-15 in 2015 to affirm the City's ongoing commitment to diversity;

WHEREAS, nondiscrimination protections are already afforded under state and federal law to protect against discrimination based on race, color, sex, religion, disability, national origin, ancestry, age, and military status, and discrimination occurring based on these protected classes can be sent to the Ohio Civil Rights Commission, Equal Employment Opportunity Commission, and/or the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity;

WHEREAS, in addition to the foregoing, Council desires to protect and safeguard the rights and opportunities of all persons to be free from discrimination based on sexual orientation and gender identity or expression;

WHEREAS, Council aims to ensure that all persons who work in, live in, or visit the City of Medina have equal access to employment, housing, and public accommodations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Medina, Ohio that:

Section 1. Chapter 717, "Discriminatory Conduct in Housing, Employment, and Public Accommodations Based on Sexual Orientation and Gender Identity or Expression" of the Codified Ordinances of the City of Medina," is enacted to provide as follows:

"Chapter 717

DISCRIMINATORY CONDUCT IN HOUSING, EMPLOYMENT, AND PUBLIC ACCOMMODATIONS BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION

717.01 DEFINITIONS.
717.02 FAIR HOUSING.
717.03 UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO EMPLOYMENT.
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717.09 DISMISSAL OF COMPLAINTS.
717.10 JUDICIAL RELIEF.
717.11 NON-EXCLUSIVE REMEDIES.
717.12 SEVERABILITY.

717.01 DEFINITIONS.

As used in this Chapter 717:

(a) "Discriminate and discrimination" includes segregated or separated or any difference in treatment based on actual or perceived sexual orientation and gender identity or expression.

(b) "Employer" means any person who employs four (4) or more persons within the City of Medina, including the municipal government of the City of Medina, its boards, commissions, and other affiliated agencies.

(c) "Gender identity or expression" means an individual's actual or perceived gender-related identity, appearance, expression, mannerisms, or other gender-related characteristics, regardless of the individual's designated sex at birth.

(d) "Restrictive covenant" means any specification limiting the transfer, rental, lease, or other use of any housing accommodations because of sexual orientation and gender identity or expression, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing sexual orientation and gender identity or expression as a condition of affiliation or approval.

(e) "Sexual orientation" means a person's actual or perceived homosexuality, bisexuality, or heterosexuality.

(f) "Unlawful discriminatory practice" means any act prohibited by this Chapter 717.

717.02 FAIR HOUSING.

(a) It shall be an unlawful discriminatory practice for any person to engage in any of the following acts wholly or partially:

(1) To discriminate by impeding, delaying, discouraging or otherwise limiting or restricting any real estate transaction based on sexual orientation and gender identity or expression;

(2) To discriminate by imposing less preferential terms on a real estate transaction based on sexual orientation and gender identity or expression;

(3) To represent falsely that an interest in real estate is not available for a real estate transaction because of sexual orientation and gender identity or expression;

(4) To include in the terms or conditions of a real estate transaction any discriminatory clause, condition or restriction based on sexual orientation and gender identity or expression;

(5) To discriminate in performing, or refusing to perform, any act necessary to determine an individual's financial ability to engage in a real estate transaction based on sexual orientation and gender identity or expression;

(6) For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants of any real estate which the property manager manages based on sexual orientation and gender identity or expression;

(7) To make, print or publish, or cause to be made, printed or published any discriminatory notice, statement, or advertisement with respect to a real estate transaction or proposed real estate transaction, or financing relating thereto based on sexual orientation and gender identity or expression;

(8) To discriminate in any financial transaction involving real estate, on account of the location of the real estate, be it residential or non-residential (commonly known as "red-lining"), based on sexual orientation and gender identity or expression;

(9) For a real estate operator, a real estate broker, a real estate salesperson, a financial institution, an employee of any of these, or any other person, for the purposes of inducing a real estate transaction from which such person may benefit financially to represent that a change has occurred or will or may occur in the composition with respect to sexual orientation and gender identity or expression of the owners or occupants in the block, neighborhood or area in which the real property is located or to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood or area in which the real property is located (commonly known as "block-busting");

(10) For any person to discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this chapter, or because that person has made a charge, testified, assisted, or participated in any manner, in any investigation, proceeding, or hearing under the provisions of this chapter; and

(11) Notwithstanding the provisions of division (a)(1) through (10) of this section, it shall not be an unlawful discriminatory practice for an owner, lessor, or renter to refuse to rent, lease, or sublease a portion of a single family dwelling unit to a person as a tenant, roomer, or boarder where it is anticipated that the owner, lessor, or renter will be occupying any portion of the single-family dwelling.

