

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

August 26, 2019
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (July 8, 2019, July 22, 2019-S, and July 31, 2019-S)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

Liquor Permit:

Not to object to the issuance of a D5L permit to Carnivore Meats LLC, 320 S. Court St., Suite 100, Medina.

Liquor Permit:

Not to object to the issuance of a transfer of a C1 & C2 permit from WJF Investment Corporation dba Medina Marathon 429 S. Court St. to MGJJ LLC, dba Medina Marathon, 429 S. Court St., Medina.

Unfinished business.

Introduction of visitors.

(speakers limited to 5 min.)

Ohio Rational Sexual Offense Laws

Introduction and consideration of ordinances and resolutions.

Res. 117-19

A Resolution congratulating Nick Maleski on attaining the rank of Eagle Scout.

Ord. 118-19

An Ordinance authorizing the expenditure to Chippewa Roofing, LLC for costs related to emergency repairs of the City Garage roof.

Ord. 119-19

An Ordinance authorizing the expenditure to Main Street Lighting for costs related to repairs and replacement of street luminaries within the Historic District.

Ord. 120-19

An Ordinance rezoning the property at 1088 S. Court Street from R-3, High Density Residential to C-3, General Commercial.

Ord. 121-19

An Ordinance authorizing the purchase of one (1) 2020 Freightliner 114SD Rear Load Refuse Truck from Bell Equipment Company to be used by the Sanitation Department.

Ord. 122-19

An Ordinance authorizing the Mayor to accept four (4) Easements necessary for the West Smith Road Reconstruction, Phase 3 Project.

Ord. 123-19

An Ordinance amending and expanding Medina Parking District No. 1.

Ord. 124-19

An Ordinance amending Ordinance No. 195-18, passed December 10, 2018. (Amendments to 2019 Budget)

Ord. 125-15

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

Council comments.

Adjournment.

MEDINA CITY COUNCIL

Monday, July 8, 2019

Public Hearing (7:30 p.m.)

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

For: Mr. Mendel this went to the Planning Commission on May 9th, 2019 at that time the Planning Commission recommended the rezoning to City Council. Jonathon provided the May 9th packet with all the information. This was reviewed on May 28th by the Finance Committee and the minimum 30 day public notice.

Justin Eddy from Tucker Ellis, Cleveland, Ohio - Land Use Council to the property owner. Proposed project in connection to Key Bank Kiosk not a bank but essentially a drive up. Justin went on to explain the zoning areas in relation to other businesses and feels C-3 General Commercial is appropriate for this parcel and is in conformance. He spoke of the property owners fundamental rights. He also addressed the Comprehensive Plan, adopted in 2007 and acknowledges zoning change is appropriate in this case. One of the matters of concern that has been brought up at some meetings were from residents of the Pinewood Development is traffic. In this case they are only looking at 60 to 80 trips per day to this property and this is a passive use, it's not going to create more traffic in the area. Trillium Creek did not sue the city they simply appealed the BZA and Justin feels that appeal will most likely be dismissed.

Against: David Hoek resides at 28 Pinewood Drive – Member of Board of Trustees of the Pinewood Condominium Association. David is here in representation of the Pinewood Development and is against the rezoning at 1088 S. Court St. Concerns are traffic, the addition of two more access lanes would add to the already dangerous traffic conditions Closing the gravel road would only impact the use for the owner. Left turns are already difficult and this will only make it worse. They suggest a traffic study be done to monitor the traffic. David invited City Council to visit Pinewood themselves to experience the hazards the residents experience on a daily basis just trying to enter or exit their neighborhood. David also mentioned the trees that would have to be taken down to accommodate this Bank Kiosk.

Pat Ryan resides at 5242 Sharon Copley Rd. – Pat frequents the Pinewood neighborhood and has relatives and friends there. She spoke of her history in government service having over 25 years in. These homes are within 50 ft. of this property line where this proposed kiosk would go. It is not common practice nor is it wise to change zoning to such an intrusive C-3 zoning. Pat spoke of the dangerous traffic this would generate. A less intense zoning would not restrict the use of this kiosk. You must consider the future and what uses would be possible with the rezoning.

Julie Larabee resides at 36 Pinewood Drive – Safety is a concern there are too many driveways and Streets, 64 families in Pinewood. Julie experienced gridlock traffic just the other day in this area due to a UPS driver wanting to turn left.

Jim Bahr resides at 35 Pinewood – Spoke of blind spots and how hard it is to see vehicles coming and going.

Keith Racey resides at 908 Laurel Glens Dr. – Lots of traffic, lots of danger in that traffic.

Dar Jacobs – Presented Council with a typed statement.

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The public hearing was closed at 8:02 p.m.

Opening:

Medina City Council met in regular, open session on Monday, July 8th, 2019. The meeting was called to order at 8.03 p.m. by President of Council John Coyne. Eagle Scout Eli Schmeller led the Pledge of Allegiance.

Roll Call:

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

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 24, 2019 as prepared and submitted by the Clerk be approved. The roll was called and the minutes were approved by the yeas of D. Simpson, B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose and J. Shields.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated the Finance Committee met prior to this evening's Council meeting and will meet again on August 26th.

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 do have Legislation tonight that was passed a month ago the LGTBQ protection legislation that is on the agenda for tonight. He and Councilman Heffinger did submit a request on demolition to try and put one more step in the process in getting approval for demolishing a building that is in the original Village of Medina. Bill also stated that he recently submitted an RCA for Council to review and update the Comprehensive Plan so we can hopefully avoid these issues of inconsistency.

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 had no report but will be scheduling after the break a meeting 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.

Requests for Council Action:

Finance Committee

- 19-121-7/8 – Intensive Supervision Probation Grant Renewal – Muni Court
- 19-122-7/8 – Exp. Over \$25,000 – Chippewa Roofing – Service Dept.
- 19-123-7/8 – Exp. Over \$25,000 – Main Street Lighting – Service Dept.
- 19-124-7/8 – Purchase 2020 Freightliner Rear Load Refuse Truck – Sanitation
- 19-125-7/8 – Grant Application – Assistance to Firefighter Grant – Fire Dept.
- 19-126-7/8 – 2020 Tax Budget
- 19-127-7/8 – Easements for West Smith Road Reconstruction – Phase 3
- 19-128-7/8 – Engine House Community Room Permit Approval
- 19-130-7/8 – Sale and Removal of Home at 347 N. Huntington

Special Legislation Committee

- 19-129-7/8 – Update Comprehensive Plan

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported the following:

- 1) Parking Deck - Construction of parking deck south of Medina City hall will commence this summer. 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 will last from August to likely spring, 2020.
- 2) Medina Community Band free concerts on Square each Friday night in July. Weather dependent. Starts 8:30 p.m.
- 3) Farmers Market each Sat. on Square 9 a.m. to 1 p.m.
- 4) Ladies Night Out on Square- Thursday, July 11th 5 p.m. – 9 p.m.
- 5) Art in the Park on Square - Sunday, July 21st 11 a.m. – 5 p.m.
- 6) Public input meeting at Medina City Hall Monday, July 22nd 5:30 p.m. for Combined Courthouse - Common Pleas and Municipal Courts
- 7) Movie night on Public Square sponsored by Cool Beans Saturday, August 8th 9 p.m. – 11 p.m.
- 8) Affair on the Square craft show Sunday, August 11th – 11 a.m. – 5 p.m.
- 9) Medina Fest on Square Saturday, August 24th 9 a.m. – 4 p.m.
- 10) Proclamation - July is Small Cities Month by National League of Cities

Keith Dirham, Finance Director, Keith stated they have a budget meeting later this week.

Greg Huber, Law Director, had no report.

Chief Kinney, Police Department, had no report.

Kimberly Marshall, Economic Development Director, stated Friday, July 12th there are a couple

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of ribbon cuttings. First one is at 1 p.m. for Molly's Fashion Boutique and Funtastic Toyz are both grand re-openings and are located at 140 Washington, then at 2 p.m. Candy Apple & Company located at 23 Public Square Suite 11, and hopefully Council will be able to join us.

Jonathan Mendel, Planning Community Director, had no report.

Chief Painter, Fire Department, had no report.

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

Dan Gladish, Building Official, had no report.

Patrick Patton, City Engineer, reported the last phase of the East Smith Road Reconstruction will happen starting this Friday to install the decorative sidewalk crosses at the end of the intersection of Broadway and Smith. Friday morning you will not be able to go north or south on Broadway.

Nino Piccoli, Service Director, stated he will defer his report.

Notices, Communications and Petitions:

Liquor Permit:

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

Mr. Shields moved not to object to the issuance of a D-2 and D-3 permit to Chancote LLC, 871 N. Court Street. Motion seconded by Mr. Simpson and approved by the yeas and nays of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields and D. Simpson.

Unfinished Business:

There were none.

Introduction of Visitors:

Stacy Baker resides at 321 N. Elmwood – Speaking to update Council and the public on the Community Garden and Education Center. They are planning to sign their lease on July 26th and will be breaking ground on the first week in August.

Dale Hartle from Ohio Regional Development Corp., located at 200 Main St. in Coshocton, Ohio They administer the Community Housing Program for the City of Medina and Brunswick – Spoke on Fair Housing rights and passed out brochures.

Skip Baran resides at 536 N. Broadway St. speaking tonight on behalf of the Community Design Committee in reference of the rezoning of the three properties on South Jefferson Street. Reminded Council of their position in that they are opposed to the rezoning.

Introduction and Consideration of Ordinances and Resolutions:

Res. 099-19:

A Resolution congratulating Elijah Schmeller on attaining the rank of Eagle Scout. Mr. Shields moved for the adoption of Ordinance/Resolution No. 099-19, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 099-19 passed by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson and B. Starcher.

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 100-19, seconded by Mr. Simpson. Mr. Mendel stated this is to get the contractor paid and it is a little over \$25,000. Emergency is needed to expedite the payment. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 100-19, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger. The roll was called and Ordinance/Resolution No. 100-19 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher and J. Coyne.

Ord. 101-19:

An Ordinance adopting the City of Medina Community Development Block Grant Program Citizen Participation Plan. Mr. Shields moved for the adoption of Ordinance/Resolution No. 101-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 101-19, seconded by Mr. Simpson. Mr. Mendel stated it is required by the state of Ohio that they have a Public Participation Plan on the books which is typically good for five years. Emergency is needed so they can have it on the books and be consistent. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger, B. Lamb and P. Rose. The roll was called and Ordinance/Resolution No. 101-19 passed by the yea votes of P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger and B. Lamb.

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 102-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 102-19, seconded by Mr. Simpson. Chief Painter stated this is to replace 15 year old breathing tanks. Emergency is needed due to grant cycle closing. 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, J. Shields and D. Simpson. The roll was called and Ordinance/Resolution No. 102-19 passed by the yea votes of D. Simpson, B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose and J. Shields.

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 103-19, seconded by Mr. Simpson. Mr. Dirham stated this is the state's process that they lay out for us and this is something we have to do. The roll was called and Ordinance/Resolution No. 103-19 passed by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson and B. Starcher.

Ord. 104-19:

An Ordinance amending the agreement with Lafayette Township Trustees for Community Policing Law, Enforcement Services in its jurisdiction. Mr. Shields moved for the adoption of Ordinance/Resolution No. 104-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 104-19, seconded by Mr. Simpson. Chief Kinney stated this will allow them to pay the salary of a Community Resource Officer out of the levy reserve, this will not affect our pass through from the levy revenues. Emergency is requested so that they can pay this as soon as possible. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger. The roll was called and Ordinance/Resolution No. 104-19 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher and J. Coyne.

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 105-19, seconded by Mr. Simpson. Mr. Patton stated this will allow them to advertise for a bid. The total amount of project is projected to be \$1,245,500.00 and \$478,000.00 will be paid from an Ohio Public Works Grant. The roll was called and Ordinance/Resolution No. 105-19 passed by the yea votes of P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger and B. Lamb.

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 106-19, seconded by Mr. Simpson. ODOT comes out every year with a targeted bridge list and this year the South Prospect Street Bridge made that list meaning it is eligible for funding through the Ohio Municipal Bridge Program. It is a competitive grant. Since we are eligible we will apply for the application to try to get funds. The roll was called and Ordinance/Resolution No. 106-19 passed by the yea votes of J. Shields, D. Simpson, B. Starcher J. Coyne, E. Heffinger, B. Lamb and P. Rose.

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 107-19, seconded by Mr. Simpson. Mr. Mendel stated this is a rezoning request, it went to the Planning Commission on April 11th and was passed along to City Council

for review. It hit the Finance Committee on May 13th, Public Hearing on June 24th, 2019 which brings us here tonight. The roll was called and Ordinance/Resolution No. 107-19 failed by the nay votes of D. Simpson, J. Coyne, E. Heffinger, B. Lamb, P. Rose and J. Shields. B. Starcher cast a yay vote.

Ord. 108-19:

An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances of the City of Medina Mr. Shields moved for the adoption of Ordinance/Resolution No. 108-19, seconded by Mr. Simpson. These are codified records that we publish and keep on record for the City of Medina and every year we have to update them with new passed laws, resolutions and ordinances. The roll was called and Ordinance/Resolution No. 108-19 passed by the yea votes of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields and D. Simpson.

Res. 109-19:

A Resolution extending the Intensive Supervision Probation Grant for the Medina Municipal court through the fiscal year 2020 and 2021. Mr. Shields moved for the adoption of Ordinance/Resolution No. 109-19, seconded by Mr. Simpson. Mr. Dirham stated he would like to address this and the next together as they are a pair. This is the grant that the court gets for the Intensive Supervision Probation Program. Emergency is needed due to the mechanism for this grant. The next ordinance is on the pay scales and he needs the emergency clause because otherwise when it does become effective, he would have to do a larger retroactive pay and that is just more work for his department for no real reason. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 109-19, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher and J. Coyne. The roll was called and Ordinance/Resolution No. 109-19 passed by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson and B. Starcher.

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 110-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 110-19, seconded by Mr. Simpson. 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. 110-19 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger.

Mr. Huber explained Ordinance 111-19 and Ordinance 112-19.

He stated these two ordinances were drafted to provide protection to the LGTBQ individuals with respect to public accommodations, housing and employment so that if a person applies for a job they can't be turned down for the job or fired from a job simply because they are gay or lesbian or LGTBQ and the same applies with respect to housing, renting and public accommodation that involves services and goods. Mr. Huber stated he thinks everyone recognizes the fact that there is an impasse and divide between some religious convictions and some religious belief with some

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churches and what the LGTBQ legislation seeks to accomplish. The first amendment constitution provides a broad level of protection to churches with respect to their religious convictions and so at this point there is a real uncertainty.

Spoke in favor of Ordinance 111-19 and Ordinance 112-19:

Pam Miller - 450 Woodland Drive
James Knapp - 2016 Smith Rd.
Rev. Keith Rasey - 908 Laurel Glens Dr.
Kristin Kranz – Deer Path Trail
Matt Weiderhold – 426 E. Liberty St.
Kelly Parker – Ryan Rd.
Rev. Lornell Brady – 80 Highpoint Dr.
Ian Haberman – 1150 Sharon Copley Rd.
Amy Panchumarti – 889 Lawrence
Leah White – 3530 Huffman Rd.
Pastor Pam Brandsken – 6480 Livia Lane
Charles Ramer 141 S. Prospect
Lance Traves – 239 S. Court St.
Bill Jones- Ex Principal Cloverleaf HS.
Jack Patrella – 234 W. North St.
Amy Demlow – 763 Victoria Circle

Spoke against Ordinance 111-19 and Ordinance 112-19:

Chris Long – President Ohio Christian Alliance
Mike Ryan – 155 Roshon Dr.
Dr. Bill Smallman - 201 Roshon Dr.
Sue Symonds – 2884 Remsen Rd.
Joan Campbell – 1111 Woodglen Cir.
Anne Bednarski – 105 Sturbridge Dr.
Kathy Bridge - 1074 N. Court
Jason Myers – Pastor at Bethel Baptist Church
Rev. Tony Sejba – 606 E. Washington
Kevin Burke – Saint Francis Xavier Attorney

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 111-19, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 111-19 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, E. Heffinger, B. Lamb and P. Rose.

Ord. 112-19:

An Ordinance adopting a New Chapter 717 of the Codified Ordinances of the City of Medina, Ohio to Prohibit Discriminatory Conduct of the basis of Sexual Orientation and Gender Identity or Expression. Mr. Shields moved for the adoption of Ordinance/Resolution

No. 112-19, seconded by Mr. Simpson. Mr. Rose thanked everyone for being here tonight. Paul stated he does not believe that any beating heart should suffer from any discrimination. Paul stated he is a firm believer in educate, don't legislate. He has spent the last 42 years in business the last 18 of it in technology and stated, "you always want to be on the leading edge of something but you never want to be on the bleeding edge of something". Mr. Rose stated "Make yourself the most valuable employee your employer has and you don't have to worry about getting laid off". Mr. Coyne then asked the audience to be civil. Mr. Rose doesn't think this legislation will solve a problem and feels it will only relieve the symptom and stated to solve any problem the root of the problem must be corrected before any lasting resolution can be seen. Mr. Rose spoke of his reading during his nephew's wedding.

Mr. Simpson thanked everybody for their comments tonight. There are some folks out there that feel like they have not been involved in this process even though it's been going on for most of a year now and doesn't know what more could have been done with being on the local TV networks and local, Akron, Cleveland newspaper print. He doesn't understand how one would not have been able to know about this, especially with social media. Dennie is aware some people would like to see this move slower and disagrees because we are at a moment that we need to move forward with this. The law makes a difference and this legislation may not stop haters and bullying, but there is some teeth to it and he is proud to be one of them that will support this tonight. Treat everybody the way you want to be treated and you will have a good life.

Mr. Heffinger stated he has a list of things he was going to say tonight but a lot of it has already been said and he doesn't want to repeat. Eric stated that this is what democracy looks like. We are all here with each other to talk about this and that's the start. The next step is that we can have these discussions and that people feel comfortable coming out as gay. Nobody's mind was changed here tonight. Eric spoke of his own person journey when his best friend came out to him as gay a long time after he should have. In high school he didn't think he knew anyone that was gay. Through him and through the many other friends he later learned were also gay, his attitude has changed and that took years. He sincerely hopes that we pass this and are saying as a community that you are welcome here and though the person working next to you in that cubicle or that seat at that school is different than you but you can say who you are and what you believe in, whether that is your Christian belief or non, whether you are gay, straight whatever but you can talk about that and that's the next step is that we create a better community. Our moto here in Medina is preserving the past and forging the future and he believes that passing this will forge that future.

Mr. Starcher stated they are here to make laws so they are led by their Law Director and he said two things tonight – There is a real uncertainty in the law and that this is a new area of law that is why it is so contentious. There are many civil rights here colliding with each other at this point in time and history and that is why 31 states don't have a law pertaining to this. October 7th and 8th the Supreme Court will hear 3 cases on these issues and will establish Federal law, Federal Anti-discrimination Law which will set the standard for every state and every city in the country. We've worked on this for longer than it's going to be until the Supreme Court comes out with their decision. Everyone agrees that Medina is a great place to live, work and visit.

Mr. Shields stated they've heard so many great speakers on both sides of the issues and he

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appreciates everybody's view. Jim stated he would like to end with something positive if at all possible tonight and that is a reflection of the lesson he and the Mayor do with 3rd graders at City Hall talking about Government and what it is all about and one of the things he always most proud about this Council in the 18 years is they don't always agree, they do the best they can to come up with legislation that at least four of them agrees with so that it becomes legislation here in Medina. At the end of the day they all love Medina, they care about Medina, but after they walk out of here tonight they have always respected one another, we have listened to each other and although we may not agree with each other, we put it aside and they do what is best for Medina. They represent the 26,000 people who live here in the city, it is their job to come up with the best legislation possible. You elect us to represent you. Tonight he is asking all 26,000, and everybody else here, to leave here and continue to respect each other and try to learn from one another, try to listen to each other's side because that is what it is all about and what makes Medina special.

Mr. Lamb stated that Councilman Heffinger pointed out that this is what democracy looks like and he has another example of democracy and how it works best. He said something at the last meeting that he regrets and called Father Tony and sat down with him for an hour and a half for a discussion. While he understands that not everybody is in agreement with the formation of the ordinance now after the involvement of the Diocese in a real sense it was out of that participation of the Diocese that we were able to make some changes in the ordinance that in all likelihood enabled the legislation to be passed, and it is that kind of dialog with all the people that have come here. Bill stated that over the period of 9 months, this piece of legislation has gestated about the same amount of time it takes to have a baby. This was brought to them, they considered it and had two Special Legislation Committee meetings and in the second meeting, it was voted out of committee with three votes and it was a public meeting as was the previous meeting, and was well advertised such as multiple times on the front pages of newspapers and Cleveland.com. It is unfortunate if anybody was not aware of those meetings because they were open to the public. We have to listen to each other and work to achieve a goal and he believes tonight they are going to achieve that goal. Bill stated he has been involved in education, government, community organizing in Medina for 50 years. Bill stated he knows a lot of you. He has done a couple things since he has been here but this to him is the most important, this is something that directly affects the rights of individuals that live in this community. He doesn't feel that they are special rights. Bill stated he is comfortable in who he is and he wants everybody to have that opportunity to be comfortable in who they are. We believe in this, we believe in equality and we believe that we represent the better interest of everyone not just some people but everyone. We all walk under the same umbrella for jobs, for public access, for who you think you are this will provide that level of protection and he is proud of this legislation, he lead it through Special Legislation. A lot of people deserve credit for putting this together way more than his participation. He feels this is a good thing for our community and is happy to vote in favor of it.

Mr. Coyne thanked everyone on council for their opinions and working together with the administration and Mr. Huber and outside council in going over this for many months now. This may not make everybody happy, but what he learned early on is being raised Catholic and going to church and being raised on a farm is we are all here together. We all work together and are under one God so what does that mean, it means we should all be treated the same, there should be no discrimination out there. John's evaluation of this process was he didn't think discrimination

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is anything that is ever appropriate in this country because we aren't founded on any type of discrimination. Medina is a place of inclusion rather than a place of exclusion. The roll was called and Ordinance/Resolution No. 112-19 passed by the yea votes of D. Simpson, J. Coyne, E. Heffinger, B. Lamb, and J. Shields.

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 113-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 113-19, seconded by Mr. Simpson. Mayor Hanwell stated the reason for the emergency clause is they need to get this document out to bid and accomplish while Council is on break and this permits them to do that. Subject to the Law Director's approval because there are still some discussions with the school on the restoration of the lot. Mr. Shields will abstain from voting due to his employment with the Schools. 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, D. Simpson and B. Starcher. J. Shields abstained. The roll was called and Ordinance/Resolution No. 113-19 passed by the yea votes of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose and D. Simpson. J. Shields abstained.

Council Comments:

Adjournment:

There being no further business before Council, the meeting adjourned at 10:49 p.m.

Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council

Special City Council Meeting
Monday, July 22, 2019

Opening:

Medina City Council met in special, open session on Monday, July 22, 2019. The meeting was called to order at 4:45 p.m. by President of Council John Coyne.

Roll Call:

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

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

Introduction and Consideration of Ordinances:

Discussion of Ord, 114-19

Ord. 114-19:

An Ordinance authorizing the Mayor to execute a Design-Build Contract with _____ for Design and Construction of a City Hall Parking Structure. Mr. Shields moved for the adoption of Ordinance/Resolution No. 114-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 114-19, seconded by Mr. Simpson. Mr. Coyne stated all three previous bidders were given the opportunity to resubmit a new bid based upon the different criteria that Patrick Patton put together and sent out. The design committee went through the various submittals, presentations which is called a technical proposal which is 50% of the bid and the other 50% is the cost per parking spot.

Mr. Patton stated on July 8th they received technical proposals from the same 3 firms being CPS, Mike Coats, and Ruhlin. They went through and reviewed those and last Thursday they had the presentation interviews. Each of the three teams came in, the Design Review Committee consists of 7 members who are Mr. Coyne, Mr. Lamb, Mr. Patton, Mr. Mendel, Joel from 620 Construction, Member from Historic Preservation, and an Architect. They listened to the presentations and had an opportunity to ask questions about the process, and then they scored the technical proposal. The following day they opened up the cost proposals, and those were scored based on a formula based on cost dollars per space.

John Fratto from CPS Construction Group thanked everyone for providing the opportunity to present their proposal the other day and throughout this whole process. John stated he had some information he would like Council to consider prior to their vote. Based on the documentation, it says that Ruhlin had provided the most parking stalls. The actual structure, theirs and Ruhlin's is identical, the dimensions are the same size blocks. They laid out the paint lines from their expertise that is more conducive to the owner to their clients to get in and out of the parking stalls. Ruhlin has tighter spots or closer to the parameters, potentially where there is going to be problems for individuals getting in and out of vehicles, and also adjacent there are areas where it doesn't flow as nicely as his layout does. There will be stalls that you won't even be able to use if your deck is completely filled up. With that being said, because they have the same box, you can paint the same lines on their design as you could theirs so consider there is not a "one has more stalls than the other".