(b) Exemptions.

(1) Unless otherwise provided by law, nothing in this section shall bar any religious or denominational corporation, institution, association or organization, or any nonprofit

charitable or educational organization that is operated, supervised, or controlled by or in connection with a religious or denominational corporation, institution, association or organization, from limiting the sale, rental, or occupancy of housing accommodations that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference in the sale, rental, or occupancy of such housing accommodations to persons of the same religion.

(2) Unless otherwise provided by law, nothing in this section shall bar any bona fide private or fraternal organization that, incidental to its primary purpose, owns or operates lodgings for a non-commercial purpose, from limiting the rental or occupancy for the lodgings to its members or from giving preference to its members.

(3) Nothing in this section shall be interpreted to infringe upon or otherwise interfere with any rights protected by the Free Exercise Clause of the First Amendment to the United States Constitution or the Religious Freedom Restoration Act, codified at 42 U.S.C. §§2000bb, *et seq*, or its successor provisions, if applicable.

717.03 UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO EMPLOYMENT.

It shall be an unlawful discriminatory practice, except where based upon applicable national security regulations established by the United States government:

(a) For any employer, because of the person's sexual orientation and gender identity or expression to refuse to hire that person or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment;

(b) For any employer, employment agency, or labor organization to establish, announce or follow a policy of denying or limiting, the employment or membership opportunities of any person or group of persons because of their sexual orientation and gender identity or expression;

(c) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of that person's sexual orientation and gender identity or expression in admission to employment in any program established to provide apprentice training;

(d) For any employer, employment agency, or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any preference, limitation, specifications or discrimination based upon sexual orientation and gender identity or expression;

(e) For any employment agency to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against any person because of their sexual orientation and gender identity or expression;

(f) For any employer, employment agency, or labor organization to utilize in the recruitment or hiring of persons, any employment agency, placement service, labor organization, training school or center, or any other employee-referring source, known to discriminate against persons because of their sexual orientation and gender identity or expression;

(g) For any labor organization to discriminate against any person or limit that person's employment opportunities, or otherwise adversely affect that person's status as an employee, or that person's wages, hours, or employment conditions, because of their sexual orientation and gender identity or expression;

(h) For an employment agency, to comply with, accommodate, or otherwise assist with locating an employee related to, a request from an employer for referral of applicants for employment if the request indicates, directly or indirectly, that the employer fails, or may fail, to comply with this chapter;

(i) For any labor organization to limit or classify its membership on the basis of sexual orientation and gender identity or expression;

(j) For any employer, employment agency or labor organization to:

(1) Elicit or attempt to elicit any information concerning the sex, gender identity or expression, or sexual orientation of an applicant for employment or membership;

(2) Use any form of application for employment or personnel or membership blank seeking to elicit information regarding sexual orientation and gender identity or expression but an employer holding a contract containing a non-discrimination clause with the government of the United States or any department or agency thereof, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain such proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes;

(k) For any employer, employment agency or labor organization to discriminate against any person because that person has opposed any practice forbidden by this chapter or because that person has made a complaint or assisted in any manner in any investigation or proceeding under this chapter; or

(l) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce, or participate in the doing of any act declared to be unlawful discriminatory practice by this chapter, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter to be an unlawful discriminatory practice by this chapter, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter to be an unlawful discriminatory practice.

(m) Nothing in this section shall apply to a religious or denominational corporation, institution, association, organization, educational institution, or society with respect to the employment of an individual to perform work connected with the carrying on by that religious or denominational corporation, institution, association, organization, educational institution, or society of its activities.