The second thing to consider affects both technical side and cost side. Ruhlin was rated the highest technical score, but yet on the proposal they had deleted some items which are not what you all asked for. Items such as you asked for a ten year warranty, you are building a concrete structure and asked for it to be have a sealer that protects the investment for ten years, and Ruhlin is only giving you two years. Technically that is not good for longevity of your structure, he stated he would imagine when you designed it you wanted a more longer insurance policy and that is why you put ten years in there – you did it twice. CPS provided it and just for a tie breaker so to speak, Mike Coats also included it. So, you had Ruhlin that did not. Just like any warranty, when you go from one year and all the way up to a ten year, there are cost implications. Mr. Fratto stated he doesn't understand how someone can be rated highest technically when they're not including that, and not to mention, how can they be rated cost-wise when they are not including the cost associated with what you asked for. In addition to that the RFP stated, we were to include all excavation, they excluded rock excavation. There was a time period where everybody could ask questions. If you didn't want to do that or unable to you were supposed to ask and then the engineer would say you know what that is a great point or the owner would say great point. Let's everybody excluded so the level playing field and you guys have the opportunity before the bids are submitted to say hey, do we want to include this or do we don't. CPS included money in their price and again not to use Mike Coats as a tie breaker but they did also, no exclusions. So technically Ruhlin did not meet the RFP at the highest quality, but more importantly you guys are on the hook. Those two items are change orders that if anything happens the city has to pay for it because they are excluding it. Mr. Fratto stated that these are not his words, it is right in the bid clarifications.

Lastly, it said that the lowest submitted price was Ruhlin, and that's just a mistake. CPS submitted an alternate proposal that was the lowest price submitted and it met the RFP with no exclusions.

Mr. Simpson asked if there was a reason Ruhlin excluded the two major things mentioned about warranty and rock excavating. Denny asked what rock excavating entailed. John from CPS explained what it entailed.

Mr. Patton stated regarding the ten year warranty and why we scored the technical proposals wasn't brought up until they opened the cost proposals the day after they did the scoring for the technical proposals, so they didn't know that at the time they were reviewing the technical proposals and that is why it wasn't mentioned or considered. Rock excavation, essentially what John says is true, they've done geotechnical investigations and they don't anticipate any kind of bedrock which is where you get a lot of cost, boulders or what not and guesses that is open to the change orders.

Mr. Coyne stated if he remembers correctly, when they removed the Masonic Temple that was backfilled and compacted. Mr. Patton stated they removed the foundation and walls and backfilled. Mr. Coyne asked if anybody knows from any historical photographs if we had anything else that was there.

Mr. Patton stated John from CPS mentioned the difficulty of the parking stalls where Ruhlin had 219 stalls and our consultant recommended only giving them credit for 217 because of the difficulty in accessing a couple of those spaces. They listened to reasoning from Ruhlin and in the end the committee felt that 219 was a fair number.

Pat Patton stated just to be clear that the number of spaces was critical because 50% of score is cost per space. After they opened the cost proposal it didn't matter if it was 219 or 217 on the basis of that, Ruhlin still had the lowest cost.

Don Rife from Ruhlin stated the design build process is one that is rewarded by a little risk taking and coming up with a great solution and the number of parking spaces that shows on their design is per the criterial specifications outlined by Desmond and all meet the good parking deck practice so they should be created with 219 spaces and you will be able to get 219 cars into that deck. Saying later that somebody else can use our design and get the same credit as we did in this submission would be unfair to the person that came up with the idea for that, so he doesn't think that is something that should be credited to CPS. The rock excavation clarification is, there were no soil borings done in the area where the old temple was, and just making sure that there is no leftover foundations if something was below four feet. Ruhlin doesn't expect anything to be found in there given the knowledge that they have of the site so there is a 90% probability that there's not going to be anything that they're going to find. His understanding is the product that was specified by Desmond in the criteria comes with a two year warranty from the manufacture, so if somebody is putting an extra eight years on it he doesn't know if that is their piece or what, but maybe he can get a better answer for you.

Mr. Lamb asked if that was specified in the bid and Patrick stated yes it was.

Mr. Simpson asked if it is the same sealant but depends on how much you put down of it.

John stated yes that the preparation is different, more extensive to prep the surface the coverage rates and the amount of material that gets left behind and becomes part of the structure would be more because you are getting more durability and any kind of inspections that might along with that as well from the manufacture and from the contractor.

Mr. Coyne stated that Ruhlin added one more parking space from their previous proposal and doesn't know how they added space when their design is the same as last time and Don stated they had more time this time around and looked at tightening up their stair towers and making them a little skinnier which allowed them to increase some of the spaces and they moved the entry points some of the walkways. It's about being creative.

John Fratto stated you (Mr. Coyne) keep speaking of costs per stall, if they don't have all the costs in there how are you accurately assigning their costs. They excluded things. Not to mention Don talked about changing some parking layout. He has a handicap ramp leaving the stair tower right into the drive entrance because they wanted to take the spot next to it instead of having the spot go to adjacent to the stair tower out of traffic so it is safe they wanted to gain a parking stall they had it coming in through the entrance lane. Mr. Coyne stated every proposal had some issues with it.

John Fratto questioned where does it state that Desmond is recommending someone in the letter? Pat keeps saying a recommendation letter. First time around he clearly said he recommended CPS, this is just a document of regurgitating what the committee did. There is no recommendation in this. Mr. Coyne stated is that the sheet that also has the scoring sheet. Mr. Frado stated that you

just openly admitted that it is irrelevant because it didn't have all the information, the scores were done prior to the cost being open so he doesn't know how accurate for the Council to even utilize that.

Mr. Simpson asked if there have been any structural issues with our current parking deck that is now 10 years old. Mr. Patton stated there has been some cracking in the slab but in terms of sealant performance there hasn't been any issues.

Mr. Lamb stated it all comes down to the warranty with the seal coat and rock excavation.

Mr. Simpson stated CPS's cost with 8 extra years warranty and the stone removal, you still didn't meet even though you say you can if that is what we really want. John stated they meet what you asked for - 200 spots. Let's say Ruhlin finds stones in there, will the change order exceed the cost. Mr. Fratto stated if you are allowing them (Ruhlin) presumptions, you're presuming the potential added costs for them. He is here to tell you the change of line striping and to give you the exact number of stalls 218 is a zero change, you have no liability to get the same amount of stalls with CPS, you have no change order coming your way and Mr. Simpson stated, but your cost is still higher. John replied it is because they don't have all the costs in theirs, they don't have rock excavating. John stated you are right, it is an assumption and that is why you follow the rules in these situations.

Mayor Hanwell stated it is the Law Director's opinion to table this tonight then vote on it and get the answers to these questions and see what those costs are in comparison to the cost difference.

Mr. Coyne asked how long before they get the information and it was stated by tomorrow. Mr. Coyne's concern is the delay, once again. Mayor Hanwell stated they don't want to delay it any longer, but they want it to be right.

Mr. Patton clarified what they are looking for is the cost difference from a 2 year to a 10 year warranty and rock excavating.

Mr. Fratto questioned if he was entitled to ask for a price net change of adding parking if you're allowing them to change things around, why would it not be fair for him to change the parking layout to give you 218?

Mr. Lamb stated they aren't changing anything, they just want to see the difference.

Mr. Fratto stated the answers to the test are already shown.

Mr. Coyne stated, if you both had the 219 numbers their numbers are still lower and Mr. Fratto added, until you add the extra cost.

Mr. Fratto stated the committee is doing this all backwards, they didn't follow the rules and are causing this commotion. If they would have just followed the rules like the other two bidders.

Medina City Council
June 22, 2019

Council decided to table this until Patrick Patton gets back with the information and come back Wednesday or Thursday.

Ord. 115-19:

An Ordinance authorizing the Mayor to accept a Warranty Deed for 0.629 acres of the Board of Education of the Medina School District owned real property located at 347 N. Huntington Street and to execute a Warranty Deed on behalf of the City of Medina for 0.629 acres of city owned real property located at 625 Bowman Lane for the mutually beneficial purpose of expanding Ray Mellert Park on the N. Huntington Street parcel of land and operating a home based program for students with special needs at the Bowman Lane parcel. Mr. Shields moved for the adoption of Ordinance/Resolution No. 115-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 115-19, seconded by Mr. Simpson. Mr. Shields stated he will be abstaining from voting due to his employment with Medina City Schools. Mayor Hanwell stated they talked about this, they just had to reconfigure to make both properties be exactly the same. 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, and P. Rose. The roll was called and Ordinance/Resolution No. 115-19 passed by the yea votes of D. Simpson, B. Starcher J. Coyne, E. Heffinger, B. Lamb and P. Rose.

Adjournment:

There being no further business before Council, the meeting adjourned at 5:31 p.m.

Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council

Special City Council Meeting
Wednesday, July 31, 2019

Opening:

Medina City Council met in special, open session on Wednesday, July 31, 2019. The meeting was called to order at 5:00 p.m. by President of Council John Coyne, in the Council Rotunda.

Roll Call:

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

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

Unfinished Business.

Mr. Coyne asked Law Director Greg Huber if he had an update on the status of the parking deck and a recommendation. Mr. Huber replied, as Council knows, received bids from three contractors. One was from Mr. Coates, one was from CPS and one was from Ruhlin. The complication with respect to the bid process had to do with assumptions that Ruhlin attached to their bid. The assumptions were objected to by Mr. Fratto. We stopped the process at that point so that I could look at it. He stated he asked Atty. Greg Beck to also analyze the issue, he represented us involving the previous litigation concerning the bid process and I'm going to ask him to address the Council and he will tell you his legal reasoning as to what we are going to recommend.

Atty. Greg Beck introduced himself. He stated, as Greg indicated, I was involved in the initial federal litigation so I had a chance to look at all of these documents and so forth and as you know historically, the original bids were presented in March and ultimately Ruhlin had proposed an alternative and that was accepted by Council, but then that process was sort of redone. The whole package was resent and everyone had a chance to rebid. This time around, Ruhlin, CPS and Coates they presented their proposals for the orientations and so forth, but what Ruhlin had chosen to do this time was what they did the first time, which was not only with their cost proposal did they set forth what they felt it would cost to do the deck, but they attached what they called "assumptions" which materially altered the request for proposal. What happened was is that when Ruhlin's initial proposal was reviewed by Desmond, your consultant, Desmond noted that the assumptions attached to the Ruhlin proposal the very first time, were in conflict with the RFP. The way that works procedurally is, that under Ohio law, based upon your bid documents, you cannot modify a proposal once it's been presented. What that means is that when Ruhlin made this new proposal, it also contained the same assumptions and, in my opinion, those assumptions are in conflict with your request for proposal. Which means that that technical proposal by Ruhlin should be rejected. The reason is that you cannot now modify, allow Ruhlin to withdraw those assumptions, because that would be fundamentally unfair and would fly in the face of the whole competitive bid process. When you have your RFP that says specifically there can be no modifications once the bids are submitted, you have to follow that rule. Now, when you look at the Ruhlin proposal, and both Desmond and everyone looking at it suggests that their proposal is to modify the actual cost that they bid because of these assumptions, there is nothing you can do about it and the bid is now, in my opinion, in conflict with the RFP and needs to be rejected, so it is my recommendation that Council should reject the bid proposal of Ruhlin and then decide what you are going to do from there.

Mr. Coyne asked if there has been any discussions with our consultant Desmond Consulting. Do we have any more information from him?

Mr. Beck stated he spoke with John Judge (Desmond) today because he had written him an email because I wanted to know sort of the sequence of events and the way the timing worked is that you know that a technical proposal is made by all of the contractors and then the interview and the committee process occurs. When that's done then the actual cost proposal is presented. The timing of that was that after they had done their evaluations, then the cost proposals were opened and that's when those assumptions should have been identified. What Mr. Judge acknowledged was that at that instant, there should have been some action on their part to alert Council to the fact that despite their evaluation and picking Ruhlin as the best and lowest, there should have been an immediate acknowledgement that that cost proposal bid was outside the RFP, which would have been switched out, I believe, their analysis of who was the best and the lowest. If you really read the assumptions, what it means is that Ruhlin is allowed to deviate from the cost, so that's the problem. That's what happened and I think, Desmond did not do that, and they acknowledged they didn't do that. That kind of puts us in this dilemma which is why I am going through this lengthy process of saying that had that been done, I believe the same recommendation would have been made by Mr. Huber if you would have been alerted immediately once that cost proposal was opened and then you would have moved accordingly. But now, we are where we are, so I believe that we just, my suggestion is that you just reject the Ruhlin proposal.

Mr. Coyne said, so if that's the recommendation about rejecting that proposal, is the next recommendation, as far as the award of the successful bidder, to follow the second in line, or what happens because we already ranked them I guess based upon the technical proposal and the cost proposal. I would assume what you're saying is that if we reject the first in line, you go to the second in line.

Mr. Beck responded, yes and I am assuming in that analysis, and I would of course defer to Mr. Patton on that, that both the second and third in line are at least in compliance with the RFP and, assuming that that's true, then I believe you should follow in that order.

Mr. Coyne asked if Council had any questions.

Mr. Lamb said the question he has is, are the other two in compliance?

Mr. Patton stated yes they are.

Mr. Coyne stated that the recommendation from the administration would be to follow the rankings we've had and I guess the second in line would be CPS, is that correct?

Mr. Patton stated, that is correct, based on our evaluation, they did come in second in terms of our point total for both technical and cost proposals.

Mr. Simpson asked, I believe it was a representative from CPS, I don't know if he's here tonight,

at the last meeting when we stated that one of the reasons the recommendation was for Ruhlin was because they were actually the ones with the most parking spaces and the representative from CPS stated that, well it's the same block, same dimensions and he felt that the parking spaces were too small in Ruhlin's estimate, but if that's what you want, we can put as many parking spaces in as Ruhlin. Does that conflict with, I just want to make sure, if I'm voting for the #2 choice, that I still want, one of the goals is the most parking spaces. Are they allowed to modify their submission for the number of parking spaces that they submitted to add more?

Mr. Beck stated no, we are not going to go down that road. I believe that if you accept the CPS Construction proposal, you accept it as it is and you know when you do so you are acknowledging..

Mr. Simpson stated, ok you answered my question, thank you.

Mr. Coyne stated there is the updated determination, everybody has seen the drawings, we went through the technical at the last meeting. We found this issue that came up so we tabled it until this meeting, and so what I'm going to do is I'm going to put a proposal in an ordinance to accept the second bidder and then you will vote yea or nay on that, everybody understand?

Ord. 114-19:

An Ordinance authorizing the Mayor to execute a Design-Build Contract with CPS Construction, Inc. for Design and Construction of a City Hall Parking Structure. Mr. Shields moved for the adoption of Ordinance/Resolution No. 114-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 114-19, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger. The roll was called on Ordinance/Resolution No. 114-19 and was approved by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson and B. Starcher.

New Business.

Ord. 116-19:

An Ordinance of the Council of the City of Medina, Ohio certifying that when a municipal obligation was incurred sums were lawfully appropriated in the funds to satisfy the obligation and sufficient sums currently exist to satisfy this obligation. Mr. Shields moved for the adoption of Ordinance/Resolution No. 116-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 116-19, seconded by Mr. Simpson. Mr. Huber stated that they need a P.O. for Baker Dublikar in order to pay them for the work that they've done in connection with this bid process and litigation that took place in federal court. 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. 116-19 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger.

Medina City Council
July 31, 2019

Adjournment:

There being no further business before Council, the meeting adjourned at 5:31 p.m.

Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6806 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

1269602		NEW	CARNIVORE MEATS LLC 320 S CURT ST STE 100 MEDINA OH 44256
PERMIT NUMBER		TYPE	
ISSUE DATE			
07 24 2019			
FILING DATE			
D5L			
PERMIT CLASSES			
52	077	C	C42520
TAX DISTRICT			RECEIPT NO.

FROM 08/14/2019

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



MAILED 08/14/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/16/2019

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 1269602**

(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

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

53787800005		TRFO	MGJJ LLC
PERMIT NUMBER		TYPE	DBA MEDINA MARATHON
10	01	2018	
ISSUE DATE			
08	16	2019	
FILING DATE			
C1	C2		
PERMIT CLASSES			
52	077	C	F22891
TAX DISTRICT		RECEIPT NO.	

FROM 08/20/2019

95669500010			WJF INVESTMENT CORPORATION
PERMIT NUMBER		TYPE	DBA MEDINA MARATHON
10	01	2018	
ISSUE DATE			
08	16	2019	
FILING DATE			
C1	C2		
PERMIT CLASSES			
52	077		
TAX DISTRICT		RECEIPT NO.	



MAILED 08/20/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN 09/20/2019

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 TRFO 5378780-0005

(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. 117-19

A RESOLUTION CONGRATULATING NICHOLAS XAVIER MALESKI ON ATTAINING THE RANK OF EAGLE SCOUT.

WHEREAS: *Nicholas Xavier Maleski* is currently a member of Troop 508 chartered with Medina Presbyterian Church; and

WHEREAS: As a result of considerable hard work in the areas of citizenship, physical fitness, character and leadership development, *Nicholas Xavier Maleski* 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 *Nicholas Xavier Maleski* for his outstanding contribution to his community and Boy Scout Troop 508 in attaining the prestigious rank of Eagle Scout.

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

SEC. 3: That this Resolution shall be in full force and effect at the earliest period allowed by law.

PASSED: _____, SIGNED: _____
President of Council

ATTEST: _____ APPROVED: _____
Clerk of Council

SIGNED: _____
Mayor

ORDINANCE NO. 118-19

AN ORDINANCE AUTHORIZING THE EXPENDITURE TO CHIPPEWA ROOFING, LLC FOR COSTS RELATED TO EMERGENCY REPAIRS OF THE CITY GARAGE ROOF.

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

SEC. 1: That the expenditure to Main Street Lighting for costs related to emergency repairs to the City Garage roof is hereby authorized.

SEC. 2: That the funds to cover this expenditure in the amount of \$30,000 are available as follows: \$15,000.00 in Account No. 514-0543-52215 and \$15,000.00 in Account No. 105-0610-54417.

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 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. 119-19

AN ORDINANCE AUTHORIZING THE EXPENDITURE TO MAIN STREET LIGHTING FOR COSTS RELATED TO REPAIRS AND REPLACEMENT OF STREET LUMINARIES WITHIN THE HISTORIC DISTRICT.

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

SEC. 1: That the expenditure to Main Street Lighting for costs related to repairs and replacement of street luminaries within the Historic District is hereby authorized.

SEC. 2: That the funds to cover this expenditure in the amount of \$30,000 are available in Account No. 001-0140-53322.

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 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. 120-19

AN ORDINANCE REZONING THE PROPERTY AT 1088 S. COURT STREET FROM R-3, HIGH DENSITY RESIDENTIAL TO C-3, GENERAL COMMERCIAL.

WHEREAS: On May 9, 2019, the applicant requested rezoning the property at 1088 S. Court Street from R-3, High Density Residential to C-3, General Commercial; and

WHEREAS: After reviewing the applicant’s request and staff’s analysis, the Planning Commission **recommended** the requested rezoning to Medina City Council; and

WHEREAS: The notice of public hearing by Medina City Council was duly published and the hearing was duly held July 8, 2019.

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

SEC. 1: That the property at 1088 S. Court Street shall be rezoned from R-3, High Density Urban Residential to C-3, General Commercial.

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 a drawing and Zoning Description of rezoning, is attached hereto and incorporated herein.

SEC. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

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

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

LEGAL DESCRIPTION -

LANDS DESCRIBED HEREIN ARE SITUATED WITHIN THE EAST 1/2 SECTION 12, T12N, R12E, S12W, COUNTY OF MEDINA, MISSOURI.

WEST STUBBRIDGE ROLLING HILLS
 1. 1/2 AC. OF LAND IN THE COUNTY OF MEDINA, MISSOURI, BEING THE WEST 1/2 SECTION 12, T12N, R12E, S12W, COUNTY OF MEDINA, MISSOURI, AS SHOWN ON THE MAP OF SAID COUNTY, MISSOURI, FILED FOR RECORD IN THE OFFICE OF THE CLERK OF SAID COUNTY, MISSOURI, ON FEBRUARY 1, 1997, AS AMENDED BY ORDINANCE NO. 120-19, PASSED BY THE BOARD OF SUPERVISORS OF SAID COUNTY, MISSOURI, ON APRIL 1, 2009.

SOUTH COURT STREET
 BORDENWAY ST. II

SCHEDULE B.II -
 REGULATIONS GOVERNING THE USE OF LAND WITHIN AN INTERESTED DISTRICT OR DISTRICTS, CHAPTER 12.010

NOTE

1. THE BOARD OF SUPERVISORS HAS REVIEWED THE APPLICATION FOR THE PROPOSED DEVELOPMENT.
2. THE BOARD OF SUPERVISORS HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE ZONING ORDINANCE.
3. THE BOARD OF SUPERVISORS HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE SUBDIVISION ACT.
4. THE BOARD OF SUPERVISORS HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE PLANNING COMMISSION'S RECOMMENDATIONS.
5. THE BOARD OF SUPERVISORS HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE CITY OF MEDINA'S ZONING ORDINANCE.
6. THE BOARD OF SUPERVISORS HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE CITY OF MEDINA'S SUBDIVISION ACT.
7. THE BOARD OF SUPERVISORS HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE CITY OF MEDINA'S PLANNING COMMISSION'S RECOMMENDATIONS.
8. THE BOARD OF SUPERVISORS HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE CITY OF MEDINA'S ZONING ORDINANCE.
9. THE BOARD OF SUPERVISORS HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE CITY OF MEDINA'S SUBDIVISION ACT.
10. THE BOARD OF SUPERVISORS HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE CITY OF MEDINA'S PLANNING COMMISSION'S RECOMMENDATIONS.

PLANNING COMMISSION
 THE PLANNING COMMISSION HAS REVIEWED THE APPLICATION FOR THE PROPOSED DEVELOPMENT AND HAS RECOMMENDED THAT THE BOARD OF SUPERVISORS APPROVE THE APPLICATION.

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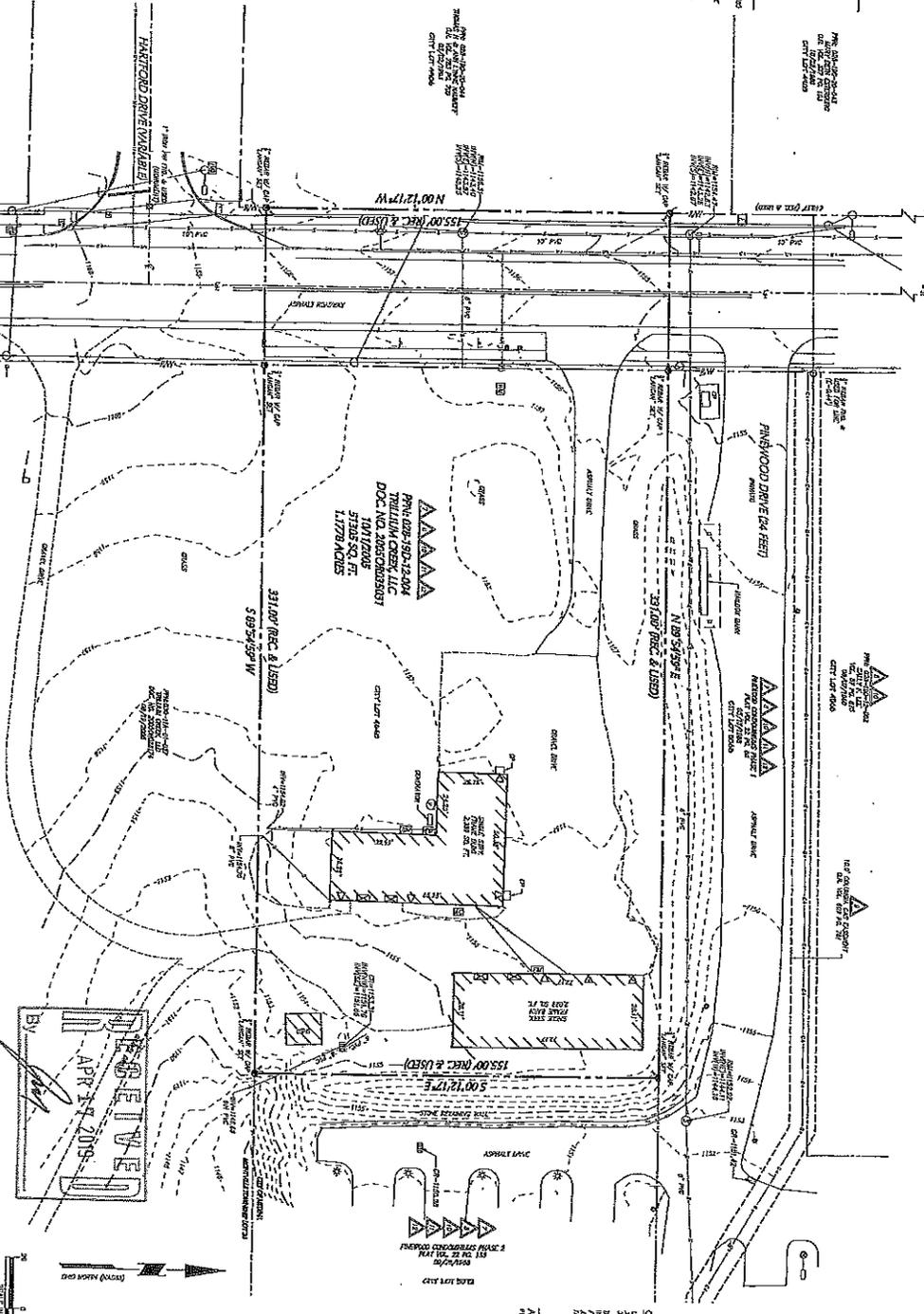
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LEGEND

1	Proposed Building Footprint
2	Proposed Driveway
3	Proposed Parking Area
4	Proposed Access Road
5	Proposed Utility Lines
6	Proposed Easement
7	Proposed Right-of-Way
8	Proposed Survey Boundary
9	Proposed Easement Boundary
10	Proposed Right-of-Way Boundary
11	Proposed Survey Boundary
12	Proposed Easement Boundary
13	Proposed Right-of-Way Boundary
14	Proposed Survey Boundary
15	Proposed Easement Boundary
16	Proposed Right-of-Way Boundary
17	Proposed Survey Boundary
18	Proposed Easement Boundary
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41	Proposed Survey Boundary
42	Proposed Easement Boundary
43	Proposed Right-of-Way Boundary
44	Proposed Survey Boundary
45	Proposed Easement Boundary
46	Proposed Right-of-Way Boundary
47	Proposed Survey Boundary
48	Proposed Easement Boundary
49	Proposed Right-of-Way Boundary
50	Proposed Survey Boundary



CERTIFICATION

I, **ANTHONY L. LANGAN, P.E.**, being duly sworn, depose and say that I am the author of the foregoing plat, and that the same is a true and correct copy of the original plat as the same appears in my files and records, and that I am a duly licensed Professional Engineer in the State of Missouri, No. 224, and that I am the author of the foregoing plat, and that the same is a true and correct copy of the original plat as the same appears in my files and records, and that I am a duly licensed Professional Engineer in the State of Missouri, No. 224.