(n) Nothing in this section shall be interpreted to infringe upon or otherwise interfere with any rights protected by the Free Exercise Clause of the First Amendment to the United States Constitution or the Religious Freedom Restoration Act, codified at 42 U.S.C. §§2000bb, *et seq.*, or its successor provisions, if applicable.

717.04 UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO PUBLIC ACCOMMODATIONS.

It shall be an unlawful discriminatory practice:

(a) For any proprietor or their employee, keeper, or manager of a place of public accommodation to deny to any person except for reasons applicable alike to all persons regardless of a person's sexual orientation and gender identity or expression the full enjoyment of the accommodations, advantages, facilities, or privileges thereof;

(b) For any proprietor or their employee, keeper, or manager of a place of public accommodation to publish, circulate, issue, display, post or mail, either directly or indirectly, any printed or written communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of sexual orientation and gender identity or expression or that such person is unwelcome, objectionable, or not acceptable, desired or solicited; or

(c) For any person, whether or not included in divisions (a) and (b) in this section, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice under this section.

(d) Nothing in this section shall prohibit a religious or denominational corporation, institution, organization, association, or society, or any nonprofit charitable or education organization that is operated, supervised or controlled by or in connection with a religious or denominational corporation, institution, organization, association, or society from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not offered for non-religious, commercial purposes. Religious or denominational places of regular worship and educational facilities, or their contiguous facilities, are exempt from this chapter.

(e) Nothing in this section shall be interpreted to infringe upon or otherwise interfere with any rights protected by the Free Exercise Clause of the First Amendment to the United States Constitution or the Religious Freedom Restoration Act, codified at 42 U.S.C. §§2000bb, *et seq.*, or its successor provisions, if applicable.

717.05 UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO EDUCATIONAL INSTITUTIONS.

It shall be unlawful for an educational institution to engage in any of the following acts wholly or partially for a discriminatory reason because of sexual orientation and gender identity or expression:

(a) To deny, restrict, abridge or condition the use of, or access to, any educational facilities or educational services to any person otherwise qualified;

(b) Notwithstanding the provisions of subsection (a), it shall not be an unlawful discriminatory practice to limit attendance in classes or programs conducted by an educational institution based upon a reasonable educational objective, except where to do so would otherwise violate a duty imposed upon the institution by federal or state law to provide reasonable accommodation; and

(c) Notwithstanding the provisions of subsection (a), it shall not be an unlawful discriminatory practice for an educational institution operated by a religious or denominational corporation, institution, association or organization, or established for a bona fide religious purpose, to admit students or program attendees on the basis of that student's or attendee's religious or denominational affiliation or preference.

(d) Nothing in this section shall be interpreted to infringe upon or otherwise interfere with any rights protected by the Free Exercise Clause of the First Amendment to the United States Constitution or the Religious Freedom Restoration Act, codified at 42 U.S.C. §§2000bb, *et seq.*, or any successor provisions, if applicable.

(e) For purposes of this chapter, "educational institution" shall not include any institution or school operated by a religious or denominational corporation, institution, association or organization.

717.06 CITY SERVICES, FACILITIES, TRANSACTIONS AND CONTRACTS.

The City of Medina shall be bound by the provisions of this chapter to the same extent as private persons. All contractors proposing to, or currently doing business with the City of Medina municipal government shall abide by the provisions of this chapter.

717.07 DISCRIMINATORY CONDUCT ADMINISTRATOR.

The City of Medina Director of Law, and/or their designee within the Law Department, (for purposes of this chapter, (the "Administrator") shall serve as the City employee designated to receive "Complaints" (as defined in Section 717.08 of this chapter) including conducting investigations, scheduling mediations, and contracting with third parties to investigate and mediate Complaints under this chapter. If mediation is unsuccessful, the Administrator is authorized to

conduct or oversee an investigation of the Complaint and enforcement of this chapter, including by taking any actions authorized by Section 717.10 of this chapter.