ANTHONY L. LANGAN, P.E.
 State of Missouri, No. 224

LANGAN
 1000 Lakeside Center, Suite 200
 Overland, MO 64471
 Telephone: 816.224.1111
 Website: www.langan.com

ALTA/NSPS LAND TITLE SURVEY
 MEDINA SOUTH ATM
 MEDINA CITY LOT 446
 MEDINA COUNTY, CITY OF MEDINA, MISSOURI

REVISIONS

Date	Description	No.

Project No. 400651201
 Drawing No. VL101

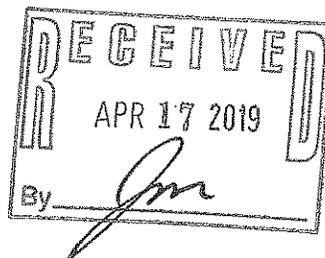
Scale: 1" = 200'

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



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

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 Residential², 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 and 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.

ORDINANCE NO. 121-19

**AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE
(1) 2020 FREIGHTLINER 114SD REAR LOAD REFUSE
TRUCK FROM BELL EQUIPMENT COMPANY TO BE USED
BY THE SANITATION DEPARTMENT.**

WHEREAS: In accordance with ORC 125.04 the City of Medina, Ohio requested authority to participate in purchases through Cooperative Purchasing Program Sourcewell (formerly NJPA), Contract #112014 THC, for the purchase of supplies, services, equipment and certain materials; and

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

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

SEC. 1: That the purchase of one (1) 2020 Freightliner 114SD Rear Load Refuse Truck with a mounted Heil 25 yd. DuraPack High Compaction Rear Loader from Bell Equipment Company in accordance with the specifications on file in the office of the Mayor, is hereby authorized to be used by the Forestry Department.

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

SEC. 3: That the funds to cover this purchase, in the amount of \$211,584.34, are available in Account No. 514-0543-54417.

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

ORDINANCE NO. 122-19

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT FOUR (4) EASEMENTS NECESSARY FOR THE WEST SMITH ROAD RECONSTRUCTION, PHASE 3 PROJECT.

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

SEC. 1: That the Mayor is hereby authorized to accept four (4) Easements necessary for the West Smith Road Reconstruction, Phase 3 Project.

SEC. 2: That the Easement marked Exhibit A, attached hereto and incorporated herein, is on the property located at 1055 West Smith Road, Permanent Parcel No. 029-19A-22-001, part of Medina City Lot 3470, one (1) highway easement.

SEC. 3: That the Easement marked Exhibit B, attached hereto and incorporated herein, is on the property located at 5854 West Smith Road, Permanent Parcel No. 053-31C-02-007, Medina City Lot #9078, one (1) storm sewer and drainage easement.

SEC. 4: That the Easement marked Exhibit C, attached hereto and incorporated herein, located on the NE corner of W. Smith & Commerce Drive, Permanent Parcel No. 029-19A-22-008, Medina City Lot #3290, one (1) highway easement.

SEC. 5: That the Easement marked Exhibit D, attached hereto and incorporated herein, located on the NE corner of W. Smith & Commerce Drive, Permanent Parcel No. 029-19A-22-008, part of Medina City Lot #3290, one (1) storm sewer and drainage easement.

SEC. 6: That the funds to cover the easements, in the amount of \$712.70 are available in Account No. 108-0610-54411.

SEC. 7: 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. 8: 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

Perpetual Highway Easement and Right of Way

Exh. A

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (ONE HUNDRED NINETY FOUR and 93/100) Dollars \$194.93 and other good and valuable consideration recited herein given to CORPRO COMPANIES, INC., hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a perpetual right-of-way and easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing ROADWAY PAVEMENT, SIDEWALK, UTILITIES AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, County of Medina and State of Ohio, and known as being part of Medina City Lot 3470 also known as being part of land conveyed to Corpro Companies, Inc. by deed recorded on December 10, 2014 in Document No. 2014OR024989 of Medina County Recorder's Records further bounded and described as follows:

Commencing at the intersection of the centerline of Commerce Drive having a 60-foot wide Right-of-Way with the centerline of West Smith Road having a 60-foot wide Right-of-Way;

Thence along the centerline of said West Smith Road, bearing South 88°54'05" West, a distance of 30.00 feet to a point thereon, the same being the Southeast corner of said land conveyed to Corpro Companies, Inc.;

Thence along the Eastern line of said land conveyed to Corpro Companies, Inc., bearing North 01°07'56" West, a distance of 30.00 feet to a point thereon, said point also being the intersection of the Northern Right-of-Way line of said West Smith Road with the Western Right-of-Way line of said Commerce Drive and the TRUE PLACE OF BEGINNING of the easement herein described;

Thence along the Northern Right-of-Way line of said West Smith Road, bearing South 88°54'05" West a distance of 30.02 feet to a point thereon;

Thence along a tangent curve to the left having a radius of 30.00 feet, a tangent length of 30.02 feet, the chord which bears North 43°53'05" East, for a distance of 42.44 feet, along said arc for a distance of 47.14 feet to a point in the Eastern line of said land conveyed to Corpro Companies Inc. and the Western Right-of-Way line of said Commerce Drive;

Thence along the Eastern line of said land conveyed to Corpro Companies Inc. and the Western Right-of-Way line of said Commerce Drive, bearing South 01°07'56" East, a distance of 30.02 feet to a point in the Northern Right-of-Way line of said West Smith Road and the TRUE PLACE OF BEGINNING, containing 0.0044 acres of land (193 square feet), more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey under the supervision of Andrew G. Planet, P.S. No. S-7802 by Rolling & Hovevar, Inc. in December 2018.

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of ROADWAY PAVEMENT, SIDEWALK, UTILITIES AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 1055 W. Smith Road, Permanent Parcel No. 029-19A-22-001, Medina City Lot No. 3470 with the necessary equipment to remove grass, vegetation, brush, pavement and sidewalk as necessary to allow for the proposed grading for the roadway pavement, sidewalk, storm sewer and future curb ramp installation; to install roadway pavement and curb; to install a curb ramp in the future; to install storm sewer; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch; in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as 1055 W. Smith Road, Permanent Parcel No. 029-19A-22-001, Medina City Lot No. 3470 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrators, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 7th day of MAR, 2019.

Grantor:

Signature: [Handwritten Signature]

Print Name: DANIEL P. SCHOGNEKOSK

Title: VICE President & Deputy General Counsel

Company: Corpro Companies, Inc.

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, _____, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 7th day of March, 2019.

Notary Signature: [Handwritten Signature]

Print Name: Jamie L. Perryman

My Commission Expires: 05/29/20

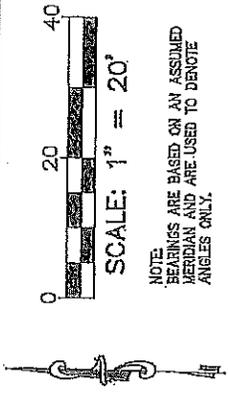
Notary Seal:

This instrument was prepared by:
Gregory Huber, Law Director
City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH 44256



SKETCH OF EASEMENT

Part of Medina City Lot No. 3470
 Date: December, 2018
 Owner: Corpro Companies, Inc.
 Parcel Number: 029-19A-22-001



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C1	47.14'	30.00'	90°02'01"	30.02'	N 43°53'05" E	42.44'

MCL 3470
 P.N. 029-19A-22-001
 1055 W. SMITH ROAD
 CORPRO COMPANIES, INC.
 Doc. No. 20140R024983
 12/10/2014

HIGHWAY EASEMENT
 GRANTED TO THE
 CITY OF MEDINA
 0.0044 Ac. (193 SF)

WEST SMITH ROAD 60' R/W

COMMERCIAL DRIVE 60' R/W

N 01°07'58" W

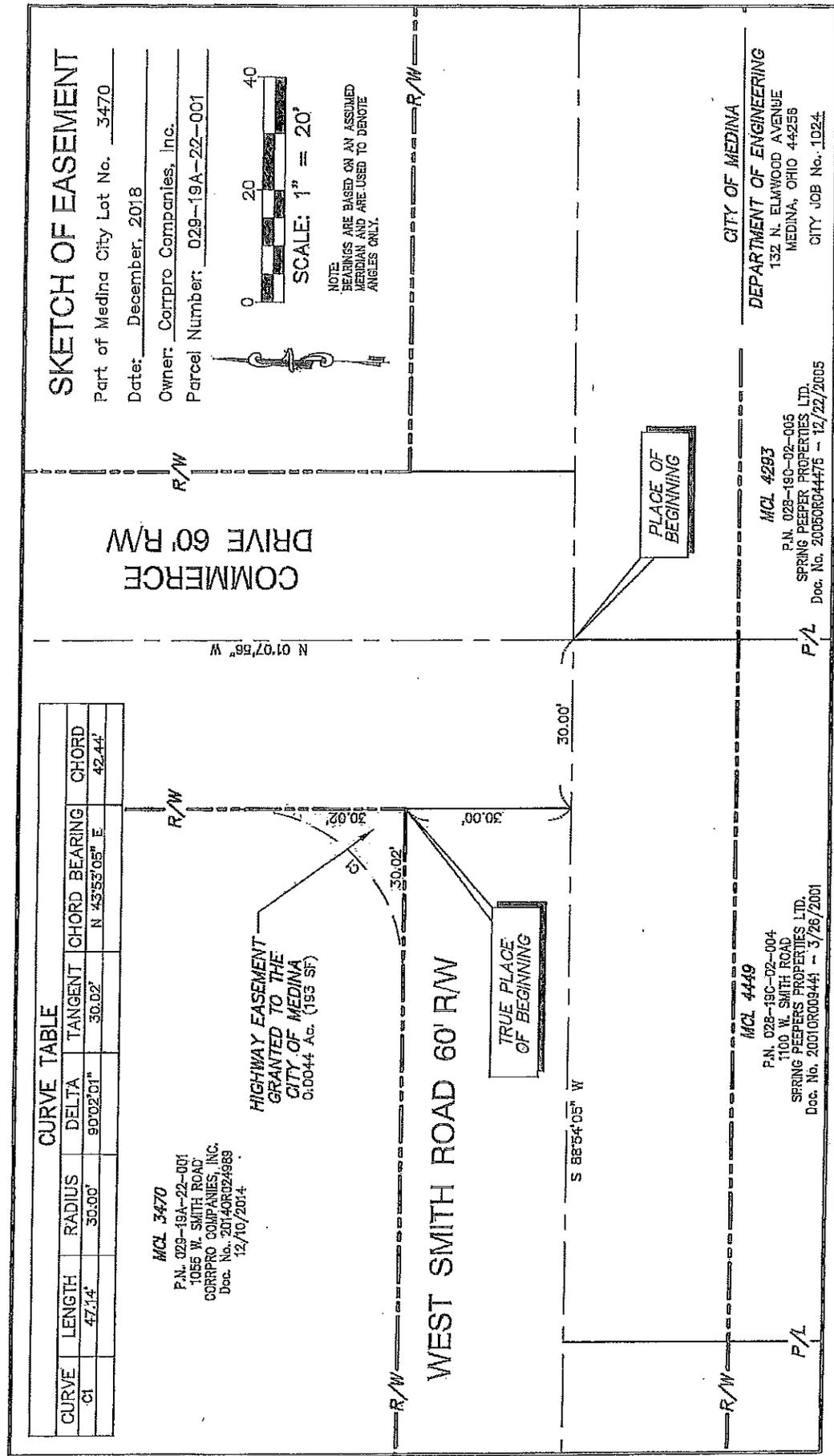
TRUE PLACE OF BEGINNING

PLACE OF BEGINNING

CITY OF MEDINA
 DEPARTMENT OF ENGINEERING
 132 N. ELMWOOD AVENUE
 MEDINA, OHIO 44258
 CITY JOB No. 1024

P/L
 MCL 4293
 P.N. 029-19C-02-005
 SPRING PEPPER PROPERTIES LTD.
 Doc. No. 20060R044475 - 12/22/2005

P/L
 MCL 4449
 P.N. 028-19C-02-004
 1109 W. SMITH ROAD
 SPRING PEPPER PROPERTIES LTD.
 Doc. No. 20010R009441 - 3/26/2001



Storm Sewer and Drainage Easement

Exh. B

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of ONE HUNDRED FIFTY and 00/100 Dollars (\$150.00) and other good and valuable consideration recited herein given to DORIS J. RABE, JUDITH ANNE THOMSON, and KIMBERLY J. ATKINSON hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a storm sewer and drainage easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing STORM SEWER AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, County of Medina and State of Ohio, and known as being part of Medina City Lot 9078 also known as being part of land conveyed to Doris J. Rabe, Trustee, Judith Anne Thomson, Trustee, and Kimberly J. Atkinson, Trustee by deed recorded on August 13, 2008 in Document No. 2008OR018071 of Medina County Recorder's Records further bounded and described as follows:

Commencing at the intersection of the centerline of Commerce Drive having a 60-foot wide Right-of-Way with the centerline of West Smith Road having a 60-foot wide Right-of-Way;

Thence along the centerline of said West Smith Road, bearing North 88°54'05" East, a distance of 288.46 feet to a point thereon said point being the Northeast corner of land conveyed to Spring Peaper Properties Ltd. by deed recorded on December 22, 2005 in Document No. 2005OR044475 and the Northwest corner of said land conveyed to Doris J. Rabe, Trustee, Judith Anne Thomson, Trustee, and Kimberly J. Atkinson, Trustee;

Thence along the Eastern line of said land conveyed to Spring Peaper Properties Ltd. and the Western line of said land conveyed to Doris J. Rabe, Trustee, Judith Anne Thomson, Trustee, and Kimberly J. Atkinson, Trustee, bearing South 00°05'01" West, a distance of 30.01 feet to a point thereon the same being a point in the Southern Right-of-Way line of said West Smith Road;

Thence along the Southern Right-of-Way line of said West Smith Road, bearing North 88°54'05" East, a distance of 300.98 feet to a point thereon and the TRUE PLACE OF BEGINNING of the easement herein described;

Thence continuing along the Southern Right-of-Way line of said West Smith Road, bearing North 88°54'05" East, a distance of 30.00 feet to a point thereon;

Thence at a right angle, bearing South 01°05'55" East, a distance of 10.00 feet to a point;

Thence parallel to the Southern Right-of-Way line of West Smith Road, bearing South 88°54'05" West, a distance of 30.00 feet to a point;

Thence at a right angle, bearing North 01°05'55" West, a distance of 10.00 feet to a point in the Southern Right-of-Way line of said West Smith Road and the TRUE PLACE OF BEGINNING, containing 0.0069 acres of land (300 square feet), more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey under the supervision of Andrew G. Planet, P.S. No. S-7802 by Rolling & Hocevar, Inc. in December 2018.

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement. The Grantee covenants and agrees that it will not use said easement for public right-of-way purposes.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of a STORM SEWER AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 5854 W. Smith Road, Permanent Parcel No. 053-31C-02-007, Medina City Lot No. 9078 with the necessary equipment to remove any obstructions as necessary to allow for the proposed storm sewer installation including trees, brush, vegetation and existing storm sewer; to install the proposed storm sewer and appurtenances; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch; in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as 5854 W. Smith Road, Permanent Parcel No. 053-31C-02-007, Medina City Lot No. 9078 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrator, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 15 day of March, 2019.

Grantor: Doris J. Rabe

Signature: Doris J. Rabe

Print Name: Doris J. Rabe

State of Ohio)

County of Medina) SS:

Franklin

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Doris J. Rabe, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

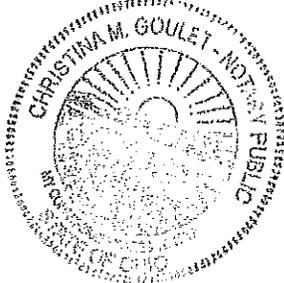
In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 15 day of March, 2019.

Notary Signature: Christina M. Goulet

Print Name: Christina M. Goulet

My Commission Expires: 10-11-2019

Notary Seal:



IN WITNESS WHEREOF, the undersigned have executed this instrument this 19th day of March, 2019

Grantor: Judith Anne Thomson

Signature: Judith Anne Thomson

Print Name: Judith Anne Thomson

Arizona
State of Ohio)
County of Medina) SS:
PIMA

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Judith A. Thomson, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

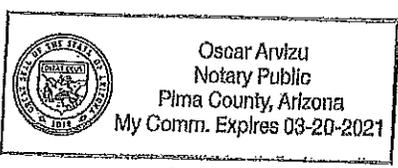
In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 19th day of March, 2019

Notary Signature: Oscar Arvizu

Print Name: OSCAR ARVIZU

My Commission Expires: 03-20-2021

Notary Seal:



IN WITNESS WHEREOF, the undersigned have executed this instrument this 18 day of March, 2019.

Grantor: Kimberly J. Atkinson

Signature: [Handwritten Signature]

Print Name: Kim Atkinson

State of Maryland
County of Montgomery SS:

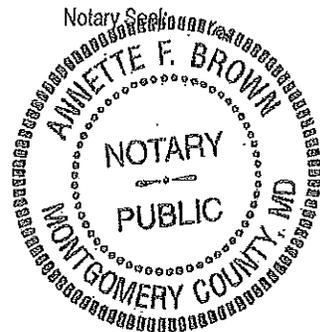
Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Kim Atkinson, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Montgomery, Maryland, this 18th day of March, 2019.

Notary Signature: Annette F Brown

Print Name: Annette F Brown

My Commission Expires: November 08, 2019



Annette F. Brown
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires Nov. 08, 2019

This instrument was prepared by:

Gregory Huber, Law Director
City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH 44256

SKETCH OF EASEMENT

Part of Medina City Lot No. 9078
 Date: December, 2018
 Owner: Rabe, Thomson & Atkinson
 Parcel Number: 029-19A-22-008



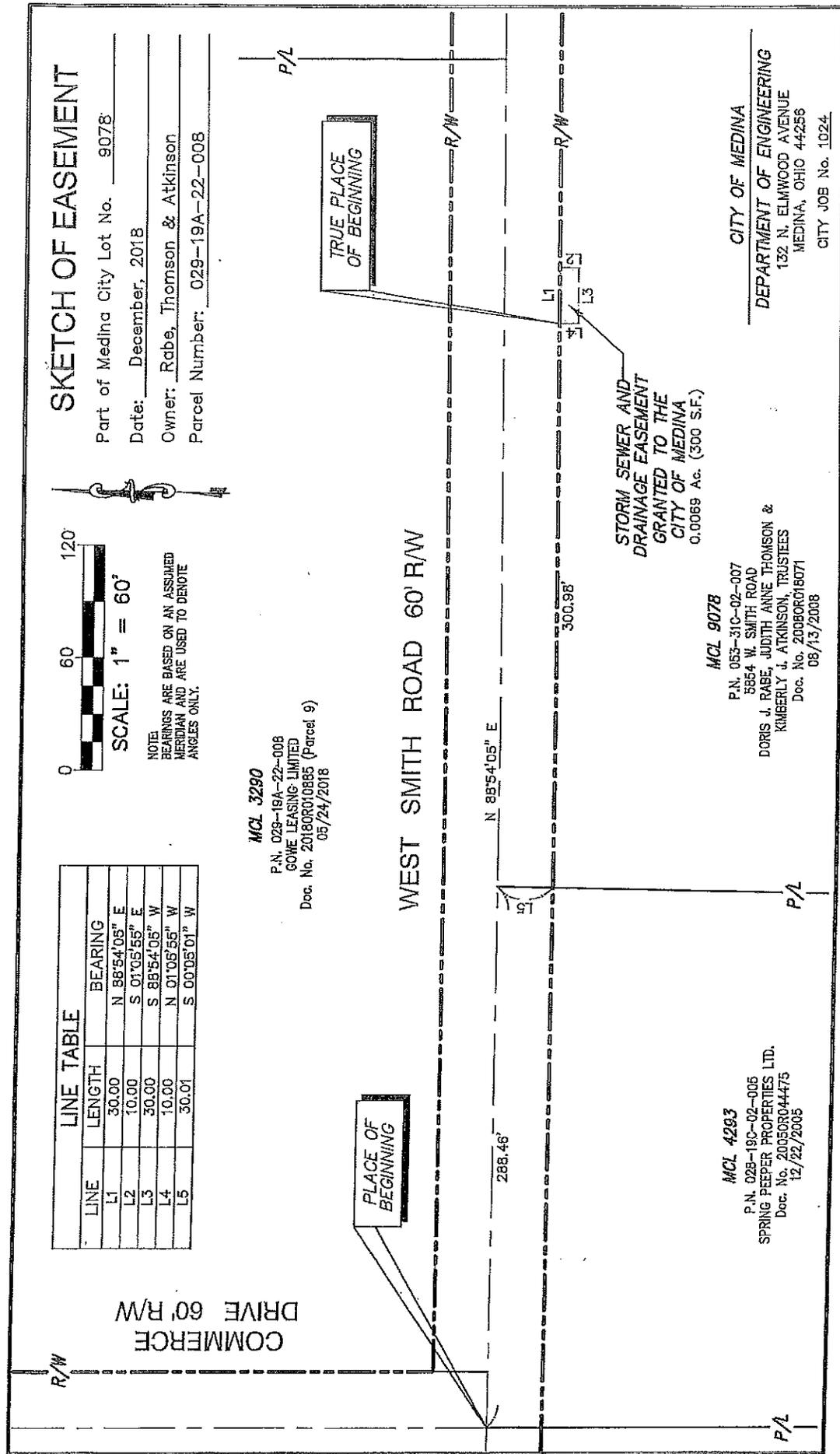
NOTE:
 BEARINGS ARE BASED ON AN ASSUMED
 MERIDIAN AND ARE USED TO DEVOTE
 ANGLES ONLY.

LINE	LENGTH	BEARING
L1	30.00	N 88°54'05" E
L2	10.00	S 01°05'58" E
L3	30.00	S 88°54'05" W
L4	10.00	N 01°05'58" W
L5	30.01	S 00°05'01" W

MCL 3290

P.N. 029-19A-22-008
 GOME LEASING LIMITED
 Doc. No. 20180R010865 (Parcel 9)
 05/24/2018

WEST SMITH ROAD 60' R/W



MCL 9078

P.N. 053-31C-02-007
 5554 W. SMITH ROAD
 DORIS J. RABE, JUDITH ANNE THOMSON &
 KIMBERLY J. ATKINSON, TRUSTEES
 Doc. No. 20080R018071
 08/13/2008

MCL 4293

P.N. 028-19C-02-005
 SPRING PEPPER PROPERTIES LTD.
 Doc. No. 20050R044475
 12/22/2005

CITY OF MEDINA
 DEPARTMENT OF ENGINEERING
 132 N. ELMWOOD AVENUE
 MEDINA, OHIO 44256
 CITY JOB No. 1024

Exh. C

Perpetual Highway Easement and Right of Way

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (ONE HUNDRED THIRTY THREE and 77/100) Dollars (\$133.77) and other good and valuable consideration recited herein given to GOWE LEASING LIMITED hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a perpetual right-of-way and easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing ROADWAY PAVEMENT, SIDEWALK, UTILITES AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, County of Medina and State of Ohio, and known as being part of Medina City Lot 3290 also known as being a part of land conveyed to Gowe Leasing Limited by deed recorded on May 24, 2018 in Document No. 2018OR010885 (Parcel 9) of Medina County Recorder's Records further bounded and described as follows:

Commencing at the intersection of the centerline of Commerce Drive having a 60-foot wide Right-of-Way with the centerline of West Smith Road having a 60-foot wide Right-of-Way;

Thence along the centerline of said West Smith Road, bearing North 88°54'05" East, a distance of 30.00 feet to a point thereon, the same being the Southwest corner of said land conveyed to Gowe Leasing Limited;

Thence along the Western line of said land conveyed to Gowe Leasing Limited, bearing North 01°07'56" West a distance of 30.00 feet to a point thereon, said point also being the intersection of the Northern Right-of-Way line of said West Smith Road with the Eastern Right-of-Way line of said Commerce Drive and the TRUE PLACE OF BEGINNING of the easement herein described;

Thence continuing along the Western line of said land conveyed to Gowe Leasing Limited and along the Eastern Right-of-Way line of said Commerce Drive, bearing North 01°07'56" West a distance of 39.98 feet to a point thereon;

Thence along a tangent curve to the left having a radius of 40.00 feet, a tangent length of 39.98 feet, the chord which bears South 46°08'56" East, for a distance of 58.55 feet, along said arc for a distance of 62.81 feet to a point in the Northern Right-of-Way line of said West Smith Road;

Thence along the Northern Right-of-Way line of said West Smith Road, bearing South 88°54'05" West, a distance of 39.98 feet to a point in the Western line of said land of Gowe Leasing Limited and the TRUE PLACE OF BEGINNING, containing 0.0079 acres of land (343 square feet), more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey under the supervision of Andrew G. Planet, P.S. No. S-7802 by Rolling & Hovevar, Inc. in December 2018.

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of ROADWAY PAVEMENT, SIDEWALK, UTILITIES AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as Permanent Parcel No. 029-19A-22-008, Medina City Lot No. 3290 with the necessary equipment to remove grass, vegetation, brush, pavement and sidewalk as necessary to allow for the proposed grading for the roadway pavement, future trail and future curb ramp installation; to install roadway pavement and curb; to install a curb ramp in the future; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch; in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as Permanent Parcel No. 029-19A-22-008, Medina City Lot No. 3290 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrator, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 3.15.17 day of _____, 20____

Grantor: _____
Signature: James C. Gow
Print Name: JAMES C. GOWE

Title: MEMBER

Company: Gowe Leasing Limited

FLORIDA
State of ~~Ohio~~
County of ~~Medina~~ SS: COLLIER

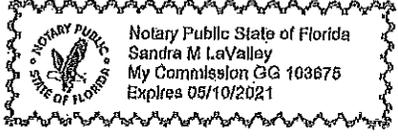
Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, James Gow, who acknowledged that he/she/they did sign the foregoing Instrument and that the same is his/her/their free act and deed.

NAPLES, FL
In testimony whereof, I have set my hand and official seal at ~~Medina, Ohio~~; this 15 day of March, 2017

Notary Signature: Sandra M LaValley
Print Name: SANDRA M LAVALLEY

My Commission Expires: 05/10/2021

Notary Seal:



This Instrument was prepared by:
Gregory Huber, Law Director
City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH 44256

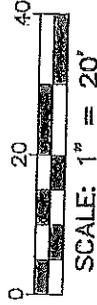
SKETCH OF EASEMENT

Part of Medina City Lot No. 3290

Date: December, 2018

Owner: Goww Leasing Limited

Parcel Number: 029-19A-22-008



NOTE:
BEARINGS ARE BASED ON AN ASSUMED
MERIDIAN AND ARE USED TO DENOTE
ANGLES ONLY.

MCL 3290
P.N. 029-19A-22-008
GOWE LEASING LIMITED
Doc. No. 20180R010885 (Parcel 9)
05/24/2018

**HIGHWAY EASEMENT
GRANTED TO THE
CITY OF MEDINA**
0.0079 Ac. (343 S.F.)

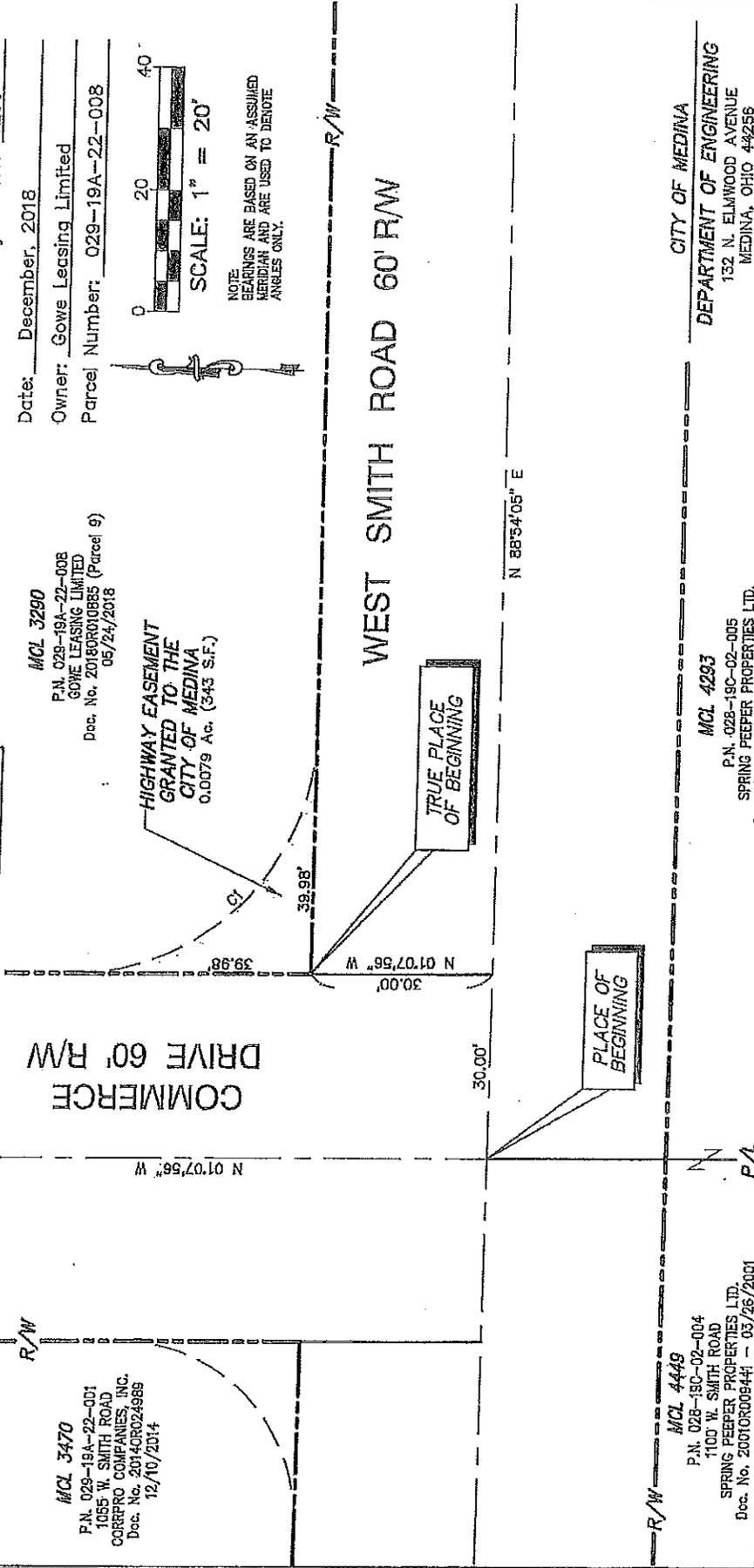
MCL 3470
P.N. 029-19A-22-001
1055 W. SMITH ROAD
CORSEPCO COMPANIES, INC.
Doc. No. 2014CR024989
12/10/2014

CITY OF MEDINA
DEPARTMENT OF ENGINEERING
132 N. ELMWOOD AVENUE
MEDINA, OHIO 44256
CITY JOB No. 1024

MCL 4293
P.N. 028-19C-02-005
SPRING PEPPER PROPERTIES LTD.
Doc. No. 2005OR044475 - 12/22/2005

MCL 4449
P.N. 028-19C-02-004
1100 W. SMITH ROAD
SPRING PEPPER PROPERTIES LTD.
Doc. No. 2001OR009441 - 03/26/2001

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C1	62.61'	40.00'	89°57'59"	39.98'	S 46°05'56" E	56.55'



Exh. D.

Storm Sewer and Drainage Easement

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of TWO HUNDRED THIRTY FOUR and 00/100 Dollars (\$234.00) and other good and valuable consideration recited herein given to GOWE LEASING LIMITED hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a storm sewer and drainage easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing STORM SEWER AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, County of Medina and State of Ohio, and known as being part of Medina City Lot 3290 also known as being a part of land conveyed to Gowe Leasing Limited by deed recorded on May 24, 2018 in Document No. 2018OR010885 (Parcel 9) of Medina County Recorder's Records further bounded and described as follows:

Commencing at the intersection of the centerline of Commerce Drive having a 60-foot wide Right-of-Way with the centerline of West Smith Road having a 60-foot wide Right-of-Way;

Thence along the centerline of said West Smith Road, bearing North 88°54'05" East, a distance of 30.00 feet to a point thereon, the same being the Southwest corner of said land conveyed to Gowe Leasing Limited;

Thence along the Western line of said land conveyed to Gowe Leasing Limited, bearing North 01°07'56" West, a distance of 30.00 feet to a point thereon, said point also being the intersection of the Northern Right-of-Way line of said West Smith Road with the Eastern Right-of-Way line of said Commerce Drive;

Thence along the Northern Right-of-Way line of said West Smith Road, bearing North 88°54'05" East, a distance of 558.84 feet to a point thereon and the TRUE PLACE OF BEGINNING of the easement herein described;

Thence at a right angle, bearing North 01°05'55" West, a distance of 20.00 feet to a point;

Thence parallel to the Northern Right-of-Way line of said West Smith Road, bearing North 88°54'05" East, a distance of 30.00 feet to a point;

Thence at a right angle, bearing South 01°05'55" East, a distance of 20.00 feet to a point in the Northern Right-of-Way line of said West Smith Road;

Thence along the Northern Right-of-Way line of said West Smith Road, bearing South 88°54'05" West, a distance of 30.00 feet to a point thereon and the TRUE PLACE OF BEGINNING, containing 0.0138 acres of land (600 square feet), more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey under the supervision of Andrew G. Planet, P.S. No. S-7802 by Rolling & Hoyer, Inc. in December 2018.

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement. The Grantee covenants and agrees that it will not use said easement for public right-of-way purposes.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of a STORM SEWER AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as Permanent Parcel No. 029-19A-22-008, Medina City Lot No. 3290 with the necessary equipment to remove any obstructions as necessary to allow for the proposed storm sewer installation including trees, brush, vegetation and existing storm sewer; to install the proposed storm sewer and appurtenances; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch; in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as Permanent Parcel No. 029-19A-22-008, Medina City Lot No. 3290 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrator, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 18th day of June, 2019.

Grantor:

Signature: [Handwritten Signature]

Print Name: JAMES C. GOWE

Title: Member

Company: Gowe Leasing Limited

State of Ohio)

County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, James C. Gowe, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 18th day of June, 2019.

Notary Signature: Kimberly A. Walter

Print Name: Kimberly A. Walter

My Commission Expires: Kimberly A. Walter

Notary Seal:

Kimberly A. Walter
NOTARY PUBLIC
In and For the State of Ohio
Recorded in Medina County
My Commission Expires 8/15/2023

This instrument was prepared by:

Gregory Huber, Law Director
City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH 44256

SKETCH OF EASEMENT

Part of Medina City Lot No. 3290
 Date: December, 2018
 Owner: Goye Leasing Limited
 Parcel Number: 029-19A-22-008

LINE	LENGTH	BEARING
L1	30.00	N 88°54'05" E
L2	30.00	N 01°07'58" W
L3	20.00	N 01°05'55" W
L4	30.00	N 88°54'05" E
L5	20.00	S 01°05'55" E
L6	30.00	S 88°54'05" W



COMMERCIAL DRIVE 60' R/W

MCL 3280
 P.N. 029-19A-22-008
 GOYE LEASING LIMITED
 Doc. No. 201808010585 (Parcel 8)
 05/24/2018

STORM SEWER AND DRAINAGE EASEMENT GRANTED TO THE CITY OF MEDINA
 0.0138 Ac. (600 S.F.)