717.08 COMPLAINT AND ENFORCEMENT PROCEDURES.

(a) Complaints.

(1) Whenever it is alleged in writing and under oath or affirmation by a person, referred to in this chapter as the "Complainant", that any person, employer, employment agency, and/or labor organization, referred to in this chapter as the "Respondent", has engaged or is engaging in any unlawful discriminatory practice or act as defined in this chapter (the "Complaint"), the Administrator shall determine, no later than forty (40) business days of receipt of the Complaint, whether a Complaint of discrimination alleges a violation based on gender identity or expression, or sexual orientation with sufficient clarity for the matter to be investigated, mediated, and, when appropriate, enforced under the procedures in this chapter.

(2) Complaints of discrimination alleging a violation of this chapter based on sexual orientation or gender identity or expression, along with an allegation of discrimination because of the Complainant's status in a different legally-protected class (a "Hybrid Complaint") may be subject to deferral to the Ohio Civil Rights Commission ("OCRC") and/or the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity ("FHEO") or the Equal Employment Opportunity Commission ("EEOC") as set forth in this section.

A. The Administrator shall notify a Complainant of the potential additional rights and remedies available by filing a Hybrid Complaint with the OCRC, FHEO or EEOC and that by failing to file with those state and federal authorities, the Complainant may forego their right to do so in the future. Such notification shall be in writing and by certified mail within ten (10) business days of the Administrator's decision to refer the Complaint to the OCRC, FHEO or EEOC.

B. In the event a Complainant declines, in writing, to file a charge with OCRC, FHEO or EEOC, the Administrator may oversee investigation into and/or mediation of the complaint in accordance with this chapter. In the event a Complainant elects to file a charge with OCRC, FHEO or EEOC, the Administrator shall not hear the Hybrid Complaint while the matter remains pending at the state or federal level unless and until such charge, in its entirety, reaches a final disposition; provided, however, nothing in this division B prohibits a Complainant from filing a separate Complaint as provided in division (a)(3) of this section.

(3) Complaints of discrimination alleging a violation of this chapter shall be overseen by the Administrator in accordance with this chapter without deferral of the Complaint to the OCRC, FHEO, or EEOC unless and until state or federal law is revised to grant the OCRC, FHEO, or EEOC jurisdiction to adjudicate allegations of discrimination on the basis of sexual orientation and/or gender identity or expression, at which time such Complaints may be subject to deferral to those state and federal agencies. A Complaint

that fails to properly allege a violation of this chapter may be dismissed by the Administrator at any time.

(b) Deadline for Filing.

A Complaint alleging discrimination under this chapter shall be filed with the Administrator within one hundred twenty (120) days after the alleged unlawful discriminatory practice(s) or act(s) is committed, or within one (1) year after the Complainant discovered or by reasonable diligence should have known of such practice(s) or act(s). The Complaint shall be filed upon oath or affirmation and shall contain such information, including the date, place and circumstances of the alleged discriminatory practice(s) or act(s). The Administrator shall serve notice upon the Complainant acknowledging such filing and advising the Complainant of the time limits provided herein.

(c) Respondent.

(1) Within twenty eight (28) days after the Administrator determines that a Complaint of discrimination alleges a violation based on gender identity or expression, or sexual orientation with sufficient clarity for the matter to be investigated, mediated, and enforced under the procedures in this chapter, the Administrator shall serve a copy of the Complaint and a written notice upon the Respondent identifying the alleged discriminatory practice(s) and setting forth the rights and obligations of the parties under this chapter. Such service shall be by certified mail return receipt requested.

(2) A person who is not named as a Respondent in a Complaint, but who is identified as a Respondent in the course of an investigation, may be joined as an additional or substitute Respondent upon written notice to such person from the Administrator. Notice shall be served upon such additional or substitute Respondent(s) within twenty (20) days of such joinder or substitution and shall explain the basis for the Administrator's belief that the person to whom the notice is addressed is properly joined as a Respondent.

(3) The Respondent may file a Response to the Complaint with the Administrator by regular U.S. Mail, hand delivery, or electronic mail no later than thirty (30) days after service of the Complaint.

(4) The Respondent's Response shall be served by the Administrator upon the Complainant by regular U.S. Mail or electronic mail within fourteen (14) days of receipt by the Administrator.

(d) Investigations.

(1) The Administrator may investigate the allegations in the Complaint or cause the City to enter into a contract with a third party to conduct all necessary investigations into the allegations made in a Complaint and any facts or issues raised in Respondent's Response to a Complaint. An investigation may include, but is not limited to, the following: reading of any and all submitted materials including the Complaint and

response, questioning of all Parties and any witness(es), speaking with identified third parties (e.g., employers, co-workers, co-tenants, neighbors), seeking document(s) relevant to the Complaint and the Response, etc.

(2) Upon completion of any third-party investigation, the Administrator shall require the third party to prepare a written report and submit other evidentiary materials detailing the findings of the investigation.

(3) Upon completion of any investigation, the Administrator shall review the facts and any investigatory report(s) and underlying materials and shall endeavor to schedule a mediation between the Complainant and the Respondent before a neutral third-party mediator. Written notification of the mediation shall be served upon the Complainant and Respondent by certified mail return receipt requested or electronic mail.

(e) Mediation. The Administrator shall endeavor to resolve the Complainant's allegations with a mutually agreed upon mediator who shall be a neutral person who is an attorney licensed to practice in Ohio and with mediation experience and discrimination representation experience. If the parties to the mediation cannot agree on a mediator, the Administrator shall choose the mediator.

(1) Nothing said or done in the course of a mediation shall be disclosed or used as evidence in any subsequent proceeding or civil action.

(2) Mediation shall be completed within one hundred twenty (120) days of the filing of the Complaint and shall toll or suspend all other dates and deadlines under this chapter. If mediation fails, the Administrator shall review the facts of the Complaint, and any investigatory report(s) and underlying materials to determine if there has been a violation of this chapter. If the Administrator determines a violation has occurred, the Administrator may bring an action to enforce the provisions of this chapter and seek relief on behalf of the City as authorized in Section 717.08 (f)(1)and (2) and Section 717.10 of this chapter.

(3) An agreement between the parties arising out of such mediation shall be reduced to a written agreement executed by the Respondent and the Complainant and by the Administrator on behalf of the City of Medina. The City of Medina shall have an interest in the mediation agreement related to enforcement of the purposes and enforcement of this chapter.

(4) The Administrator may impose civil penalties for a violation or breach of a mediation agreement.

(f) Penalties.

(1) The Administrator may impose civil penalties and may issue a cease and desist order for a Complainant's or Respondent's failure to appear at an agreed upon mediation,

for a violation or breach of a mediation agreement, and/or for any other violation of this chapter in the following amounts:

A. Five hundred dollars ($500) for a Complainant's or Respondent's failure to appear at an agreed upon mediation without a showing of good cause, or Complainant's or Respondent's first breach of a mediation agreement, or any other violation of this chapter, as determined by the Administrator

B. One thousand dollars ($1,000) for a Complainant's or Respondent's second breach of a mediation agreement or a second violation of any other provision of this chapter, as determined by the Administrator.

C. One thousand five hundred dollars ($1,500) for a Complainant's or Respondent's third or any subsequent breaches of a mediation agreement, or a third or subsequent violation of any other provision of this chapter, as determined by the Administrator.

(2) Upon the failure or refusal of a person to pay the foregoing civil penalties, a civil penalty may be enforced and collected through a civil action brought in the Medina Municipal Court and the court costs shall be charged to the defending party. The civil fines shall be used to offset the costs of administering this chapter.

(3) If the Complainant fails to appear at an agreed upon mediation without a showing of good cause, the Complaint may be dismissed at the discretion of the Administrator.

(4) A civil penalty for the filing of a False Complaint under Section 717.09(b) of this chapter may be enforced and collected through a civil action brought in the Medina Municipal Court and the court costs shall be charged to the defending party. The civil penalties for the filing of a False Complaint may be imposed on a Complainant as follows:

A. Five hundred dollars ($500) for the filing of the first False Complaint.

B. One thousand dollars ($1,000) for the filing of a second False Complaint.

C. One thousand five hundred dollars ($1,500) for the filing of a third and any subsequent False Complaint.

717.09 DISMISSAL OF COMPLAINTS.

(a) Where mediation is unsuccessful, the Administrator shall then review the facts related to the Complaint and the Response and any investigatory report(s) and underlying materials to determine if there has been a violation of this chapter. Where the Administrator determines a violation has occurred, the Administrator shall proceed to enforce this chapter as described in Sections 717.08 (f)(4) and 717.10 of this chapter. Where the Administrator determines that no violation under this chapter has occurred, the Administrator shall dismiss the Complaint upon the

Administrator's written findings. The Administrator shall promptly serve notice upon the Complainant, Respondent, and any necessary party of any dismissal pursuant to this section.

(b) No person shall knowingly file a Complaint including false or fraudulent information, submitted in bad faith with the intent to defame or to cause other reputational or material harm to an individual, entity or organization (for purposes of this chapter, a "False Complaint"). A determination or finding by the Administrator that a Complaint is unsubstantiated is, alone, insufficient to prove the existence of a False complaint. Upon written findings by the Administrator that a Complainant has filed a False Complaint, the Administrator may impose a civil penalty on the Complainant, as referenced in Section 717.08 (f)(4) of this chapter.

717.10 JUDICIAL RELIEF.

(a) If any attempt at mediation under this chapter fails or is otherwise unsuccessful, and the Administrator then determines that a Respondent or Complainant has violated this chapter by engaging in conduct prohibited by this chapter or by filing a False Complaint, the Administrator may, in the Administrator's capacity as the Director of Law for the City of Medina, enforce this chapter by initiating an action in the Medina Municipal Court to collect an unpaid monetary civil penalty as specified in Section 717.08(f) of this chapter.

(b) If any Complainant or Respondent violates any term of a mediation agreement, the Administrator, in the Administrator's capacity as the Director of Law for the City of Medina, may bring an action in the name of the City of Medina for a breach of the mediation agreement and /or specific performance of the mediation agreement in either the Medina Municipal Court or the Medina County Court of Common Pleas, as the Administrator deems to be appropriate.

(c) If a Respondent or a Complainant continues to violate the provisions of this chapter after a civil fine has been imposed on that person, the Administrator, in the Administrator's capacity as the Director of Law for the City of Medina, may bring an injunction action in the name of the City of Medina in the Medina County Common Pleas Court against the violator to seek an order from the court to stop the violation or to otherwise compel compliance with this chapter and may bring any other legal or equitable court action as is provided by law.

717.11 NON-EXCLUSIVE REMEDIES.

Nothing contained in this chapter shall prevent any person from exercising any right or seeking any remedy to which they might otherwise be entitled under any other law, regulation, or policy. The remedies provided for in this chapter are in addition to, and not in lieu of, other remedies. A person's decision to seek remedies provided for in this chapter shall not toll any statute of limitations which may apply to any claim, charge, or complaint.

717.12 SEVERABILITY.

This chapter and each section and division thereof are hereby declared to be independent provisions, sections, and divisions, notwithstanding any other evidence of legislative intent, and it

is hereby declared to be the controlling legislative intent that if any provisions of this chapter, its sections and the divisions thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections and divisions of each section in this chapter shall not be affected thereby. It is hereby declared that such sections and divisions of this chapter would have been passed independently of such section or division that is held to be invalid."

Section 2. 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.

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 113-19

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR COMPETITIVE BIDS AND TO AWARD A CONTRACT TO THE SUCCESSFUL BIDDER FOR THE SALE AND REMOVAL OF THE CITY OWNED HOUSE LOCATED AT 347 N. HUNTINGTON STREET, 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 advertise for competitive bids and to award a contract to the successful bidder for the sale and removal of the City owned house located at 347 N. Huntington St. in accordance with plans and specifications on file in the office of the Mayor.

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 the City would like to finish this sale and removal before November 15, 2019; 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