MCL 3004
 P.N. 029-19A-19-003
 1035 W. SMITH ROAD
 ISQUER GROUP INC.
 Doc. No. 201706024885
 10/31/2017

WEST SMITH ROAD 60' R/W

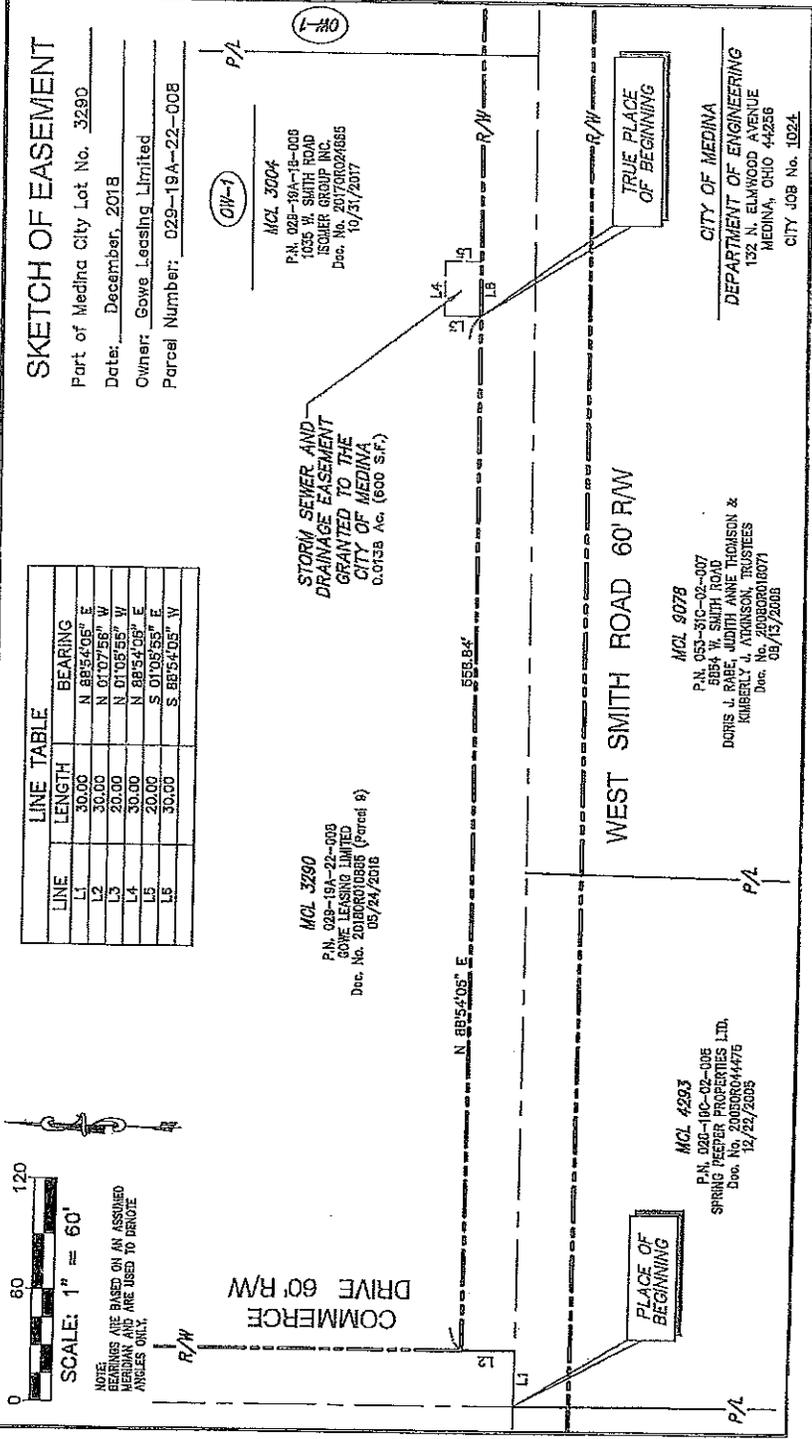
MCL 4293
 P.N. 029-10C-02-006
 SPRING PEEPER PROPERTIES LTD.
 Doc. No. 201808044476
 12/22/2018

MCL 3078
 P.N. 053-31C-02-007
 5854 W. SMITH ROAD
 DORIS J. RABE, MURTH ANNE THOMPSON & KIMBERLY J. ATKINSON, TRUSTEES
 Doc. No. 200808016071
 03/13/2008

CITY OF MEDINA
 DEPARTMENT OF ENGINEERING
 132 N. ELMWOOD AVENUE
 MEDINA, OHIO 44256
 CITY JOB No. 1024

PLACE OF BEGINNING

TRUE PLACE OF BEGINNING



ORDINANCE NO. 123-19

**AN ORDINANCE AMENDING AND EXPANDING MEDINA
PARKING DISTRICT NO. 1.**

WHEREAS: Ordinance No. 26-78, passed February 27, 1978, created Medina Parking District No. 1 for off-street parking in the City of Medina; and

WHEREAS: Ordinance No. 136-84, passed October 9, 1984 amended Parking District No. 1; and

WHEREAS: The Planning Commission, at their May 9, 2019 meeting recommended the change; and

WHEREAS: Council hereby determines it necessary to amend the existing district.

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

SEC. 1: That Medina Parking District No. 1 is hereby amended in accordance with the map marked Exhibit A, and the legal description marked Exhibit B, attached hereto and made a part hereof.

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 in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

DESCRIPTION OF
MEDINA PARKING DISTRICT NO. 1 AS AMENDED (July 2019)

Situated in the City of Medina, County of Medina, State of Ohio further bounded and described as follows :

Beginning at the intersection of the East Right-of-Way line of North Court Street, 66 feet wide, with the North Right-of-Way line of Friendship Street, 66 feet wide;

Thence North along the East Right-of-Way line of said North Court Street, 69.28 feet to the principal place of beginning of the parcel described herein;

Thence East to the West Right-of-Way of North Broadway, 99 feet wide;

Thence North, about 31.06 feet to a point;

Thence East, about 179 feet to a point;

Thence North, 59.39 feet to a point;

Thence East, about 60 feet to a point;

Thence South, about 9.39 feet to a point;

Thence East, about 253.25 feet to a point;

Thence South, 50 feet to a point;

Thence East, 100 feet to the West Right-of-Way line of North Jefferson Street, 66 feet wide;

Thence South, about 638.9 feet to the North Right-of-Way line of East Liberty Street, 66 feet wide;

Thence East, about 146 feet, along the North Right-of-Way line of East Liberty Street;

Thence South, about 231.02 feet to the North line of City Lot 70;

Thence West, about 19.1 feet to a point;

Thence South, about 231.01 feet to the South Right-of-Way line of East Washington Street, 66 feet wide;

Thence East, about 46.1 feet along the South Right-of-Way line of East Washington Street;

Thence South, about 185.8 feet to a point;

Thence East, 39 feet to a point;

Thence South, 108 feet to the North line of City Lot 57;

Thence East, about 23.65 feet to a point;

Thence South, about 156.42 feet to a point;

Thence West, 60 feet to a point;

Thence South, 39 feet to a point;

Thence West, 40.81 feet to a point;

Thence South, 97.62 feet to the North Right-of-Way line of East Smith Road, 60 feet wide;

Thence West along the North Right-of-Way line of East Smith Road to a point therein;

Thence South, 60.00 feet to the South Right-of-Way line of East Smith Road;

Thence East along the South Right-of-Way line of East Smith Road to the Northwest corner of Medina City Lot 1330;

Thence South along the West line of Medina City Lot 1330, 150.00 feet to the Southwest corner thereof;

Thence East, 180.00 feet to the Southeast corner of Medina City Lot 1332;

Thence South, 50.00 feet to the Southwest corner of Medina City Lot 1041;

Thence East, 185.00 feet to the Southeast corner of Medina City Lot 1041;

Thence South along the West line of Medina City Lot 1042, 389.04 feet to a point in the North line of the Wheeling and Lake Eire Railway;

Thence Northwest along the North line of the Wheeling and Lake Eire Railway, 885.77 feet to the Southeast corner of Medina City Lot 9156;

Thence South to a point in the South line of the Wheeling and Lake Eire Railway, said point also being the Northwest corner of Medina City Lot 1040;

Thence South, 275.60 feet to the Southeast corner of Medina City Lot 1065;

Thence West, 530.30 feet to the Southeast corner of Medina City Lot 1066;

Thence North, 177.29 feet to the Northeast corner of Medina City Lot 3245;

Thence West, 278.19 feet to the East Right-of-Way line of South Broadway, 60 feet wide;

Thence South, 90.00 feet to the Southwest corner of Medina City Lot 3245;

Thence West, 60 feet to the Southeast corner of Medina City Lot 1058;

Thence West along the North Right-of-Way line of Lafayette Road, about 224 feet to a point;

Thence South, 179.80 feet to a point in the South line of Medina City Lot 1078;

Thence West, 166.00 feet to a point in the West Right-of-Way line of South Court Street, 66 feet wide;

Thence South to the North Right-of-Way line of South Drive;

Thence West along the North Right-of-Way line of South Drive, to the East Right-of-Way line of South Elmwood Avenue;

Thence North along the East Right-of-Way line of North Elmwood Avenue and the projection thereof to the North Right-of-Way line of Lafayette Road;

Thence West along the North Right-of-Way line of Lafayette Road to an angle point therein;

Thence Southwest along the North Right-of-Way line of Lafayette Road to the Southeast corner of Medina City Lot 1562;

Thence North to the Northeast corner of Medina City Lot 1555;

Thence Southwest, 247.50 feet to the Southwest corner of Medina City Lot 3664;

Thence North along the West line of Medina City Lot 3664, Medina City 1003 and the projection thereof to a point in the North Right-of-Way line of West Smith Road;

Thence West along the North Right-of-Way line of West Smith Road, to a point in the East Right-of-Way line of Prospect Street, 60 feet wide;

Thence North along the East Right-of-Way line of Prospect Street to a point in the South line of the Wheeling and Lake Erie Railway;

Thence Southeast along the South line of the Wheeling and Lake Erie Railway, to a point in the centerline of Vine Street;

Thence North along the centerline of Vine Street to the South line of the Wheeling and Lake Erie Railway;

Thence Southeast along the South line of the Wheeling and Lake Erie Railway and the extension thereof about 540 feet to a point;

Thence North, about 155 feet to a point;

Thence East, 67.1 feet to a point;

Thence North, about 38 feet to a point;

Thence East, 61.19 feet to a point;

Thence North, about 15 feet to a point;

Thence East, 32 feet to a point in the West line of Medina City Lot 22;

Thence North along the West line of Medina City Lots 22 and 23 to the Southwest corner of Medina City Lot 24;

Thence East, about 135.1 feet to a point;

Thence North, 42 feet to a point;

Thence East, 25 feet to a point;

Thence North to the North Right-of-Way line of West Washington Street, 66 feet wide;

Thence West to the Southwest corner of Medina City Lot 353;

Thence North, 106.6 feet to a point;

Thence West, 45 feet to a point;

Thence North to the South line of Medina City Lot 325;

Thence West to the Southwest corner of Medina City Lot 325;

Thence North, 133.92 feet to the South Right-of-Way line of West Liberty Street, 66 feet wide;

Thence East, about 96.97 feet to a point;

Thence North to a point 42 feet South of the North line of Medina City Lot 150;

Thence West, 63.36 feet to a point;

Thence North, 60 feet to a point;

Thence Northeast, 122.08 feet to a point;

Thence North, 102 feet to the South Right-of-Way line of West Friendship Street, 66 feet wide;

Thence West, about 14 feet to a point;

Thence North, about 134.14 feet to a point;

Thence East to the East Right-of-Way line of North Elmwood Street, 66 feet wide;

Thence North to a point 10 feet South of the Southwest corner of Medina City Lot 137;

Thence East, 161.5 feet to a point;

Thence North to the South line of Medina City Lot 137;

Thence East, about 41.3 feet to a point;

Thence North to the South line of land now or formerly owned by R. Harry and Lethan N. Waltz;

Thence East to the East line of Medina City Lot 137;

Thence South, about 93.54 feet to a point;

Thence East to the West Right-of-Way line of North Court Street, 66 feet wide;

Thence South, about 13.86 feet to a point;

Thence East, about 66 feet to the principal place of beginning.

ORDINANCE NO. 124-19

**AN ORDINANCE AMENDING ORDINANCE NO. 195-18,
PASSED DECEMBER 10, 2018. (Amendments to 2019 Budget)**

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

SEC. 1: That Ordinance No. 195-18, passed December 10, 2018, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
104-0301-53313 (Donation – CAMBA)	3,000.00 *
001-0101-53315 (E-Ticket Parking System)	10,000.00 *
902-0355-52214 (Bicentennial Sales)	70.00 *
902-0355-53315 (Bicentennial Sales)	290.00 *
104-0301-54412 (Donation – Medina Sunrise Rotary)	21,175.00 *

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 in full force and effect at the earliest period allowed by law.

* - new appropriation

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 125-19

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

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

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

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

SEC. 1: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

SEC. 2: That the Finance Director is authorized to draw warrants for the payment of an Invoice for \$3,847.00 to Butzer Mechanical Inc. dba Aire Serv for an emergency home repair at 87 Circle Drive as part of the PY18 CHIP Grant.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason because of the immediate need for the authorization of expenditures, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor