

**MAYOR DENNIS HANWELL – STATE OF THE CITY ADDRESS
6:30 PM – IN THE CITY COUNCIL ROTUNDA**

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

September 9, 2019
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (August 26, 2019)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

Unfinished business.

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. 120-19 (IF MODIFIED)

An Ordinance rezoning the property at 1088 S. Court Street from R-3, High Density Residential to C-1, Local Commercial.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Ord. 126-19

An Ordinance amending Sections 31.05 and 31.07.07 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Chief and Deputy Chief Probation Officer Positions and accepting the Chief Probation Officer and Building Custodian Job Descriptions for the Municipal Court.
(emergency clause requested)

Ord. 127-19

An Ordinance approving the three year Capital Improvement Plan for the Medina Community Recreation Center and authorizing the expenditure of the current cash balance of the fund to the Medina City Schools, in accordance with the Joint Operating Agreement.
(emergency clause requested)

Ord. 128-19

An Ordinance authorizing the increase of the expenditure so Signal Service Company to \$60,000 for the Street Department.

Ord. 129-19

An Ordinance authorizing the purchase of one (1) 2020 Chevrolet Malibu from Ganley Chevrolet of Aurora for the Police Department.
(emergency clause requested)

Res. 130-19

A Resolution accepting and approving the Resolution passed by the Historic Preservation Board approving the application and recommendation for the designation of Historical Landmark for 205 S. Prospect Street (Phillips-McDowell House).
(emergency clause requested)

Ord. 131-19

An Ordinance amending Ordinance No. 100-19, passed July 8, 2019 authorizing a payment to Jenmet Construction LLC for the Private Home Rehabilitation at 3877 Miller Dr., Brunswick as part of the PY18 CHIP Grant Program.
(emergency clause requested)

Res. 132-19

A Resolution authorizing an application for grant assistance from the State of Ohio, Ohio Public Works Commission, relative to Issue 1 and LTIP Program funding for the Gates Mills Boulevard Bridge Project.

Ord. 133-19

An Ordinance authorizing the Mayor to execute Preliminary Legislation with the Ohio Department of Transportation (ODOT) to perform bridge inspection services for municipal owned bridges.

Ord. 134-19

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the South Court Water Tank Improvements Project.
(emergency clause requested)

Ord. 135-19

An Ordinance authorizing the payment to GB Hawk Construction Co. for the Private Home Rehabilitation at 33 Circle Drive, Medina as part of the PY18 CHIP Grant Program.
(emergency clause requested)

Ord. 136-19

An Ordinance authorizing the Mayor to enter into Task Order #1 to the Agreement with Delta Airport Consultants, Inc. for professional services at the Medina Municipal Airport relative to the extension of the North-South Runway.

Res. 137-19

A Resolution supporting Mayor Hanwell to join the “Mayor’s Pledge” with the National Recreation and Parks Association’s 10-Minute Walk Campaign.
(emergency clause requested)

Res. 138-19

A Resolution authorizing an application for grant assistance from the Federal Aviation Administration (FAA) for the Extension of the North-South Taxiway at Medina Municipal Airport.
(emergency clause requested)

139-19

An Ordinance authorizing an expenditure not to exceed \$30,000 to Wertz Geotechnical Engineering for materials testing and inspection for the City Hall Parking Structure.
(emergency clause requested)

Res. 140-19

A Resolution approving by legislative Resolution the Petition and Articles of Incorporation for the creation and governance of an Energy Special Improvement District under Ohio Revised Code Chapter 1710, and approving the necessity of acquiring, constructing, and improving certain public improvements in the City of Medina, Ohio in cooperation with the City of Medina Energy Special Improvement District.
(emergency clause requested)

Ord. 141-19

An Ordinance determining to proceed with certain City of Medina Special Energy Improvement projects by way of special assessments in accordance with Chapters 1710 and 727 of the Ohio Revised Code.
(emergency clause requested)

Ord. 142-19

An Ordinance levying special assessments for the Medina County Project (ESID).
(emergency clause requested)

Council comments.

Adjournment.

MEDINA CITY COUNCIL
Monday, August 26, 2019

Opening:

Medina City Council met in regular, open session on Monday, August 26, 2019. The meeting was called to order at 7:30 p.m. by President of Council John Coyne and led in the Pledge of Allegiance by Eagle Scout Nick Maleski from Troop 508 at Medina Presbyterian Church.

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, Mike Wright, Kimberly Marshall, Janson Wehrley and Jonathon Mendel.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on July 8th, 2019, and Special meetings on July 22nd and July 31st, 2019 as prepared and submitted by the Clerk be approved. The roll was called and the motion passed by the yea votes 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 the Council meeting this evening and will meet again in two weeks.

Health, Safety & Sanitation Committee: Mr. Simpson stated that he and Mr. Dirham attended the LST Advisory Committee last week and is hopeful all will be actively promoting the EMS Levy that will be on the ballot in November.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb stated he has two items in Special Legislation that will be brought up in the next two weeks and one is a proposal to improve the legislation on demolition, and the second is the upgrade of the Comprehensive Plan.

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

Water & Utilities Committee: Mr. Starcher had no report.

Emerging Technologies Committee: Mr. Rose is looking to schedule a meeting for some time in September.

Requests for Council Action:

Finance Committee

19-131-8/26 – Budget Amendments

19-132-8/26 – Amend S&B Code – Chief Probation Officer Pay Grade
Establish Deputy Chief Probation Officer & Pay Grade

19-133-8/26 – Adopt Job Description – Chief Probation Officer

- 19-134-8/26 – Adopt Job Description – Building Custodian (Muni Court)
- 19-135-8/26 – Approve Capital Improvement Plan MCRC & Expenditure
- 19-136-8/26 – Increase P.O. #2019-0489 – Signal Service Co. – Street Dept.
- 19-137-8/26 – State Bid Purchase – 2020 Chevrolet Malibu – Police
- 19-138-8/26 – Approve HPB Historic Landmark Designation – 205 S. Prospect Street
- 19-139-8/26 – PY18 CHIP Private Rehab – 3877 Miller Dr. Brunswick
- 19-140-8/26 – Then & Now – 87 Circle Drive Private Rehab PY18 CHIP
- 19-141-8/26 – Authorize Formation of Energy Special Improvement District, Project and
Levy Special Assessments
- 19-142-8/26 – Grant Application – Ohio Public Works Commission
- 19-143-8/26 – Approve ODOT Bridge Inspection Program
- 19-144-8/26 – Delta Airport Consultants – Task Order #1
- 19-145-8/26 – Expenditure Over \$15,000 – GameTime – Playground Equipment
- 19-146-8/26 – Approve Mayor’s Pledge – NRPA 10 Minute Walk Campaign
- 19-147-8/26 – Increase Expenditure – Coopers Leading Edge – Sanitation
- 19-148-8/26 – Bids, South Court Water Tower Improvement Project (Job #1060)
- 19-149-8/26 – City Hall Parking Deck – Materials Testing & Inspection (Job #1030)
- 19-150-8/26 – PY18 CHIP Private Rehab – 33 Circle Drive

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported

- 1) Welcome back Council!
- 2) Parking Deck - Construction of parking deck south of Medina City hall will commence the week of Labor Day. 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 at minimum until early 2020.
- 3) Farmers Market each Saturday on the Square 9 a.m. to 1 p.m. until mid-October.
- 4) State of the City will be presented to the Medina Chamber of Commerce on Tuesday, September 3rd at 11:30 a.m. at Williams on the Lake. Tickets available from Medina Chamber. I will then present the State of the City to City Council on September 9th between Finance Committee and Council, likely at 6:30 p.m. After both presentations, it will be available on You Tube, the City website, and Medina TV channels and portal.
- 5) Annual India Festival USA will be held Saturday September 14 at Independence High School from 10 a.m. to 7 p.m., 6001 Archwood Road, Independence, OH. Public is welcome and events and activities are free, other than food/drink items. I will be presenting a proclamation on behalf of our City.
- 6) Happy 41st Anniversary to my lovely wife, Chris!

Keith Dirham, Finance, stated for his first time ever he recently received an initiative petition and then a referendum petition, and quite an education from the Law Department on the process for those. They were both held for 10 days by the Finance Department then taken to the Board of Elections and in both cases the Board of Elections returned results and has kept Council apprised by email that there were not sufficient signatures.

Councilman Simpson mentioned the levy for the Emergency Medical Service. The Levy is termed EMS - we call it LST. The levy that the City is asking for - Council voted to put it on the ballot this fall - is a renewal and increase. The reason for the increase is this levy has not been increased in 20 years and with the property tax levy we do not get inflationary increases on the collections and actually collections are less now than they were 20 years ago because the state has changed some things with the property tax. Costs have increased substantially for the Life Support Team, some of the equipment they use is a lot more expensive. The trucks are more expensive as well as the equipment in them. It's a wonderful organization to have, they are very good and recently awarded Gold Plus by the American Heart Association. Keith hopes that all will support this levy.

Greg Huber, Law Director, had no report.

Chief Kinney, Police Department, stated they had their National Night out on August 6th and it went well. The Chief thanked Target for co-sponsoring it, along with the Police Department, as well as their public safety partners that attended Police, Fire and EMS.

They have implemented their new CAD/RMS program – Computer Aided Dispatch / Records Management System and this project has been worked on for probably more than 2 years. They are working through some of the bugs and hiccups, but it is going smoothly so far.

They have filled their final Police Officer vacancy and hired Matthew Witthuhn, a Brunswick resident. He started the OSP academy on Monday and will be out in several months to begin his field training.

Kimberly Marshall, Economic Development Director, stated on Friday, August 23rd she had the honor of taking part in the AI Root Company 150th Anniversary celebration. There are less than 3% of companies that hit 5 year generation family-owned at 150 years, so that is quite an accomplishment. Root Company put Medina on the map.

Ribbon cuttings are set for September 20th and it is going to be a full day with six events starting at 10 a.m. with Echelon Independent Living at 635 N. Huntington St., 11 a.m. A New Leaf Massage and Wellness retail business at 1075 S. Court St. Suite 200, 1 p.m. Par-Take Kitchen grand opening at 236 N. State Road, 2 p.m. the Hope Recovery Community, a non-profit is moving into the 200 Highland Drive location, 3 p.m. the Bumble Bee Village expansion project at 725 N. Court St., 4 p.m. the Medina Summit Battered Women's Center and Rape Crisis Center a non-profit that is moving to 696 E. Washington Street. She stated she will be taking the month of October off from Ribbon Cuttings, but they are going to be working on rolling out their Made in Medina County Manufacturing Expo which will be held on Friday, October 4th. Keynote speaker is John Ratzenburger who is an actor and manufacturing advocate, "Cliff the Mailman" from Cheers. There are currently 55 manufacturing companies registered to participate. If you would like to see John Ratzenburger the tickets are \$40 and can be purchased at www.madeinMedinaCounty.com and that includes breakfast.

Jonathan Mendel, Planning Community Director, had no report.

Chief Painter, Fire Department, had no report.

Mike Wright, Recreation Center Director, Welcome back council members.

Just a reminder for the public that this will be the Memorial Pools last weekend. We will be open Saturday, Sunday, and Monday (Labor Day) 11 a.m. – 7 p.m., pending the weather of course. I want to thank the community for their continued patronage and patience throughout the pool season. It was another great year serving the community and we look forward to having many more.

The next scheduled Rec Advisory Board meeting will be Thursday, September 19th, at 7:30 a.m. at the Recreation Center.

Jansen Wehrley, Parks and Recreation Director, Mr. Wehrley congratulated Nick Maleski on attaining the rank of Eagle Scout - he did a wonderful project in the park system and appreciates his contribution.

Jansen thanked the Medina Sunrise Rotary for their donation of \$21,000.00 to install a new playground at Memorial Park and are hoping to start the project this fall weather permitting.

Splashpads will close September 3rd, 2019 for maintenance while they put a new computer in at Fred Greenwood Park and do some concrete work at Ray Mellert Park.

Dan Gladish, Building Official, absent.

Patrick Patton, City Engineer, stated the Mayor mentioned the City Hall Parking Deck Project which starts next week. Another project that is starting next week that will affect the residents is the South Elmwood Bridge and that is scheduled to start Tuesday, September 3rd and requires a closure in that area and will be in effect for 75 days. It will be closed in all four directions and detours will be set up.

Nino Piccoli, Service Director, stated in addition to Mr. Patton's closure they are contemplating closing South Elmwood between Washington and Smith for resurfacing and that will be during while the bridge is being worked on.

Street crews have been painting, mowing the right of way, performing catch basin repair and concrete repair throughout the city, and still following up with the high grass violations and will continue to do so during the growing season.

Notices, Communications and Petitions

Liquor Permit:

Mr. Shields moved not to object to the issuance of a D5L permit to Carnivore Meats LLC, 320 S. Court St., suite 100, Medina. Motion seconded by Mr. Simpson and approved by the yea votes of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields and D. Simpson.

Liquor Permit:

Mr. Shields moved not to object to the transfer of a C-1 and C-2 permit from WJF Investment Corporation dba Medina Marathon 429 S. Court to MGJJ LLC, dba Medina Marathon, 429 S. Court St., Medina. Motion seconded by Mr. Simpson and approved by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson and B. Starcher.

Unfinished Business:

There was none.

Introduction of Visitors:

Mike Ryan resides at 155 Roshon Dr. His question tonight is about something the residents have been complaining about for some time now and Council has not acted on and that is the deer population in this community. When will Council address the situation? Who is going to make sure we are not going to have coyote problems that usually follows an over population of deer? Mr. Ryan spoke of monetary value from damage to properties and insurance costs due to accidents caused by the deer. Can Council commit to this issue before moving onto other social issues?

Mr. Wehrley stated towards the end of 2014, they presented a Deer Management Plan to Council and identified 5 things that they were going to start keeping track of because there is a difference in perception of what is a problem and what is not a problem amongst residents. They are collecting trend data that includes deer/vehicle accidents, carcass pickup, spot light counts of the deer in October and November during peak rut and off peak rut to visually identify deer in specific locations that are predetermined by the park staff, and recording that. They are also keeping track of formal deer complaints that come into the office. Jansen stated he would like to talk to Mr. Ryan about that. They have a program that is outlined on the Medina website as well as technical guidance that is provided for the city residents, it was compiled from information that was given to them by the Ohio Division of Wildlife on how to manage deer on your own property because there needs to be commitment from the residents to help deter deer from their property, to stop feeding the deer in the city and work together as a community to come up with a consensus on what should be done and what shouldn't be done. The most important thing that we are doing now that we weren't doing in the past is collecting all this data so that when we do identify that there is an issue and we go to the state if we have to go to the state to get a permit for whether it be culling or controlled bow hunting, they have to have data that supports that.

Mr. Lamb complimented the Parks Director because this issue, which was frequently brought to our attention during Ward Meetings, went through Special Legislation in 2014 and was looked into in depth based on the things we could do and the things we can't do. The City of Medina has more park land per capita than any other city in the State of Ohio.

Mr. Simpson stated that Mr. Ryan is not the only resident that has brought this to Council's attention, and it is kind of unfair to say that we have been inactive, because they have been doing things. Dennie Simpson tries to tell residents that these are not Medina's deer, these are the State of Ohio deer and as the Park Director stated, there are processes that you have to go through the State to get a permit. There is no gun fire allowed in the city limits of Medina including bow hunting. You can contact your state legislators, the surrounding states of Ohio have more than one week of deer hunting in November.

Mr. Rose stated they do have a pending matter on Special Legislation for feeding deer and he would ask right now that we bring that up to the next Special Legislation meeting so we can discuss it and start moving this in a direction here.

Caroline Shriner resides at 5134 Bronson St. she spoke of Bronson St. losing its stigma, housing prices are rising. The Foundry is located right in the middle of a neighborhood and she would like an explanation as to how a full bar and brewery and the need for parking and consequential traffic fits into a residential neighborhood. She spoke of conditional zoning. Caroline asked for right turn only signs on Bronson and Foundry, there are three day care centers on the street. More police presence is needed. She questioned if the noise ordinances and street parking will be enforced with the karting operation expansion.

Introduction and Consideration of Ordinances and Resolutions:

Res. 117-19:

A Resolution congratulating Nicholas Xavier Maleski on attaining the rank of Eagle Scout. Mr. Shields moved for the adoption of Ordinance/Resolution No. 117-19, seconded by Mr. Simpson. Nick stated he built bat houses for his Eagle project. Mr. Dirham stated this was the first time in his ten years here that someone had the same Eagle project that he did, Keith built Bat Houses back in 1992 for his Eagle project and put them up in the parks but they've all since fallen apart and he is glad there are new ones. The roll was called and Ordinance/Resolution No. 117-19 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher and J. Coyne.

Ord. 118-19:

An Ordinance authorizing the expenditure to Chippewa Roofing, LLC for costs related to emergency repairs of the City Garage roof. Mr. Shields moved for the adoption of Ordinance/Resolution No. 118-19, seconded by Mr. Simpson. Mr. Piccoli stated while they were having some HVAC work performed at the city garage, contractors discovered some areas at the edge of the roof line were failing significantly and this ordinance will allow for those repairs and prevent further damage to decking as well as the insulation. The roll was called and Ordinance/Resolution No. 118-19 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger.

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 119-19, seconded by Mr. Simpson. Nino stated that the Street Department has identified ten street lights within the historic district that are in need of replacement. Some have been removed to date for safety reasons and the others will be removed upon replacement. The lights that are within one block of the square are eligible for the reimbursement under the capital improvement grant. The roll was called and Ordinance/Resolution No. 119-19 passed by the yea votes of P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger and B. Lamb.

Ord. 120-19:

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

***Tabled**

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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 121-19, seconded by Mr. Simpson. Mr. Piccoli stated the truck replacement is for a 2004 rear load truck. They are purchasing the 2020 Freightliner through the state bid process. The roll was called and Ordinance/Resolution No. 121-19 passed by the yeas votes of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields and D. Simpson.

Ord. 122-19:

An Ordinance authorizing the Mayor to accept four (4) Easements necessary for the West Smith Road Reconstruction, Phase 3 Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 122-19, seconded by Mr. Simpson. Mr. Patton stated in order to complete the reconstruction on West Smith Road between Commerce Drive and Lake Rd. they had to acquire 4 easements and the property owners did grant those to them. The roll was called and Ordinance/Resolution No. 122-19 passed by the yeas votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson and B. Starcher.

Ord. 123-19:

An Ordinance amending and expanding Medina Parking District No. 1. Mr. Shields moved for the adoption of Ordinance/Resolution No. 123-19, seconded by Mr. Simpson. Mr. Mendel stated as they've been going along and looking at redevelopment and expansion of this district and what has now been dubbed the South Town Neighborhood, south of Smith Road, basically Huntington to Lafayette to Broadway, to incorporate that area into the parking district as well to facilitate redevelopment and reuse of the properties in that area and then it would be exempted from the minimum parking requirements of the zoning code. The roll was called and Ordinance/Resolution No. 123-19 passed by the yeas votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher and J. Coyne.

Ord. 124-19:

An Ordinance amending Ordinance No. 195-19, passed December 10, 2018. (Amendments to 2019 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 124-19, seconded by Mr. Simpson. Mr. Dirham stated the first amendment is to appropriate the funds that were donated to the city from the Cleveland Area Mountain Bike Association, the second item is for an E-Ticket parking system. The police did not anticipate this change, there was a new ruling they can't use the chalk anymore so that is why they need this new equipment to do that. The next two are sales from the Bicentennial and finally there is a donation from the Medina Sunrise Rotary. The roll was called and Ordinance/Resolution No. 124-19 passed by the yeas votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger.

Ord. 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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 125-19, seconded by Mr. Simpson. Mr. Shields moved

that the emergency clause be added to Ordinance/Resolution No. 125-19, seconded by Mr. Simpson. Mr. Dirham stated this is for an air conditioner repair that is through the CHIP program and as Mr. Mendel explained at the Finance meeting it is being done by then and now and the emergency clause because it was already done it was an emergency repair. 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. 125-19 passed by the yea votes of P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger and B. Lamb.

Council Comments:

Mr. Simpson stated this time of the year he is always on his soap box to get people out there to register to vote. The other soap box is the way we treat each other, so many things lately that have happened nationally that in his opinion are inappropriate comments from some of our leaders, there is too much bullying going on, too much negative comments, we should just treat everybody with respect. You have to respect the other person's opinion, you don't have to agree with it but you have respect their opinion and just try to be kind to one another.

Mr. Heffinger stated it was an absolutely beautiful weekend to be outside and they had two great events happening here, the first was on Friday night at the Community Garden behind the Court House Parking Garage on East Liberty officially opened. It's been a very busy summer for the group Sustain ED which is a dedicated group that likes to get to work and in over four months' time they came up with the idea of fund money with the help of the city and commissioners they were able to get land and build a garden for the city to use.

Medina Fest happened this weekend, it was absolutely packed and he feels our events are through the roof amazing here. Main Street Medina is doing a brilliant job running them and he wanted to complement them and our businesses that continue to bring more and more people into our beautiful community. He and Mr. Wright worked at the city table answering questions.

Mr. Starcher stated Tuesday, September 3rd there is a Ward 1 & Ward 2 meeting for residents to meet with City Council and Administration of the City to express any concerns you have to learn what is going on. Meeting will be held at Sydney Fenn Elementary School at 7 p.m.

He congratulated Chief Kinney and the Police Department and Medina County Drug Task Force on executing four arrest warrants over the weekend on Foundry Street for drug charges. Great job on keeping our neighborhood safe.

On Friday, August 16th Mr. Starcher stated he attended a great event on Bronson Street with Pastor Ruffin from the 2nd Baptist Church called Rev Up Your School Year and was co-hosted by High Voltage Kart Racing.

Mr. Shields spoke of another fine event the Farmer's Market on Saturdays but there is also a mid-week Farmer's Market that is moving to the south town cruise-in on Tuesday nights from 4pm-8pm which is the former Hawkins Market and will be there through September 24th, 2019.

Mr. Rose congratulated Nick on attaining Eagle Scout ranking.

Mr. Rose stated while on council break he had opportunity to speak with many residents and was surprised at the number of people who have just moved into town in the last say twenty four months or so. It was quite an eye-opener. They moved here for any number of reasons and he welcomes all of them. They all commented on how well the city is run and how we got where we are.

Mr. Lamb thanked Councilmen Rose and Simpson for mentioning being kind to others because he is not sure how many public bodies when having an opportunity to speak, take time just to ask people to be nice to one another.

Bill pointed out to Nick that he was not a Boy Scout he was an Indian Guide, his father was a Boy Scout, and what struck him was even when his father was in his 80's he would talk about the fact that he had achieved the rank of Eagle Scout and that's how much it meant to him. He feels it really speaks not only to your desire to do good and do for the community, but it speaks right to the root of your character and he is proud of him.

Bill stated he attended the ceremony for the 150th anniversary of AI Root Company. He stated Mrs. Marshall did a great job organizing these programs and putting them together involving federal and state officials and even a few local officials. It was a wonderful event and speaks well of the city's relationship to the businesses and an understanding of just how important these businesses are to the economy of the city and the welfare.

Mr. Coyne appreciates everyone's hard work even during the time off there was a lot going on and now they are back at it again and looking forward to a productive fall.

Adjournment:

There being no further business before Council, the meeting adjourned at 8:14 p.m.

Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council

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: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

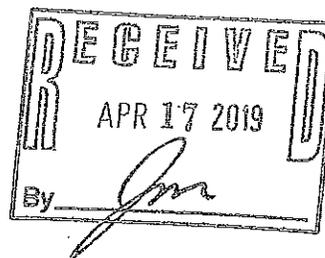
Mayor

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. *Shero 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 minimize 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.

Alternate

ORDINANCE NO. 120-19

AN ORDINANCE REZONING THE PROPERTY AT 1088 S. COURT STREET FROM R-3, HIGH DENSITY RESIDENTIAL TO C-1, LOCAL 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 C-3, *General Commercial* 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; and

WHEREAS: On August 23, 2019, the applicant requested to modify the request to rezone the referenced property from C-3, General Commercial to C-1, Local Commercial in accordance with 1107.06(d):

(d) Hearing and Action by Council. Upon notification by the Planning Director by the Planning Commission, the Clerk of Council shall advertise for a public hearing by Council in accordance with its rules and regulations. The Planning Commission's recommendation shall be read at such hearing. Following the hearing, Council shall approve, overrule *or modify* the Planning Commission's recommendation. No action of Council, however shall be taken modifying the recommendation of the Planning Commission *except by a vote of three-fourths (3/4) of the members of Council.*

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-1, Local 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: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

Kathy Patton

From: Greg Huber <ghuber@gambit.net>
Sent: Friday, August 23, 2019 9:32 AM
To: Kathy Patton
Subject: FW: 1088 S. Court - Modification of Application

Gregory A. Huber, LLC
Attorney at Law
600 East Smith Road
Medina, OH 44256
Tel: (330)722-5300
Fax: (330)722-2437

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From: Eddy, Justin J. [mailto:Justin.Eddy@tuckerellis.com]
Sent: Monday, August 12, 2019 1:29 PM
To: ghuber@gambit.net
Subject: 1088 S. Court - Modification of Application

Greg,

Per our conversation, I would like to confirm whether we can modify our request to rezone the referenced property from C-3 to C-1. I believe Council has this authority, subject to a 3/4 vote per 1107.06(d):

(d) Hearing and Action by Council. Upon notification by the Planning Director of the action by the Planning Commission, the Clerk of Council shall advertise for a public hearing by Council in accordance with its rules and regulations. The Planning Commission's recommendation shall be read at such hearing. Following the hearing, Council shall approve, overrule *or modify* the Planning Commission's recommendation. No action of Council, however, shall be taken modifying the recommendation of the Planning Commission *except by a vote of three-fourths (¾) of the members of Council*.

Let me know if you agree.

Justin

Justin J. Eddy | Attorney | Tucker Ellis LLP
950 Main Avenue, Suite 1100 | Cleveland, OH 44113
Direct: 216-696-5676 | Fax: 216-592-5009 | Cell: 216-406-6072
Justin.eddy@tuckerellis.com
tuckerellis.com

ORDINANCE NO. 126-19

AN ORDINANCE AMENDING SECTIONS 31.05 AND 31.07.07 OF THE SALARIES AND BENEFITS CODE OF THE CITY OF MEDINA, OHIO RELATIVE TO THE CHIEF AND DEPUTY CHIEF PROBATION OFFICER POSITIONS AND ACCEPTING THE CHIEF PROBATION OFFICER AND BUILDING CUSTODIAN JOB DESCRIPTIONS FOR THE MUNICIPAL COURT, AND DELCARING AN EMERGENCY.

WHEREAS: Section 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio presently reads as follows relative to the Municipal Court:

MUNICIPAL COURT

<u>Number</u>	<u>Classification</u>	<u>Steps Authorized</u>	<u>Classified Service</u>
1	Chief Probation Officer ****	20 A-F	Unclassified
1	Court Reporter	11 A-F	Unclassified
2	Probation Officer	7 A-F	Unclassified
1	Probation Secretary*	5 A-F	Unclassified
1	Assignment Commissioner	5 A-F	Unclassified
1	Building and Properties Custodian	31 A-F	Unclassified
1	Intensive Supervision Probation Officer**	Sec. 31.02(B)(6)	Grant Position
1	Probation Officer/Group Facilitator (part/time)	Sec. 31.02(B)(6)	Grant Position
1	Court Security Officer****(part/time)	Sec. 31.02(B)(5)	Part-time
1	Building Custodian (part/time)	Sec. 31.02(B)(5)	Part-time

*That the position of Probation Secretary may be filled by more than one person, not to exceed forty-eight (48) hours in one week if filled by two part-time positions, and shall be paid from the Probation Services Fund.

** Positions effective to June 30, 2021 from Intensive Supervision Grant. The Intensive Supervision Probation Officer shall receive health care, vacation, sick, and holiday benefits as set forth herein for full time employees. Position of Intensive Supervision Probation Officer may be full or part-time as dictated by grant. (Ord. 128-04, 164-05, 144-12, 25-16, 158-17, 110-19)

**** For the position of Chief Probation Officer, Account No. 001-0705 of the General Fund will absorb wages up to Pay Grade 13F. The balance of the funding for this position shall come from Account No. 161-0705, Probation Services Fund. (Ord. 37-04, Effective 4-1-04)

*****The position of Court Security Officer may be filled by more than one person. (Ord. 175-05, 234-05, 273-05, 130-06, 153-06, 247-06, 26-07, 129-08, 104-09, 69-12, 20-12)

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

SEC. 1: That Section 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio shall be amended to read as follows, pertaining to the Medina Municipal Court:

MUNICIPAL COURT

MUNICIPAL COURT

<u>Number</u>	<u>Classification</u>	<u>Steps Authorized</u>	<u>Classified Service</u>
1	Chief Probation Officer ****	20 A-F 16-A-F	Unclassified
1	Deputy Chief Probation Officer	9 A-F	Unclassified
1	Court Reporter	11 A-F	Unclassified
2 1	Probation Officer	7 A-F	Unclassified
1	Probation Secretary*	5 A-F	Unclassified
1	Assignment Commissioner	5 A-F	Unclassified
1	Building and Properties Custodian	31 A-F	Unclassified
1	Intensive Supervision Probation Officer**	Sec. 31.02(B)(6)	Grant Position
1	Probation Officer/Group Facilitator (part/time)	Sec. 31.02(B)(6)	Grant Position
1	Court Security Officer***** (part/time)	Sec. 31.02(B)(5)	Part-time
1	Building Custodian (part/time)	Sec. 31.02(B)(5)	Part-time

*That the position of Probation Secretary may be filled by more than one person, not to exceed forty-eight (48) hours in one week if filled by two part-time positions, and shall be paid from the Probation Services Fund.

** Positions effective to June 30, 2021 from Intensive Supervision Grant. The Intensive Supervision Probation Officer shall receive health care, vacation, sick, and holiday benefits as set forth herein for full time employees. Position of Intensive Supervision Probation Officer may be full or part-time as dictated by grant. (Ord. 128-04, 164-05, 144-12, 25-16, 158-17, 110-19)

**** For the position of Chief Probation Officer, Account No. 001-0705 of the General Fund will absorb wages up to Pay Grade 13F. The balance of the funding for this position shall come from Account No. 161-0705, Probation Services Fund. (Ord. 37-04, Effective 4-1-04)

*****The position of Court Security Officer may be filled by more than one person.

(Ord. 175-05, 234-05, 273-05, 130-06, 153-06, 247-06, 26-07, 129-08, 104-09, 69-12, 20-12, 126-19)

SEC. 2: That in accordance with Section 31.07.07, the job descriptions for Chief Probation Officer and Building Custodian are hereby accepted and approved.

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 current Chief Probation Officer is retiring; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

Medina Municipal Court
Chief Probation Officer

SUMMARY

The Chief Probation Officer is responsible for the administration and management of the Court's Probation Department. The Chief Probation Officer responsibly plans, organizes, develops, coordinates, and directs all aspects of the Municipal Probation Department's operation, in accordance with all applicable federal, state and local standard, guidelines and regulations, and best management practices. The Chief Probation Officer directly supervises the Department's Probation Officers and support staff, and performs other functions assigned by the Judge. The Chief Probation Officer is required to understand, adhere to, enforce, and help develop Municipal Court policies and procedures.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following (other duties may be assigned):

1. Plan, develop, organize, implement, direct, monitor, and evaluate all Probation Department functions and Departmental staffing, equipment, and programming needs.
2. Develop, review, update, maintain, and enforce Probation Department and, as required, Court policies and procedures, including without limitation those governing personnel.
3. Assign and monitor all phases of the Probation Department's workload, delegate duties and other Department functions to responsible Department personnel, and provide Departmental leadership.
4. Provide direct services to offenders as needed including presentence investigations/reports and supervision appointments.
5. Establish and maintain evidence-based practices for the supervision and curricula for offenders, consistent with reducing recidivism and enhancing rehabilitation, and maintain accurate and complete records of all individuals on probation.
6. Monitor, manage, and propose Departmental budgets, expenses, and funding sources (e.g., the Probation Services Fund and other designated sources), develop grant application opportunities, and manage all grant application and reporting procedures.
7. Assist the Municipal Judge as directed, including without limitation in the development, management, and oversight of Specialized Docket programs.
8. Maintain confidentiality of all Court data as required by law.
9. Research and recommend to the Court appropriate procedures and programs to ensure effective probation program operation, with a goal of maintaining public safety and assisting offenders in complying with Court orders.
10. Maintain memberships and participation in relevant professional associations, currency in research-based community corrections innovations, and personal contacts in the local and Ohio corrections community.
11. Represent the Probation Department at local and state meetings and conferences.

12. Prepare Annual Probation Report.
13. Foster and maintain a professional and constructive Probation Department work environment.
14. The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions, it is imperative that Chief Probation Officer is physically able to meet the physical demands of the job including, but not limited to, the ability to stand, sit or walk at least eight (8) hours per day, and the ability to push, pull, or lift at least thirty (30) pounds at any given time.

These statements are intended to describe the general nature and level of work being performed by individuals assigned this classification. They are not an exhaustive list of all duties to be performed. Other duties may be assigned.

SUPERVISORY RESPONSIBILITIES

Directly responsible for the supervision, management, direction and development all staff employed or assigned to the Probation Department. May be required to work outside normal business hours including weekends, evenings and holidays. Supervisory responsibilities include the following, without limitation:

1. Schedule and conduct staff meetings, coordinate and approve staff requests for leave to ensure adequate coverage, and complete performance evaluations for assigned staff, no less than annually.
2. Coordinate and manage staff training, orientation for new employees, and assist in recruiting, selecting, and hiring competent staff.
3. Recognize, counsel, and/or discipline staff in accordance with Municipal Court Policy and Procedures, and report all such activity to the Court Manager.
4. Conduct case and case staffing reviews with Probation Officers for quality assurance.

KNOWLEDGE, QUALIFICATIONS, SKILLS and ABILITIES

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Alternative qualifications may be substituted if sufficient to perform the duties. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

1. Interact with individuals comprising a variety of socioeconomic backgrounds.
2. Communicate effectively in writing or orally, in person or electronically, with co-workers, supervisors, and the general public.
3. Read and write reports, correspondence, and instructions.
4. Exercise good judgment in making decisions in accordance with laws, regulations, and policies.
5. Establish and maintain proactive working relationships with fellow employees, the general public, and persons on probation.

6. Provide administrative and professional leadership and direction to Department personnel.
7. Maintain accurate records and comprehends the necessity for confidentiality and will demonstrate regular and predictable attendance.
8. May be required to work outside normal business hours including, weekends, evenings and holidays.
9. Operate standard office equipment including but not limited to, personal computer, fax and copy machines, telephone and printers.

EDUCATION and/or EXPERIENCE

A four year degree from an accredited college or university in criminal justice, the social sciences or a related field OR any four year degree coupled with extensive experience in the criminal justice/social work field. Extensive knowledge and skills deploying evidence-based practices with offenders; advanced computer skills, highly effective inter-personal communications skills and strong organizational skills. *Master's Degree and administrative experience preferred.*

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individual with disabilities to perform the essential functions of this position.

Qualified applicants may be required to submit to testing and provide writing samples. Proof of education and employment references will be required before final interview. Employment predicated upon successful completion of criminal record check and drug testing.

Please submit cover letter and resume to: Court Manager at mmc@medinamunicipalcourt.org

**Medina Municipal Court
Building Custodian**

ORD. 126-19

SUMMARY

The individual in this classification performs custodial work on City and/or Municipal Court premises. This is semi-skilled work. Work performed is largely of a recurring nature; procedures and standards to be maintained are clearly outlined. This position directly reports to the Court Manager.

ESSENTIAL DUTIES AND RESPONSIBILITIES – include without limitation the following: (other duties may be assigned)

1. Cleans offices, restrooms, work areas, etc. in Court building, including mop floors and vacuum carpeting, emptying trash, dusting, and replacing supplies.
2. Perform painting of facilities and equipment.
3. Repairs desks, tables, chairs, and other office furniture and fixtures.
4. Move office equipment and perform other manual functions as directed.
5. Perform exterior grounds keeping including mowing and trimming.
6. Operate snow blower and /or shovel for snow removal and area salting.
7. Maintain interior and exterior equipment and facilities.
8. Sets up furniture and equipment in meeting rooms as required.
9. The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this position. It is imperative that the custodian is physically able to meet the physical demands of the job including, but not limited to, the ability to stand, or walk at least six (6) hours per day, the ability to push, pull, or lift at least fifty (50) pounds at any given time and the work performed will involve working outside in adverse weather conditions.

These statements are intended to describe the general nature and level of work being performed by individuals assigned this classification. They are not an exhaustive list of all duties to be performed. Other duties may be assigned.

SUPERVISORY RESPONSIBILITIES

None

KNOWLEDGE, QUALIFICATIONS, SKILLS and ABILITIES

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Alternative qualifications may be substituted if sufficient to perform the duties. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

1. Good written and verbal communication skills.
2. Ability to organize and prioritize duties.
3. Maintains regular and consistent attendance.
4. Valid Ohio Driver's License.
5. Common hand tools used in building and equipment maintenance work.
6. General cleaning principles and practices.
7. Operate equipment and machinery.
8. Understand and follow complex oral and written instructions.

PHYSICAL DEMANDS:

This position requires the employee to spend a large part of each working day standing and walking. Bending, stooping, climbing on ladders, twisting, and reaching are also routine.

EDUCATION and/or EXPERIENCE

Some experience in semi-skilled building, facilities and equipment maintenance and in cleaning work. High school diploma or GED equivalent preferred and training that provides the required knowledge, skills, and abilities.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individual with disabilities to perform the essential functions of this position. Work is performed both before and during daily court proceedings. Respectful observance of the court environment is expected. Respectful treatment of all persons in the courthouse, both employees and non-employees, is also expected. Emergency needs may also occasionally require work after court hours.

Qualified applicants may be required to submit to testing and provide writing samples. Proof of education and employment references will be required before final interview. Employment predicated upon successful completion of criminal record check and drug testing.

Please submit resume and cover letter to mmc@medinamunicipalcourt.org

ORDINANCE NO. 127-19

AN ORDINANCE APPROVING THE THREE YEAR CAPITAL IMPROVEMENT PLAN FOR THE MEDINA COMMUNITY RECREATION CENTER AND AUTHORIZING THE EXPENDITURE OF THE CURRENT CASH BALANCE OF THE FUND TO THE MEDINA CITY SCHOOLS, IN ACCORDANCE WITH THE JOINT OPERATING AGREEMENT, AND DECLARING AN EMERGENCY.

WHEREAS: Ordinance No. 101-01, passed July 9, 2001 authorized the Joint Operating Agreement and Lease Agreement between the Board of Education of the Medina City School District and the City of Medina for the operation of the Medina Community Recreation Center; and

WHEREAS: Section 5.6 of the Operating Agreement establishes a Capital Improvement Fund specifically to address future capital needs; and

WHEREAS: Section 5.6 also specifies that the Capital Improvement Plan be recommended by the Advisory Committee before the beginning of each contract year and shall be approved by each party; and

WHEREAS: On July 18, 2019, the Recreation Advisory Committee approved the Capital Improvement Plan and expending of capital funds; and

WHEREAS: On August 26, 2019 the Finance Committee approved the plan.

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

SEC. 1: That in accordance with Section 5.6 of the Joint Operation Agreement between the Board of Education of the Medina City School District and the City of Medina, the Capital Improvement Plan for the Medina Community Recreation Center is hereby approved.

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

SEC. 3: That the expenditure to Medina City Schools is hereby authorized, and the funds are available in Account Number 575-0350-54420.

SEC. 4: 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. 5: 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. 6: 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 repairs are currently being made and previous purchase order has been exhausted; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

REKEYING / RELAYS FIELDHOUSE WHINCHES					
DOOR REPLACEMENT /YF				\$3,000.00	
NATORIUM DOOR FRAMES				\$10,000.00	
MASONRY					
BLEACHER ADDITION IN FIELD HOUSE				\$10,000.00	\$ 10,000.00
FITNESS EQUIPMENT					
PROFESSIONAL ENGINEERING AND DESIGN SERVICES					
TABLES					
FLOOR SCRUBBER - GTX-342TE & PARTS				\$30,000.00	\$ 30,000.00
PANIC BUTTON INSTALLATION					
BBALL BACKBOARD PADDING					
REFURBISH TREADMILLS, PARTS	\$	9,309.50			
SUNDECK BIRD HOLES	\$	4,475.00			
SWITCH PLATE ENGRAVING	\$	200.00			
CONTINGENCY				\$ 30,000.00	
TOTAL ANNUAL EXPENDITURE	\$	102,252.56	\$1,351,708.24	\$ 276,000.00	\$ 186,000.00
TOTAL EXPENDITURES	\$1,415,099.37	\$2,766,807.61	\$2,766,807.61	\$3,042,807.61	\$3,258,807.61
				\$3,258,807.61	\$3,288,807.61

ORDINANCE NO. 128-19

AN ORDINANCE AUTHORIZING THE INCREASE OF THE EXPENDITURE TO SIGNAL SERVICE COMPANY TO \$60,000 FOR THE STREET DEPARTMENT.

WHEREAS: The Service Director has requested to increase Purchase Order #2019-0489 from \$15,000.00 to \$60,000.00, which requires the Council’s approval; and

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

SEC. 1: That the increased expenditure to Signal Service Company in Purchase Order #2019-0489 is hereby authorized from \$15,000 to \$60,000, for the Street Department.

SEC. 2: That the funds to cover this expenditure are available in Account No. 102-0145-53321

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: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 129-19

**AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE
(1) 2020 CHEVROLET MALIBU FROM GANLEY
CHEVROLET OF AURORA FOR THE POLICE
DEPARTMENT, AND DECLARING AN EMERGENCY.**

WHEREAS: In accordance with H.B 204, the Police Department has requested authority to purchase police cruisers without competitive bidding or participation in the state cooperative purchase contracts provided they can verify that the political subdivision can purchase the supplies or services from another party upon equivalent terms, conditions, and specification but at a lower price than it can through those contracts.

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

SEC. 1: That the purchase of one (1) 2020 Chevrolet Malibu from Ganley Chevrolet of Aurora, State Bid Contract, is hereby authorized for the Police 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 \$16,835.86, are available in Account No. 106-0101-54417.

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

Request for Taxpayer Identification Number and Certification

Give Form to the
 requester. Do not
 send to the IRS.

Print or type.
 See Specific Instructions on page 2.

Name (as shown on your income tax return) GANLEY CHEVROLET OF AURORA LLC	
Business name/disregarded entity name, if different from above	
Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ <u> S </u> <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.) 310 W GARFIELD RD	Requester's name and address (optional)
City, state, and ZIP code AURORA, OH 44202	
List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								

Employer identification number								
2	7	-	0	4	7	2	7	3

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person	Date ▶ <u>1-9-2019</u>
------------------	--------------------------	------------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

RESOLUTION NO. 130-19

A RESOLUTION ACCEPTING AND APPROVING THE RESOLUTION PASSED BY THE HISTORIC PRESERVATION BOARD APPROVING THE APPLICATION AND RECOMMENDATION FOR THE DESIGNATION OF HISTORICAL LANDMARK FOR 205 S. PROSPECT STREET (PHILLIPS-MCDOWELL HOUSE), AND DECLARING AN EMERGENCY.

WHEREAS: At the August 8, 2019 Historic Preservation Board meeting, the board recommended approval of the Historic Landmark designation for 205 S. Prospect Street under Section 145.09 of the codified ordinances of the City of Medina, Ohio and presented their Resolution to Medina City Council at the August 26, 2019 Finance Committee meeting for approval; and

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

SEC. 1: That Medina City Council accepts and approves the recommendation and Resolution dated August 12, 2019, passed by the Historic Preservation Board approving the designation of the Phillips-McDowell House, 205 S. Prospect Street as a Historic Landmark.

SEC. 2: That a copy of the Historic Preservation Board’s Resolution letter is marked Exhibit A, attached hereto, and incorporated herein.

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

SEC. 4: That this Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the grant deadline is approaching; wherefore, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

RESOLUTION
HISTORIC PRESERVATION BOARD
CITY OF MEDINA, OHIO

Res. 130-19
Exh. A

August 12, 2019

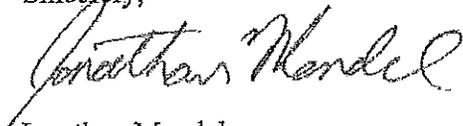
Brian Feron
Medina County Historical Society
206 N. Elmwood Avenue
Medina, Ohio 44256

PROPERTY: 205 S. Prospect Street

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

The Historic Preservation Board at the August 8, 2019 meeting has approved a recommendation to City Council for Historic District Landmark Designation for the property at 205 S. Prospect Street.

Sincerely,



Jonathan Mendel
Community Development Director



ORDINANCE NO. 131-19

AN ORDINANCE AMENDING ORDINANCE NO. 100-19, PASSED JULY 8, 2019 AUTHORIZING A PAYMENT TO JENMET CONSTRUCTION LLC FOR THE PRIVATE HOME REHABILITATION AT 3877 MILLER DR., BRUNSWICK AS PART OF THE PY18 CHIP GRANT PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS: Ordinance 100-19, passed July 8, 2019 authorized the payment of \$25,545.00 to Jenmet Construction LLC for the private HOME Rehabilitation at 3877 Miller Dr., Brunswick as part of the PY18 CHIP Grant Program; and

WHEREAS: Change Orders for the project have been issued bringing the entire project cost to \$40,000.00; and

WHEREAS: The City has requested an increase to Purchase Order #2019001412 in the amount of \$14,455.00 to cover the Change Orders for this project.

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

SEC. 1: That Ordinance No. 100-19, passed July 8, 2019 is hereby amended and increased to \$40,000.00 for payment to Jenmet Construction to cover the Change Orders for private HOME Rehabilitation at 3877 Miller Dr., Brunswick, Ohio as part of the PY18 CHIP Grant Program.

SEC. 2: That the funds to cover this increased expenditure in the amount of \$14,455.00 are available in Account No. 139-0458-52215, Activity AC-18-06.

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

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

SEC. 5: That this Ordinance shall be considered an emergency measure necessary for the

immediate preservation of the public peace, health and safety, and for the further reason the project is completed and contractor is requesting payment; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

RESOLUTION NO. 132-19

A RESOLUTION AUTHORIZING AN APPLICATION FOR GRANT ASSISTANCE FROM THE STATE OF OHIO, OHIO PUBLIC WORKS COMMISSION, RELATIVE TO ISSUE 1 AND LTIP PROGRAM FUNDING FOR THE GATES MILLS BOULEVARD BRIDGE PROJECT.

WHEREAS: The City of Medina, Ohio intends to apply to the State of Ohio, Ohio Public Works Commission, for funding under the Issue 1 and LTIP program funding.

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

SEC. 1: That the Council of the City of Medina, Ohio hereby approves the filing an application or applications to the State of Ohio, Ohio Public Works Commission, for Issue 1 and LTIP program funding for the Gates Mills Boulevard Bridge Project.

SEC. 2: That the Mayor of the City of Medina, Ohio is hereby authorized and directed to execute and file an application or applications with the appropriate authority and to provide all information and documentation required in the application process.

SEC. 3: That if the Grants are awarded to the City, the Mayor is hereby authorized to accept the Grants and enter into an agreement with the State of Ohio for the implementation and administration of the Grants.

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

SEC. 5: That this Resolution shall be 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. 133-19

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE PRELIMINARY LEGISLATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PERFORM BRIDGE INSPECTION SERVICES FOR MUNICIPAL OWNED BRIDGES.

WHEREAS: ODOT is renewing the program to help municipalities across the state in achieving full compliance with FHWA's bridge metrics which will be fully funded by ODOT for the years 2020, 2021, and 2022.

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

SEC. 1: That the Mayor be and is hereby authorized and directed to execute a Preliminary Legislation Agreement with the Ohio Department of Transportation (ODOT) to perform bridge inspection services for municipal owned bridges.

SEC. 2: That a copy of said Preliminary Legislation Consent Agreement is marked Exhibit A, attached hereto and incorporated herein.

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

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

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

PRELIMINARY LEGISLATION

Consent

ORD 133-19
RKH. A
Rev. 6/26/00

Ordinance/Resolution # : _____

PID No. : 109334

County/Route/Section : _____

The following is a/an _____ enacted by the _____ of _____
(Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA) has determined the need for the described project:

Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.

NOW THEREFORE, be it ordained by the _____ of _____ County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).

The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the LPA. Starting in October 2019, FHWA requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

SECTION V Authority to Sign

I, _____ of said _____ is hereby empowered on behalf of the
(Contractual Agent) (LPA)
_____ to enter into contracts with the Director of Transportation which is necessary to
(LPA)
complete the above described project.

Passed: _____, 2_____.
(Date)

Attested: _____
(Clerk)

(Contractual Agent of LPA – title)

Attested: _____
(Title)

(President of Council)

The _____ is hereby declared to be an emergency measure to expedite the highway project and
(Ordinance/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**CERTIFICATE OF COPY
STATE OF OHIO**

_____ of _____ County, Ohio
(LPA)

I, _____, as Clerk of the _____
(LPA)
of _____ County, Ohio, do hereby certify that the foregoing is a true and correct copy of
_____ adopted by the legislative Authority of the said
(Ordinance/Resolution)

_____ on the _____ day of _____, 2____.
(LPA)

That the publication of such _____ has been made and certified of record according to
(Ordinance/Resolution)

Law; that no proceedings looking to a referendum upon such _____ have been taken;
(Ordinance/Resolution)

and that such _____ and certificate of publication thereof are of record in _____,
Page _____ (Ordinance/Resolution)
(Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2____.

(Clerk)

(CITY SEAL)

_____ of _____ County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the _____ of _____ County, Ohio.
(LPA)

Attested: _____ Date _____
(Contractual Agent)



For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)

ORDINANCE NO. 134-19

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR COMPETITIVE BIDS AND TO AWARD A CONTRACT TO THE SUCCESSFUL BIDDER FOR THE SOUTH COURT WATER TANK IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY.

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

SEC. 1: That the Mayor is hereby authorized and directed to advertise for competitive bids and to award a contract to the successful bidder for the South Court Water Tank Improvements project, Job #1060, in accordance with plans and specifications on file in the office of the Mayor.

SEC. 2: That the estimated cost of the project, in the amount of \$275,000.00, is available as follows in Account No. 546-0530-54412.

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

SEC. 4: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the existing fill pipe is beginning to corrode significantly; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 135-19

AN ORDINANCE AUTHORIZING THE PAYMENT TO GB HAWK CONSTRUCTION CO. FOR THE PRIVATE HOME REHABILITATION AT 33 CIRCLE DRIVE, MEDINA AS PART OF THE PY18 CHIP GRANT PROGRAM, AND DECLARING AN EMERGENCY.

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

SEC. 1: That the payment of \$39,000.00 is hereby authorized to GB Hawk Construction Co. for the private home rehabilitation at 33 Circle Drive, Medina as part of the PY18 CHIP Grant Program, Activity #AC-18-06.

SEC. 2: That the funds to cover this payment in the amount of \$39,000.00 are available in Account No. 139-0458-52215.

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

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

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

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 136-19

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO TASK ORDER #1 TO THE AGREEMENT WITH DELTA AIRPORT CONSULTANTS, INC. FOR PROFESSIONAL SERVICES AT THE MEDINA MUNICIPAL AIRPORT RELATIVE TO THE EXTENSION OF THE NORTH-SOUTH RUNWAY.

WHEREAS: The City sought proposals from qualified engineers to perform certain engineering services for the Medina Municipal Airport; and

WHEREAS: Ordinance No. 96-19, passed June 24, 2019, authorized an agreement with Delta Airport Consultants, Inc. to perform certain engineering services for projects during the calendar years 2019 and 2020; and

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

SEC. 1: That the Mayor is hereby authorized and directed to enter into Task Order #1 to the Agreement with Delta Airport Consultants, Inc. relative to the extension of the North-South Runway at the Medina Municipal Airport.

SEC. 2: That that a copy of the Task Order is marked Exhibit A, attached hereto and incorporated herein.

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 the funds to cover this order, in the amount of \$40,000.00, are available in Account No. 547-0658-54411.

SEC. 5: 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. 6: 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

Effective date –

**TASK ORDER NO. One (1)
PROFESSIONAL SERVICES AGREEMENT**



PROJECT: Extend North-South Taxiway

AIRPORT: Medina Municipal Airport (1G5)

DELTA PROJECT NO.: 19062

DATE OF ISSUANCE: July 29, 2019

ATTACHMENTS: 1) Scope of Services

METHOD OF PAYMENT: Construction Documents and Bidding - Lump Sum

TASK ORDER AMOUNT: \$ 40,000

CONTRACT TIME: 30 Days to Complete this Task Order

PROJECT DESCRIPTION:

- Prepare As-Bid Construction Documents
- Bidding Phase Services

The original Agreement for Professional Services between the City of Medina(OWNER) and Delta Airport Consultants, Inc., (CONSULTANT) for Professional Services at Medina Municipal Airport dated June 24, 2019, shall govern all TASK ORDERS executed under this Agreement unless modified in writing and agreed to by CONSULTANT and OWNER.

ACCEPTED:

by: *Kenneth W. Moody*

Kenneth W. Moody, P.E., C.M. Digitally signed by Kenneth W
Vice President Moody
Date: 2019.07.29 13:00:28 -04'00'
Delta Airport Consultants, Inc.
20545 Center Ridge Road #450
Cleveland, Ohio 44116

APPROVED:

by: _____

Dennis Hanwell
Mayor
City of Medina
132 N. Elmwood Ave.
Medina, Ohio 44256

RESOLUTION NO. 137-19

A RESOLUTION SUPPORTING MAYOR HANWELL TO JOIN THE "MAYOR'S PLEDGE" WITH THE NATIONAL RECREATION AND PARKS ASSOCIATION'S 10-MINUTE WALK CAMPAIGN, AND DECLARING AN EMERGENCY.

WHEREAS: The Trust for Public Land, National Recreation and Park Association, and Urban Land Institute launched the 10-Minute Walk Campaign in October 2017 to celebrate, recognize and highlight cities, mayors, and other civic leaders that promote the 10-minute walk to a park goal; and

WHEREAS: The NRPA is requesting a commitment to make sure that everyone in our cities has safe, easy access to a quality park within a 10-minute walk of home by 2050.

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

SEC. 1: That Medina City Council and the Mayor, as duly elected public officials and current office holders for the City of Medina, hereby support the National Recreation and Parks Association's (NRPA) 10-Minute Walk Campaign and authorize the Mayor to support this campaign.

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

SEC. 4: That this Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to be considered for future funding; wherefore, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

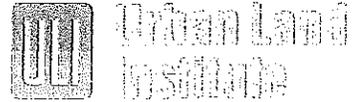
PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor



Campaign to Celebrate America's Cities and Civic Leaders Who Actively Promote the 10-Minute Walk to a Park

The Trust for Public Land, National Recreation and Park Association, and Urban Land Institute launched the 10-Minute Walk Campaign in October 2017 to celebrate, recognize, and highlight cities, mayors, and other civic leaders that promote the 10-minute walk to a park goal. This goal leads to equitable, economically thriving, safe, and healthy communities.

To date, more than 150 bipartisan mayors have endorsed the vision that everyone deserves a park or open space within a 10-minute walk of home. Your support of this initiative would involve the following:

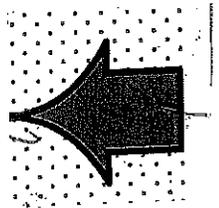
- Recognition in public materials that spotlight park champions, including the 10minutewalk.org, campaign materials, and press stories.
- Access to campaign programming and best practices made available to cities who support the campaign. These include a technical assistance opportunity, Park Serve®, ULI Advisory Service Panels, and more. More information on this programming is available on the supplemental "10-Minute Walk to a Park Campaign 2018 Programming" document.
- Designation of a member of your team to serve as the primary point of contact for this initiative and who will receive communications about the campaign.

We would be honored to have your involvement with this effort. By signing below, this document will formalize your support of this campaign and demonstrate your commitment to improving park quality and access.

Signature: _____

Full Name Dennis Hanwell, Mayor
And City: City of Medina

Date: _____



If you have any additional questions, please do not hesitate to contact our team through Patrick Phillippi. He can be reached at 202-748-2793 or by email at pPhillippi@civitaspublicaffairs.com.

RESOLUTION NO. 138-19

A RESOLUTION AUTHORIZING AN APPLICATION FOR GRANT ASSISTANCE FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR THE EXTENSION OF THE NORTH-SOUTH TAXIWAY AT MEDINA MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY.

WHEREAS: The City of Medina, Ohio intends to apply to the Federal Aviation Administration (FAA) for the Extension of the North-South Taxiway at Medina Municipal Airport.

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

SEC. 1: That the Council of the City of Medina, Ohio hereby approves the filing an application for grant assistance to the Federal Aviation Administration (FAA) for the Extension of the North-South Taxiway at the Medina Municipal Airport.

SEC. 2: That the Mayor of the City of Medina, Ohio is hereby authorized and directed to execute and file an application with the appropriate authority and to provide all information and documentation required in the application process.

SEC. 3: That if the Grant is awarded to the City, the Mayor is hereby authorized to accept the Grant and enter into an agreement with the Federal Aviation Administration for the implementation and administration of the Grant.

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

SEC. 5: That this Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the grant is due to the FAA by September 12, 2019; wherefore, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 139-19

AN ORDINANCE AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$30,000.00 TO WERTZ GEOTECHNICAL ENGINEERING FOR MATERIALS TESTING AND INSPECTION FOR THE CITY HALL PARKING STRUCTURE, AND DECLARING AN EMERGENCY.

WHEREAS: This Ordinance will provide for the efficient and lawful certifications to provide Municipal Services; 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 expenditure of not to exceed \$30,000.00 is hereby authorized to Wertz Geotechnical Engineering for materials testing and inspection for the City Hall Parking Structure

SEC. 3: That the funds to cover this expenditure are available in Account No. 301-0707-52226.

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

SEC. 5: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason construction is beginning immediately; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

RESOLUTION NO. 140-19

A RESOLUTION APPROVING BY LEGISLATIVE RESOLUTION THE PETITION AND ARTICLES OF INCORPORATION FOR THE CREATION AND GOVERNANCE OF AN ENERGY SPECIAL IMPROVEMENT DISTRICT UNDER OHIO REVISED CODE CHAPTER 1710, AND APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF MEDINA, OHIO IN COOPERATION WITH THE CITY OF MEDINA ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to create energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessment; and

WHEREAS, pursuant to Ohio Revised Code Section 1710.02, the property owner petitioning for the creation of an ESID is authorized to propose an initial plan setting forth certain special energy improvement projects that the ESID will undertake, which plan may outline the area in which such projects will be provided, the method of special assessment to be used with respect to the projects, the period of time during which any such special assessments are to be levied, the procedures by which additional territory may be added to the ESID, and such other provisions that the ESID shall deem appropriate, and the legislative authority of the municipal corporation to which such plan is submitted is authorized to approve the plan along with the petition; and

WHEREAS, The Medina County, a property owner, has identified the property consisting of the commonly used mailing address: 246 Northland Drive, Medina, OH 44256 (the “Property”) in the City of Medina, Ohio (the “City”), as an appropriate property for a special energy improvement project; and

WHEREAS, on July 11, 2019, pursuant to Ohio Revised Code Section 1710.02, the Medina County submitted (1) a petition entitled *Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects* (the “Petition”), (2) an initial plan entitled *Medina County Energy Special Improvement District Plan* (the “Plan”), and (3) *Articles of Incorporation of the City of Medina Energy Special Improvement District, Inc.* (the “Articles”) to the Council of the City and to the Mayor of the City, and said Petition, Plan, and Articles are on file with the Clerk of Council; and

WHEREAS, said Petition, Plan, and Articles are for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 20 of Article VIII of the Ohio Constitution, including, without limitation, the special energy improvement project to be located at the Property; and

WHEREAS, in accordance with Ohio Revised Code Section 1710.02, the Petition requests that this Council create the City of Medina Energy Special Improvement District (the “District”), which District is to be governed by the City of Medina Energy Special Improvement District, Inc. (“Corporation”), an Ohio for-profit corporation, in accordance with Ohio Revised Code Chapters 1710 and 1702 and in accordance with the Articles; and

WHEREAS, the Petition and Articles set forth that the members of the District will be the property owners who voluntarily include their properties in the District; and

WHEREAS, pursuant to Ohio Revised Code Section 1710.04 and the Petition and Articles, the members of the board of directors of the District will include at least three representatives of one or more property owners who have voluntarily included their properties in the District, one representative appointed by the Council, as the City’s legislative authority, and the Mayor, as the City’s municipal executive, or a person who the Mayor designates to serve in his stead and who is an employee of the City and involved with the City’s planning or economic development functions; and

WHEREAS, the Plan defines the special energy improvement project to be completed at the Property and identifies the amount and length of special assessments for the special energy improvement project, and such special assessments shall require formal authorization from Council pursuant to Ohio Revised Code Chapters 727 and 1710; and

WHEREAS, this Council, as mandated by Ohio Revised Code Section 1710.02(E), must approve or disapprove the Petition, the Plan, and the Articles within 60 days of the submission of the Petition, Plan, and Articles; and

WHEREAS, this Council has determined to approve the Petition, Plan, and Articles and thereby create the District and cause the Corporation to be established; and

WHEREAS, this Council, pursuant to Ohio Revised Code Section 1710.02(G)(4), has determined that the energy special improvement project to be constructed and implemented on the Property is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City as those that will promote the welfare of the people of the City; to improve the quality of life and the general and economic well-being of the people of City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources; and

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

Section 1. Approval of Petition; Creation of District. That this Council approves the Petition, further approves the Plan, and further approves the Articles in substantially the forms now on file with the Clerk of Council.

Section 2. Filing with Secretary of State. That the Clerk of Council is directed to file or cause to be filed a copy of the Articles and a copy of this Resolution with the Ohio Secretary of State.

Section 3. Appointment of Mayor and Council Representatives to Board. That pursuant to Ohio Revised Code Section 1710.04, this Council appoints Robert Starcher and the Mayor designates Kimberly Marshall to serve on the board of directors of the Corporation

Section 4. That the plans, specifications, estimates of costs, and profiles of the proposed City of Medina special energy improvement project identified in the District plan on file with the Clerk of Council and open to inspection are hereby approved, and the special energy improvement project shall be acquired, installed and constructed in accordance with those plans and specifications.

Section 5. That this Council hereby finds and determines that (i) the special energy improvement project is conducive to the public health, convenience and welfare of the City and its inhabitants and (ii) the property of City of Medina identified in the petition are specially benefited by the project.

Section 6. This Council hereby accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Medina City Charter and the Medina Municipal Code, and consents to the immediate imposition of the special assessments upon the properties as identified in the Petition. This waiver encompasses but is not limited to waivers of the following rights under the Revised Sections referred to below:

- The right to notice of the adoption of the Resolution of Necessity under Sections 727.13 and 727.14;
- The right to limit the amount of the special assessment under Sections 727.03 and 727.06;
- The right to file an objection to the special assessment under Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Sections 727.16 and 727.17;
- The right to file any claim for damages under Sections 727.18 through 727.22 and Section 727.43;
- The right to notice that bids or quotations for City of Medina special energy improvement project may exceed estimates by 15%;
- The right to seek a deferral of payments of special assessments under Section 727.251; and
- The right to notice of the passage of the assessing ordinance under Section 727.26.

- Any and all procedural defects, errors or omissions in the special assessment process.

Section 7. That the total cost of the special energy improvement project shall be assessed against the properties of City of Medina identified in the Petition in proportion to the benefits resulting from the special energy improvement project.

Section 8. Transfer of Energy Special Improvement Project. That pursuant to Ohio Revised Code Section 1710.02(G)(4), this Council determines that the energy special improvement project to be constructed and implemented on the Property is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City, as those that will promote the welfare of the people of such participating political subdivision; to improve the quality of life and the general and economic well-being of the people of the City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources. This Council accordingly authorizes the board of directors of the Corporation to act as its agent to sell, transfer, lease, or convey the special energy improvement project to be constructed and implemented on the Property. The consideration the board of directors of the Corporation must obtain from any sale, transfer, lease, or conveyance of the special energy improvement project on the Property is any consideration greater than or equal to \$1.00.

Section 9. Compliance with Public Meetings Requirements. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this legislative resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 10. That this Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety; wherefore, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORD 141-19**AN ORDINANCE DETERMINING TO PROCEED WITH CERTAIN CITY OF MEDINA SPECIAL ENERGY IMPROVEMENT PROJECTS BY WAY OF SPECIAL ASSESSMENTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.****SUMMARY & BACKGROUND:**

WHEREAS, The City of Medina created an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the City of Medina Energy Special Improvement District, Inc. (“Corporation”), to govern the District. Property owners within the District are permitted to make certain “energy efficiency improvements” to their properties, which constitute a “special energy improvement project”, and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments; and

WHEREAS, The City of Toledo, City of Oregon, City of Maumee, City of Northwood, City of Perrysburg, City of Sylvania, Village of Whitehouse, Township of Monclova, Township of Springfield, Ohio, Township of Sylvania, Township of Swanton and the Toledo-Lucas County Port Authority (“Port Authority”) have partnered to create an Energy Special Improvement District under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District (“NWOAEID”), to govern the district. The NWOAEID and Port Authority have provided technical and financial assistance to the District for this project; and

WHEREAS, The Medina County, (the “Petitioner”) is the owner of 100% of the property described on **Exhibit A** attached hereto (the “Property”). The Petitioner has executed an Energy Project Agreement (the “Agreement”) with the Corporation and the NWOAEID. A copy of the Agreement is attached to the Petition as **Exhibit C**; and

WHEREAS, Pursuant to the Agreement, the Port Authority, NWOAEID, and the Petitioner have caused an energy audit to the property to be completed; and

WHEREAS, The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which the Petitioner has determined to proceed with implementation, and to pay by way of special assessments; and

WHEREAS, The Petitioner has submitted to this Council a petition (“Petition”) seeking (i) the creation of the District, (ii) the addition certain of its property to the District and (iii) approval of the District’s initial comprehensive plan for special energy improvement projects,

including the City of Medina Special Energy Improvement Project (the "Project") and requesting that this Project be undertaken by the District and that the costs thereof be specially assessed against the properties of the Petitioner specially benefited thereby; and

WHEREAS, A complete list and description of the Project is on file with the Clerk of Medina City Council and is attached as Exhibit B to this Ordinance. Exhibit B provides the following information for the Project:

1. Identification of the parcel numbers and name of the property/building to be improved;
2. A description of the nature of the special energy improvement project for the particular parcel;
3. The estimated amount of the special assessment to be levied against each parcel of property and the number of years the special assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law).

The Petitioner expressly waives the right to pay the assessments in cash within 30 days after passage of the assessing ordinance.

WHEREAS, The total dollar cost of the Project, subject to capitalized interest on the Port Authority's revolving loan fund, is estimated to be Twenty-Five Thousand Five Hundred Dollars and Zero Cents (\$25,500.00). Each semi-annual payment represents the payment of a portion of the principal of and interest on the Port Authority's revolving loan fund and the scheduled amounts payable as the Port Authority administrative fees due with respect to each semi-annual payment. The Fiscal Officer of Medina County, Ohio may impose a special assessment collection fee with respect to each semi-annual assessment payment. If imposed, this special assessment collection fee will be added by the Fiscal Officer of Medina County, Ohio to each semi-annual assessment payment; and

WHEREAS, The Port Authority, NWOAED, and the Corporation are funding the cost of the Project through the revolving loan fund. Ultimately, the revolving loan funds will be repaid over time from the amounts the Petitioner pays as special assessments. The Petitioner in turn, is expected to be able to pay the special assessments from the energy savings estimated to be achieved as a result of the Project; and

WHEREAS, The annual special assessments for the Project are to be paid in semi-annual payments over three (3) years. The plans and specifications for the Project are on file with the Clerk of Council. The Petitioner's petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Medina City Charter and the Medina Municipal Code. The Petitioner consents to the immediate imposition of the special assessments upon the various properties specially benefited by Special Energy Improvement Projects; and

WHEREAS, This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. When the Project is complete and the final costs known, an assessing

ordinance directing that the necessary special assessments be made against the benefited properties will be presented to the Council.

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

SECTION 1. That this Council hereby determines to proceed with the Project as described in the Petitioner's Petition and in the Resolution of Necessity, including the Exhibit B thereto, and in accordance with the plans, specifications, profiles and estimates of costs previously approved and now on file with the Clerk of Council.

SECTION 2. That the Corporation and Petitioner shall cause the Project to be constructed under such contracts as they determine to be appropriate under law and in accordance with the plans and specifications approved by this Council.

SECTION 3. That the total cost of the Project to be assessed in accordance with the Resolution of Necessity shall be assessed on the properties in the manner and pursuant to the payment schedule set forth in the Resolution of Necessity, and the estimated special assessments prepared and filed in the Office of the Clerk of Council are adopted.

SECTION 4. That the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within fifteen (15) days after its passage, but in no event later than the second Monday in September, 2019 (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Medina County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2019)

SECTION 5. That this Council finds and determines that all formal actions of this Council and any of its Committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council or any of its Committees that resulted in such formal action were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City and undertake the construction of necessary public improvements, as well as, enable and provide for the timely levying, certification and collection of special assessments for the Project.

PASSED: _____

ATTEST: _____
Clerk of Council

SIGNED: _____
President of Council

APPROVED: _____

SIGNED: _____
Mayor

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY:

The land referred to herein below is situated in the City of Medina, County of Medina, State of Ohio, and is described as follows:

Known as being the whole of Medina City Lot 4806, as recorded in Plat Volume 20, Page 63 of Medina County Records, be the same more or less. Subject to all legal highways.

AND:

Known as being the whole of Medina City Lots 4803 and 4804, as recorded in Plat Volume 20, Page 108 of Medina County Records, be the same more or less. Subject to all legal highways.

Parcel No. 028-19A-13-141

Property Address: 246 Northland Drive, Medina, OH 44256

EXHIBIT B

Project Plan for Medina County

The real property owned by Medina County at 246 Northland Drive, Medina, OH 44256, serves as a human services center. The legal description of the property is set forth on the attached Exhibit A. The property will be subject to special assessments for energy improvements in accordance with Revised Code Chapter 1710.

The energy efficiency savings for the project are expected to be 20% or more annually and consist of the following energy efficiency elements:

1. LED Lighting Replacement

Total Project Cost: \$25,000.00
Total cost including financing and other charges: \$25,500.00
Total direct payments collected: \$10,806.32
Total assessment payments to be collected: \$16,209.48
Estimated annual special assessment for 3 years: \$5,403.16
Estimated semi-annual special assessments for 3 years*: \$2,701.58
Number of semi-annual installments: 6
First annual installment due: January 31, 2020

**Note: Numbers do not reflect additional charges the County Auditor may apply to the annual assessment.*

Year Payments Are Due	Total Annual Assessment Parcel 028-19A-13-141	1st Half (Due 1/31)	2nd Half (Due 7/31)
2020	\$5,403.16	\$2,701.58	\$2,701.58
2021	\$5,403.16	\$2,701.58	\$2,701.58
2022	\$5,403.16	\$2,701.58	\$2,701.58
Total Assessment	\$16,209.48		

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Medina County Fiscal Officer under certain conditions.

The County Fiscal Officer of Medina County, Ohio may impose a special assessment collection fee with respect to each Semiannual Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Medina County, Ohio to each Semiannual Assessment payment.

EXHIBIT C

Energy Project Agreement

[Attached]

ORIGINAL

ENERGY PROJECT AGREEMENT

between

NORTHWEST OHIO ADVANCED ENERGY IMPROVEMENT
DISTRICT;

CITY OF MEDINA ENERGY SPECIAL IMPROVEMENT
DISTRICT, INC.;

and

MEDINA COUNTY

Dated
as of
July 11, 2019

This Energy Project Agreement (the "Agreement") is made and entered into as of July 11, 2019, between the Northwest Ohio Advanced Energy Improvement District, a non-profit corporation and special improvement district under the laws of the State of Ohio ("NWOAIED"), the City of Medina Energy Special Improvement District, Inc., a non-profit corporation and special improvement district under the laws of the State of Ohio ("Medina ESID"), and Medina County, a municipal corporation under the laws of the State of Ohio with offices at 6144 N. Broadway Street, Medina, OH 44256 (the "The Borrower"):

WHEREAS, the Borrower, has made application to the NWOAIED for funding a certain special energy improvement project ("Energy Project"), more particularly described in Borrower's application ("Application"); and

WHEREAS, the Borrower petitioned the City of Medina for the establishment of the City of Medina Energy Special Improvement District (the "Petition"); and

WHEREAS, on August ____, 2019 the City Council of Medina passed Resolution No. _____, which approved the Petition, the initial plan for the district, and authorized the formation of the City of Medina Energy Special Improvement District; and

WHEREAS, the Energy Project has an overall estimated cost of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) (excluding interest and other transactional and carrying costs, all of which shall be included in the Special Assessments described below) as shown in Exhibit B, which the NWOAIED has agreed to fund; and

WHEREAS, the Borrower requests that the Energy Project be funded through special assessments ("Special Assessments") upon the real property upon which the Energy Project will be constructed and exist ("the Property") as allowed under Ohio Revised Code Chapters 1710 and 727; and

WHEREAS, the Medina ESID and NWOAIED agree to undertake the funding of the Energy Project through Special Assessments upon the condition that the Borrower agrees to impose the Special Assessments upon the Property and provide full cooperation with and assistance to the NWOAIED, Medina ESID, City of Medina (the "City") and other entities and institutions involved in the process of approving and imposing the Special Assessments; and

WHEREAS, in order to induce the Medina ESID and NWOAIED to provide the funds for the Energy Project, the Borrower agrees to execute and comply with the terms of the Loan Agreement, attached as Exhibit C, and to provide all such cooperation and assistance necessary for the imposition of the Special Assessments upon the Property.

NOW THEREFORE, in consideration of the mutual promises set forth herein, effective the 11 day of July 2019, the Borrower, the Medina ESID, and the NWOAIED do hereby enter into this Energy Project Agreement ("Agreement") as follows:

1. **Consent to Special Assessments.** The Borrower consents to the imposition of Special Assessments upon the Property, which is commonly referred to as 246 Northland Drive, Medina, OH 44256, and which consists of the following permanent parcel numbers in the records of the Fiscal Officer of Medina County, Ohio (the "Fiscal Officer"): Parcel Number/PPN: **028-19A-13-141**. A legal description of the Property is attached to this Agreement as **Exhibit A** and incorporated into this Agreement by this reference. In the event there are additional or other parcels of property that are not listed but which are benefitted by the Energy Project, the Borrower consents to the imposition of the Special Assessments with respect to those parcels as well. The Borrower acknowledges that the Special Assessments in the event of non-payment and default will constitute a lien upon the Property and may be enforced and collected in accordance with law, including the provisions of Chapter 727 of the Ohio Revised Code.

The cost of the Energy Project shall include, but not be limited to, the cost of: labor, materials, equipment, engineering, design, and audits ("Energy Project Amount") and is estimated to be Twenty-Five Thousand Dollars (\$25,000.00). The Special Assessments shall be in an amount sufficient to fund the Energy Project Amount, as determined by and in the sole discretion of the NWOAED, and shall include an amount sufficient to fund the necessary and reasonable additional costs related to the financing of the Energy Project Amount including but not limited to: interests, fees, carrying costs, taxes, filing fees, recording charges and all other costs incident to the financing of the Energy Project Amount.

The Borrower acknowledges that the Energy Project Amount is an estimated cost of the Energy Project and that the actual cost of the Energy Project may be more or less than the estimate and that such estimate does not limit the amount of the Special Assessments; provided, however, that the sum total of all Special Assessments, including the costs related to financing the Energy Project Amount, will not exceed the Total Assessment Amount to be Collected amount listed on **Exhibit B** attached to this Agreement and incorporated into this Agreement by this reference. The Borrower agrees that one hundred percent (100%) of the Special Assessments shall be imposed upon the Property and that the Property is being specially benefitted to the full extent of the Special Assessments. The Special Assessments may continue for such period of time as allowed by law and shall continue for the full period of time required to pay the Medina ESID and NWOAED for all costs, including financing costs, for the Energy Project.

2. **Agreement to Cooperate.** The Borrower agrees to provide full and timely cooperation to the Medina ESID and the NWOAED and the agencies, entities and institutions involved in the special assessment process, including but not limited to: the City, the Toledo-Lucas County Port Authority, Fiscal Officer, and the Medina County, Ohio (the "Treasurer"), so that the Special Assessments are imposed upon the Property and enforceable against the Property. The Borrower agrees that pursuant to a Petition, it has submitted its Energy Project for admission as a special energy improvement project to be undertaken by the Medina ESID. The Borrower therefore shall be a member of the Medina ESID. The Borrower further agrees that it shall cause a representative to appear at any necessary hearings or legal proceedings involving the Special Assessments and cooperate in such hearings or legal proceedings so that the Special Assessments are approved and become binding upon the Property. The Borrower agrees to provide on-going cooperation with the Medina ESID, NWOAED, and all other agencies, entities and institutions

involved in the special assessment process during the entire period of time any of the financing for the Energy Project remains outstanding.

The Medina ESID and NWOAEID agree to provide full and timely cooperation with each other for the financing of the Energy Project and the provision of the Energy Project pursuant to this Agreement, and the Petition.

3. **Execution of Documents; Appointment of Agent.** Upon the request of the NWOAEID, Borrower shall execute or cause to be executed by appropriate Borrower officials, all applications, petitions for special assessments, waivers, acknowledgements, and other instruments, documents and papers ("Documents") necessary or helpful to impose the Special Assessments upon the Property and to acknowledge the validity and binding nature of such Special Assessments. To facilitate that process, Borrower hereby irrevocably appoints the NWOAEID's Chairperson, or such other individual as the NWOAEID may name from time to time, as the Borrower's attorney-in-fact and agent with full and complete authority to execute all such Documents, including but not limited to the Petition, on behalf of Borrower and to bind Borrower and the Property to the Special Assessments, including making all waivers of hearings and notices concerning the Special Assessments.

Without limiting the generality of the foregoing grant of authority, Borrower grants the NWOAEID full irrevocable power and authority in the place of Borrower and in the name of Borrower or in NWOAEID's own name, for the purpose of carrying out the terms of this Agreement, to perform, at any time and from time to time, each agreement contained in this Agreement that is on Borrower's part to be complied with, and to take any and all actions and to execute and deliver any and all Documents which may be necessary or desirable to give the NWOAEID the full benefit of this Agreement, in each case as the NWOAEID may from time to time deem advisable, Borrower hereby agreeing that the NWOAEID shall owe no duty whatever to Borrower to perform any such agreement, to take any such action, or to execute or deliver any such Document or, having done so any one or more times, to thereafter continue doing so. Without limiting the generality of the foregoing, Borrower hereby irrevocably authorizes the NWOAEID, at any time and from time to time, to (a) fill in any blank space contained in this Agreement or another Document, (b) correct patent errors, to complete and correct the description of the Property, and to complete the date herein or therein, (c) file and sign, on Borrower's behalf, at Borrower's expense and without Borrower's signature, such petitions for special assessments, waivers, affidavits, assignments, financing statements, endorsements of specific items of collateral, mortgages, powers of attorney, security agreements, or other Documents as the NWOAEID may from time to time deem advisable for the better evidencing, perfection, protection, or validation of, or realization of the benefits of this Agreement, and (d) to the extent the NWOAEID filed any such petitions for special assessments, waivers, affidavits, assignments, financing statements, endorsements of specific items of collateral, mortgages, powers of attorney, security agreements, or other Documents prior to the date of this Agreement, all such actions and Documents are hereby ratified by Borrower.

4. **Waiver of Certain Rights.** Borrower acknowledges that the process for the imposition of special assessments provides the owner of property subject to such special assessments with certain rights, including rights to: receive notices of proceedings; object to the imposition of the

special assessments; claim damages; participate in hearings; take appeals from proceedings imposing special assessments; participate in and prosecute court proceedings, as well as other rights under law, including but not limited to those provided for or specified in the United States Constitution, the Ohio Constitution, Chapter 727 of the Ohio Revised Code, the Charter of the City of Medina and the Codified Ordinances of Medina, Ohio (collectively, "Assessment Rights"). Borrower hereby irrevocably waives all Assessment Rights and consents to the imposition of the Special Assessments immediately or at such time as the NWOAEID or Medina ESID determine to be appropriate, and Borrower expressly requests the entities involved with the special assessment process to promptly proceed with the imposition of the Special Assessment upon the Property. The Borrower further waives: any and all questions as to the constitutionality of the law under which the Energy Project will be constructed and the Special Assessments imposed upon the Property; the jurisdiction of the Council of the City acting thereunder; and the right to file a claim for damages as provided in Section 727.18 of the Ohio Revised Code and any similar provision of the Charter of the City of Medina or the Codified Ordinances of Medina, Ohio.

5. **Representations and Warranties.** Borrower represents and warrants that:

- A. Borrower is a duly organized and validly existing County under the laws of the State of Ohio;
- B. Borrower is the owner of the Property with the legal authority to subject the Property to the Special Assessments;
- C. Borrower and the individual executing this Agreement on behalf of the Borrower are duly authorized to enter into this Agreement;
- D. Entering into this Agreement will not result in the breach of any other agreement to which the Borrower is a party;
- E. Borrower will complete the Energy Project, and has or will provide sufficient funds to complete the Energy Project in the event of additional costs or expenses above and beyond the estimated Energy Project Amount of Twenty-Five Thousand dollars (\$25,000.00). In the event that the Energy Project is completed below the estimated cost of Twenty-Five Thousand dollars (\$25,000.00) the remaining amount shall be used to reduce the final assessment amount payable; and
- F. All of the factual statements concerning Borrower contained in the Application and in this Agreement are true and accurate to the best of Borrower's knowledge and belief and if there is a material change in the accuracy or truthfulness of any such factual statement, Borrower will promptly disclose the same to the Medina ESID and the NWOAEID.

6. **Assignment; Third Party Beneficiaries.** Borrower may not assign this Agreement without the consent of each of the Medina ESID and the NWOAEID, which consent shall not be unreasonably withheld. Either of the Medina ESID or the NWOAEID may assign this Agreement, or any portion of its benefits or obligations, freely to another party, with or without the consent of the Borrower.

7. **Default.** If any of the following events shall occur, it shall be deemed a default ("Default") under this Agreement and the Medina ESID and NWOAEID shall be entitled to any rights or remedies under this Agreement and any rights or remedies provided under law:

- A. The Borrower fails to pay an installment of any Special Assessment when due.
- B. The Borrower fails to perform any other obligation under this Agreement and the failure continues for a period of ten (10) days after written notice from the NWOAEID.
- C. The Borrower is in breach of any of its representations or warranties under this Agreement.
- D. The Borrower abandons the Property.
- E. The Borrower commits waste upon the Property.
- F. The Borrower becomes bankrupt or insolvent or files or has filed against it a petition in bankruptcy or for reorganization or arrangement or other relief under the bankruptcy laws or any similar state law or makes an assignment for the benefit of creditors.

In the event of a Default, then, in addition to any other remedy the Medina ESID and NWOAEID may have, the Medina ESID and the NWOAEID each may recover from Borrower all damages they respectively incur by reason of the Default, including reasonable attorneys' fees and expenses.

8. **General.**

- A. If any provision of this Agreement is found to be invalid, illegal or unenforceable under any applicable statute or law, such provision shall to that extent be deemed to be omitted, and the remaining provisions of this Agreement shall not be affected in any way.
- B. The Borrower acknowledges that it has read and understands this Agreement and is bound by its terms. This Agreement contains the entire understanding and agreement of the parties with respect to the matters contained in this Agreement, and supersedes all prior proposals and understandings between the parties.
- C. This Agreement shall not be modified or altered except as by a written instrument duly executed by all of the parties.
- D. The Borrower acknowledges that it has had an opportunity to review this Agreement and to be advised by an attorney of its choosing as to the Agreement's terms, conditions and provisions. The Borrower is entering into this Agreement knowingly and voluntarily.
- E. The Medina ESID, NWOAEID and the Borrower are, in relation to one another, independent contractors and not agents of one another, except to the extent the NWOAEID is authorized to act on behalf of the Borrower in accordance with paragraph 3. above. The parties have no fiduciary obligations to one another and are not, by entering into this Agreement, assuming any such fiduciary obligations.
- F. The Borrower acknowledges that the Medina ESID and NWOAEID have been created under provisions of the Ohio Revised Code and that and that their

authority, as well as the authority of their employees, agents and representatives, is limited under law.

- G. The Medina ESID or NWOAIED may cause this Agreement to be recorded in the office of the Fiscal Officer. The obligations created by this Agreement shall run with and be binding upon the land regardless of the owner of Property until duly released by the Medina ESID and NWOAIED.
- H. The Borrower will provide written notice to Medina ESID and NWOAIED of any sale or transfer of the Property.
- I. The Borrower shall disclose the existence of this Agreement to any purchaser or transferee of the Property and inform such purchaser or transferee of the nature and extent of the Special Assessments before entering into a binding agreement for the sale or transfer of the Property.
- J. The Borrower acknowledges that the Special Assessments, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance levying the final assessment if permitted by law and that if such Special Assessment is not paid in cash, the balance will be certified to the Fiscal Officer, as provided by law, to be placed by the Fiscal Officer on the tax list and duplicate and collected as other taxes are collected in such number of semiannual installments as determined by the NWOAIED and as allowed by law, together with interest at the same rate as shall be borne by the loans received or bonds issued to pay the costs of the Energy Project or in anticipation of the collection of the Special Assessments. Notwithstanding the foregoing, the Borrower waives and authorizes the NWOAIED to waive on its behalf, the right to pay the Special Assessments in cash.
- K. At such time as the Special Assessments are no longer necessary to finance the Energy Project, the NWOAIED having recovered all of its costs, and all other requirements under this Agreement have been fulfilled, the NWOAIED will provide a release of this Agreement and cause the same to be recorded in the office of the Fiscal Officer.
- L. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio, without regard to its conflict of laws principles.
- M. Any legal proceeding, including any arbitration or litigation, concerning this agreement, directly or indirectly, shall be heard only in a state or federal court with proper jurisdiction in Lucas County, Ohio.

[Signature Pages Follow]

Borrower:

Medina County

By: Scott Miller

Name: Scott Miller

Title: Medina County Administrator

Date: July 11, 2019

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)

On the 11th day of July, 2019 personally appeared before me, a notary public in and for the State of Ohio, Scott Miller, Administrator, Medina County, who acknowledged that he did execute the foregoing Energy Project Agreement on behalf of Borrower and that the same was the free act and deed of Borrower and himself as such Administrator for Medina County.



RHONDA J. BECK
Notary Public, State of Ohio
My Commission Expires
April 30, 2022

Rhonda J. Beck
Notary Public

NWOAED:

THE NORTHWEST OHIO ADVANCED ENERGY IMPROVEMENT DISTRICT

By: *Kevin Moyer*
Kevin Moyer

Its: Chairperson

Date: 7-11-19

STATE OF OHIO)
) SS:
COUNTY OF LUCAS)

On the 11 day of July, 2019 personally appeared before me, a notary public in and for the State of Ohio, Kevin Moyer, the Chairperson of the Northwest Ohio Advanced Energy Improvement District who acknowledged that he did execute the foregoing Energy Project Agreement on behalf of the Northwest Ohio Advanced Energy Improvement District and that the same was the free act and deed of said Northwest Ohio Advanced Energy Improvement District and of himself as such officer of the Northwest Ohio Advanced Energy Improvement District.



Teresa N Snyder
Notary Public - Ohio
Lucas County
My Commission Expires 08/17/2021

Teresa N Snyder
Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY:

The land referred to herein below is situated in the City of Medina, County of Medina, State of Ohio, and is described as follows:

Known as being the whole of Medina City Lot 4806, as recorded in Plat Volume 20, Page 63 of Medina County Records, be the same more or less. Subject to all legal highways.

AND:

Known as being the whole of Medina City Lots 4803 and 4804, as recorded in Plat Volume 20, Page 108 of Medina County Records, be the same more or less. Subject to all legal highways.

Parcel No. 028-19A-13-141

Property Address: 246 Northland Drive, Medina, OH 44256

EXHIBIT B

Project Plan for Medina County

The real property owned by Medina County at 246 Northland Drive, Medina, OH 44256, serves as a human services center. The legal description of the property is set forth on the attached Exhibit A. The property will be subject to special assessments for energy improvements in accordance with Revised Code Chapter 1710.

The energy efficiency savings for the project are expected to be 20% or more annually and consist of the following energy efficiency elements:

1. LED Lighting Replacement

Total Project Cost: \$25,000.00

Total cost including financing and other charges: \$25,500.00

Total direct payments collected: \$10,806.32

Total assessment payments to be collected: \$16,209.48

Estimated annual special assessment for 3 years: \$5,403.16

Estimated semi-annual special assessments for 3 years*: \$2,701.58

Number of semi-annual installments: 6

First annual installment due: January 31, 2020

**Note: Numbers do not reflect additional charges the County Auditor may apply to the annual assessment.*

Year Payments Are Due	Total Annual Assessment Parcel 028-19A-13-141	1st Half (Due 1/31)	2nd Half (Due 7/31)
2020	\$5,403.16	\$2,701.58	\$2,701.58
2021	\$5,403.16	\$2,701.58	\$2,701.58
2022	\$5,403.16	\$2,701.58	\$2,701.58
Total Assessment	\$16,209.48		

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Medina County Fiscal Officer under certain conditions.

The County Fiscal Officer of Medina County, Ohio may impose a special assessment collection fee with respect to each Semiannual Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Medina County, Ohio to each Semiannual Assessment payment.

EXHIBIT C

LOAN AGREEMENT

[attached]

ORD 142-19**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE MEDINA COUNTY PROJECT (ESID), AND DECLARING AN EMERGENCY.****SUMMARY & BACKGROUND:**

WHEREAS, The City of Medina created an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the City of Medina Special Improvement District, Inc. (“Corporation”), to govern the District. Property owners within the District are permitted to make certain “energy efficiency improvements” to their properties, which constitute a “special energy improvement project”, and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments; and

WHEREAS, The City of Toledo, City of Oregon, City of Maumee, City of Northwood, City of Perrysburg, City of Sylvania, Village of Whitehouse, Township of Monclova, Township of Springfield, Ohio, Township of Swanton, Township of Sylvania and the Toledo-Lucas County Port Authority (“Port Authority”) have partnered to create an Energy Special Improvement District under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District (“NWOAEID”), to govern the district. The NWOAEID and the Port Authority have provided technical and financial assistance to the District for this project; and

WHEREAS, Medina County, (the “Petitioner”) is the owner of 100% of the property described on **Exhibit A** attached hereto (the “Property”). The Petitioner has executed an Energy Project Agreement (the “Agreement”) with the Corporation and the NWOAEID. A copy of the Agreement is attached to the Petition as **Exhibit C**; and

WHEREAS, Pursuant to the Agreement, the Port Authority, the NWOAEID, and the Petitioner, have caused an energy audit to the property to be completed; and

WHEREAS, The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which the Petitioner, has determined to proceed with implementation, and to pay by way of special assessments; and

WHEREAS, The Petitioner, has submitted to this Council a petition (“Petition”) seeking (i) the creation of the District, (ii) the addition certain of its property to the District and (iii) approval of the District’s initial comprehensive plan for special energy improvement projects, including the Project and requesting that this Project be undertaken by the District and that the

costs thereof be specially assessed against the properties of the Petitioner, specially benefited thereby; and

WHEREAS, A complete list and description of the Project is on file with the Clerk of Medina City Council and is attached as **Exhibit B** to this Ordinance. Exhibit B provides the following information for the Project:

1. Identification of the parcel numbers and name of the property/building to be improved;
2. A description of the nature of the special energy improvement project for the particular parcel;
3. The estimated amount of the special assessment to be levied against each parcel of property and the number of years the special assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law).

The Petitioner, expressly waives the right to pay the assessments in cash within 30 days after passage of the assessing ordinance, and

WHEREAS, The annual special assessments for the Project are to be paid in semi-annual payments over three years. The plans and specifications for the Project are on file with the Clerk of Council. The Petitioner's petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Medina City Charter and the Medina Municipal Code. The Petitioner, consents to the immediate imposition of the special assessments upon the various properties specially benefited by the Project. This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. Final costs for the Project are now known and this assessing ordinance completes the assessing process, which included the adoption of a Resolution of Necessity (Resolution No. 140-19) and an Ordinance to Proceed (Ordinance No.141-19) by levying the assessments against the benefitted properties.

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

SECTION 1. That the special assessments for the cost of providing the Project in the District pursuant to Resolution No. 140-19 adopted by this Council on September 9, 2019 (the Resolution of Necessity), which were filed and are on file in the office of the Clerk of Council are adopted and confirmed; provided that the cost of providing such Projects are reduced to the aggregate amount of \$16,209.48 which reduction is adopted and confirmed. Those special assessments are levied and assessed upon the properties in the respective amounts set forth in the schedule attached as Exhibits A and on file with the Clerk of Council, which special assessments have been calculated in a manner provided for in the Resolution of Necessity and are not in excess of the special benefits or any statutory limitation. The special assessments are levied and assessed in accordance with the payment schedule attached hereto as Exhibit B in the amounts sufficient to pay the principal of and interest and the scheduled amounts payable as the Authority administrative fees due with respect to each semi-annual period identified in such payment schedule. The Fiscal Officer of Medina County, Ohio may impose a special assessment collection fee with respect to

each semi-annual assessment payment. If imposed, this special assessment collection fee will be added by the Fiscal Officer of Medina County, Ohio to each semi-annual assessment payment.

SECTION 2. That Petitioner, waives the right to pay the special assessments in cash within thirty days after the passage of this ordinance, and shall pay the assessments in two annual installments (four semi-annual installments) in accordance with the schedules attached hereto as Exhibit B. All special assessments shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected. All payments shall be made to the County Treasurer of Medina County, Ohio and shall be subject to the same delinquency procedures, penalties, and interest as the payment of real property taxes in accordance with Ohio Revised Code Chapter 323.

Notwithstanding the foregoing, pursuant to the Energy Project Agreement between the Petitioner, the District, and the NWOAEID, attached and providing that the Petitioner, grants the NWOAEID the authority to determine, in its sole discretion, the amount of the special assessments, the NWOAEID, acting through its Chairman or other authorized representative, may annually, on or before August 15th, deliver to the City assessment officer or other appropriate official, a certificate signed by the Chairman reflecting a reduction, in whole or in part, in the amount of the special assessment to be certified by the City's assessment officer to the County Auditor in that year for placement onto the tax duplicate the following year and collected as other taxes and assessments are collected. The NWOAEID's certificate shall reflect payments made by or on behalf of the Petitioner, or its successors, directly to the NWOAEID or to the NWOAEID's designee for some or all of the cost of the special energy improvement project thereby resulting in a reduction in the required annual special assessment. The City's assessment officer and all officials with authority to certify special assessments to the County Auditor shall, without any further action by this Council, rely upon the NWOAEID's certificate and take all actions necessary to implement the annual reduction of the special assessment, if any, evidenced by the certificate. In the event the City's assessment officer does not receive such a certificate in any given year on or before August 15th, the assessment officer shall certify the full amount of the annual special assessment as provided herein to the County Auditor.

SECTION 3. The Council finds and determines that it has previously waived notice of the passage of this assessing Ordinance and therefore no notice need be published in a newspaper of general circulation in the City.

SECTION 4. That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within twenty days after its passage, but in no event later than the second Monday in September, 2019 (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Medina County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2019).

SECTION 5. That the proceeds of the special assessments levied by this Ordinance that are received by the City shall be applied as provided in Section 1710.12 of the Revised Code and are hereby appropriated for that purpose. This Council covenants and agrees that it will give effect to the appropriation in the ordinances it hereafter adopts appropriating money for expenditure or

encumbrance. The Director of Finance is authorized and directed to make appropriate accounting entries and adjustments to reflect the City's receipt and disbursement of those proceeds.

SECTION 6. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 7. That this Ordinance is declared to be an emergency measure and shall take effect and be enforced from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that the immediate action is necessary in order to conserve energy and protect the environment of the City, as well as, undertake the construction of the public improvements and enable and provide for the timely levying, certification and collection of the special assessments for the Project.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY:

The land referred to herein below is situated in the City of Medina, County of Medina, State of Ohio, and is described as follows:

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AND:

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Parcel No. 028-19A-13-141

Property Address: 246 Northland Drive, Medina, OH 44256

EXHIBIT B

Project Plan for Medina County

The real property owned by Medina County at 246 Northland Drive, Medina, OH 44256, serves as a human services center. The legal description of the property is set forth on the attached Exhibit A. The property will be subject to special assessments for energy improvements in accordance with Revised Code Chapter 1710.

The energy efficiency savings for the project are expected to be 20% or more annually and consist of the following energy efficiency elements:

1. LED Lighting Replacement

Total Project Cost: \$25,000.00
Total cost including financing and other charges: \$25,500.00
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EXHIBIT C

Energy Project Agreement

[Attached]

ORIGINAL

ENERGY PROJECT AGREEMENT

between

NORTHWEST OHIO ADVANCED ENERGY IMPROVEMENT
DISTRICT;

CITY OF MEDINA ENERGY SPECIAL IMPROVEMENT
DISTRICT, INC.;

and

MEDINA COUNTY

Dated
as of
July 11, 2019

This Energy Project Agreement (the "Agreement") is made and entered into as of July 11, 2019, between the Northwest Ohio Advanced Energy Improvement District, a non-profit corporation and special improvement district under the laws of the State of Ohio ("NWOAIED"), the City of Medina Energy Special Improvement District, Inc., a non-profit corporation and special improvement district under the laws of the State of Ohio ("Medina ESID"), and Medina County, a municipal corporation under the laws of the State of Ohio with offices at 6144 N. Broadway Street, Medina, OH 44256 (the "The Borrower"):

WHEREAS, the Borrower, has made application to the NWOAIED for funding a certain special energy improvement project ("Energy Project"), more particularly described in Borrower's application ("Application"); and

WHEREAS, the Borrower petitioned the City of Medina for the establishment of the City of Medina Energy Special Improvement District (the "Petition"); and

WHEREAS, on August ____, 2019 the City Council of Medina passed Resolution No. _____, which approved the Petition, the initial plan for the district, and authorized the formation of the City of Medina Energy Special Improvement District; and

WHEREAS, the Energy Project has an overall estimated cost of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) (excluding interest and other transactional and carrying costs, all of which shall be included in the Special Assessments described below) as shown in Exhibit B, which the NWOAIED has agreed to fund; and

WHEREAS, the Borrower requests that the Energy Project be funded through special assessments ("Special Assessments") upon the real property upon which the Energy Project will be constructed and exist ("the Property") as allowed under Ohio Revised Code Chapters 1710 and 727; and

WHEREAS, the Medina ESID and NWOAIED agree to undertake the funding of the Energy Project through Special Assessments upon the condition that the Borrower agrees to impose the Special Assessments upon the Property and provide full cooperation with and assistance to the NWOAIED, Medina ESID, City of Medina (the "City") and other entities and institutions involved in the process of approving and imposing the Special Assessments; and

WHEREAS, in order to induce the Medina ESID and NWOAIED to provide the funds for the Energy Project, the Borrower agrees to execute and comply with the terms of the Loan Agreement, attached as Exhibit C, and to provide all such cooperation and assistance necessary for the imposition of the Special Assessments upon the Property.

NOW THEREFORE, in consideration of the mutual promises set forth herein, effective the 11 day of July 2019, the Borrower, the Medina ESID, and the NWOAIED do hereby enter into this Energy Project Agreement ("Agreement") as follows:

1. **Consent to Special Assessments.** The Borrower consents to the imposition of Special Assessments upon the Property, which is commonly referred to as 246 Northland Drive, Medina, OH 44256, and which consists of the following permanent parcel numbers in the records of the Fiscal Officer of Medina County, Ohio (the "Fiscal Officer"): Parcel Number/PPN: **028-19A-13-141**. A legal description of the Property is attached to this Agreement as **Exhibit A** and incorporated into this Agreement by this reference. In the event there are additional or other parcels of property that are not listed but which are benefitted by the Energy Project, the Borrower consents to the imposition of the Special Assessments with respect to those parcels as well. The Borrower acknowledges that the Special Assessments in the event of non-payment and default will constitute a lien upon the Property and may be enforced and collected in accordance with law, including the provisions of Chapter 727 of the Ohio Revised Code.

The cost of the Energy Project shall include, but not be limited to, the cost of: labor, materials, equipment, engineering, design, and audits ("Energy Project Amount") and is estimated to be Twenty-Five Thousand Dollars (\$25,000.00). The Special Assessments shall be in an amount sufficient to fund the Energy Project Amount, as determined by and in the sole discretion of the NWOAIED, and shall include an amount sufficient to fund the necessary and reasonable additional costs related to the financing of the Energy Project Amount including but not limited to: interests, fees, carrying costs, taxes, filing fees, recording charges and all other costs incident to the financing of the Energy Project Amount.

The Borrower acknowledges that the Energy Project Amount is an estimated cost of the Energy Project and that the actual cost of the Energy Project may be more or less than the estimate and that such estimate does not limit the amount of the Special Assessments; provided, however, that the sum total of all Special Assessments, including the costs related to financing the Energy Project Amount, will not exceed the Total Assessment Amount to be Collected amount listed on **Exhibit B** attached to this Agreement and incorporated into this Agreement by this reference. The Borrower agrees that one hundred percent (100%) of the Special Assessments shall be imposed upon the Property and that the Property is being specially benefitted to the full extent of the Special Assessments. The Special Assessments may continue for such period of time as allowed by law and shall continue for the full period of time required to pay the Medina ESID and NWOAIED for all costs, including financing costs, for the Energy Project.

2. **Agreement to Cooperate.** The Borrower agrees to provide full and timely cooperation to the Medina ESID and the NWOAIED and the agencies, entities and institutions involved in the special assessment process, including but not limited to: the City, the Toledo-Lucas County Port Authority, Fiscal Officer, and the Medina County, Ohio (the "Treasurer"), so that the Special Assessments are imposed upon the Property and enforceable against the Property. The Borrower agrees that pursuant to a Petition, it has submitted its Energy Project for admission as a special energy improvement project to be undertaken by the Medina ESID. The Borrower therefore shall be a member of the Medina ESID. The Borrower further agrees that it shall cause a representative to appear at any necessary hearings or legal proceedings involving the Special Assessments and cooperate in such hearings or legal proceedings so that the Special Assessments are approved and become binding upon the Property. The Borrower agrees to provide on-going cooperation with the Medina ESID, NWOAIED, and all other agencies, entities and institutions

involved in the special assessment process during the entire period of time any of the financing for the Energy Project remains outstanding.

The Medina ESID and NWOAEID agree to provide full and timely cooperation with each other for the financing of the Energy Project and the provision of the Energy Project pursuant to this Agreement, and the Petition.

3. **Execution of Documents; Appointment of Agent.** Upon the request of the NWOAEID, Borrower shall execute or cause to be executed by appropriate Borrower officials, all applications, petitions for special assessments, waivers, acknowledgements, and other instruments, documents and papers ("Documents") necessary or helpful to impose the Special Assessments upon the Property and to acknowledge the validity and binding nature of such Special Assessments. To facilitate that process, Borrower hereby irrevocably appoints the NWOAEID's Chairperson, or such other individual as the NWOAEID may name from time to time, as the Borrower's attorney-in-fact and agent with full and complete authority to execute all such Documents, including but not limited to the Petition, on behalf of Borrower and to bind Borrower and the Property to the Special Assessments, including making all waivers of hearings and notices concerning the Special Assessments.

Without limiting the generality of the foregoing grant of authority, Borrower grants the NWOAEID full irrevocable power and authority in the place of Borrower and in the name of Borrower or in NWOAEID's own name, for the purpose of carrying out the terms of this Agreement, to perform, at any time and from time to time, each agreement contained in this Agreement that is on Borrower's part to be complied with, and to take any and all actions and to execute and deliver any and all Documents which may be necessary or desirable to give the NWOAEID the full benefit of this Agreement, in each case as the NWOAEID may from time to time deem advisable, Borrower hereby agreeing that the NWOAEID shall owe no duty whatever to Borrower to perform any such agreement, to take any such action, or to execute or deliver any such Document or, having done so any one or more times, to thereafter continue doing so. Without limiting the generality of the foregoing, Borrower hereby irrevocably authorizes the NWOAEID, at any time and from time to time, to (a) fill in any blank space contained in this Agreement or another Document, (b) correct patent errors, to complete and correct the description of the Property, and to complete the date herein or therein, (c) file and sign, on Borrower's behalf, at Borrower's expense and without Borrower's signature, such petitions for special assessments, waivers, affidavits, assignments, financing statements, endorsements of specific items of collateral, mortgages, powers of attorney, security agreements, or other Documents as the NWOAEID may from time to time deem advisable for the better evidencing, perfection, protection, or validation of, or realization of the benefits of this Agreement, and (d) to the extent the NWOAEID filed any such petitions for special assessments, waivers, affidavits, assignments, financing statements, endorsements of specific items of collateral, mortgages, powers of attorney, security agreements, or other Documents prior to the date of this Agreement, all such actions and Documents are hereby ratified by Borrower.

4. **Waiver of Certain Rights.** Borrower acknowledges that the process for the imposition of special assessments provides the owner of property subject to such special assessments with certain rights, including rights to: receive notices of proceedings; object to the imposition of the

special assessments; claim damages; participate in hearings; take appeals from proceedings imposing special assessments; participate in and prosecute court proceedings, as well as other rights under law, including but not limited to those provided for or specified in the United States Constitution, the Ohio Constitution, Chapter 727 of the Ohio Revised Code, the Charter of the City of Medina and the Codified Ordinances of Medina, Ohio (collectively, "Assessment Rights"). Borrower hereby irrevocably waives all Assessment Rights and consents to the imposition of the Special Assessments immediately or at such time as the NWOAIED or Medina ESID determine to be appropriate, and Borrower expressly requests the entities involved with the special assessment process to promptly proceed with the imposition of the Special Assessment upon the Property. The Borrower further waives any and all questions as to the constitutionality of the law under which the Energy Project will be constructed and the Special Assessments imposed upon the Property; the jurisdiction of the Council of the City acting thereunder; and the right to file a claim for damages as provided in Section 727.18 of the Ohio Revised Code and any similar provision of the Charter of the City of Medina or the Codified Ordinances of Medina, Ohio.

5. **Representations and Warranties.** Borrower represents and warrants that:

- A. Borrower is a duly organized and validly existing County under the laws of the State of Ohio;
- B. Borrower is the owner of the Property with the legal authority to subject the Property to the Special Assessments;
- C. Borrower and the individual executing this Agreement on behalf of the Borrower are duly authorized to enter into this Agreement;
- D. Entering into this Agreement will not result in the breach of any other agreement to which the Borrower is a party;
- E. Borrower will complete the Energy Project, and has or will provide sufficient funds to complete the Energy Project in the event of additional costs or expenses above and beyond the estimated Energy Project Amount of Twenty-Five Thousand dollars (\$25,000.00). In the event that the Energy Project is completed below the estimated cost of Twenty-Five Thousand dollars (\$25,000.00) the remaining amount shall be used to reduce the final assessment amount payable; and
- F. All of the factual statements concerning Borrower contained in the Application and in this Agreement are true and accurate to the best of Borrower's knowledge and belief and if there is a material change in the accuracy or truthfulness of any such factual statement, Borrower will promptly disclose the same to the Medina ESID and the NWOAIED.

6. **Assignment; Third Party Beneficiaries.** Borrower may not assign this Agreement without the consent of each of the Medina ESID and the NWOAIED, which consent shall not be unreasonably withheld. Either of the Medina ESID or the NWOAIED may assign this Agreement, or any portion of its benefits or obligations, freely to another party, with or without the consent of the Borrower.

7. **Default.** If any of the following events shall occur, it shall be deemed a default ("Default") under this Agreement and the Medina ESID and NWOAEID shall be entitled to any rights or remedies under this Agreement and any rights or remedies provided under law:

- A. The Borrower fails to pay an installment of any Special Assessment when due.
- B. The Borrower fails to perform any other obligation under this Agreement and the failure continues for a period of ten (10) days after written notice from the NWOAEID.
- C. The Borrower is in breach of any of its representations or warranties under this Agreement.
- D. The Borrower abandons the Property.
- E. The Borrower commits waste upon the Property.
- F. The Borrower becomes bankrupt or insolvent or files or has filed against it a petition in bankruptcy or for reorganization or arrangement or other relief under the bankruptcy laws or any similar state law or makes an assignment for the benefit of creditors.

In the event of a Default, then, in addition to any other remedy the Medina ESID and NWOAEID may have, the Medina ESID and the NWOAEID each may recover from Borrower all damages they respectively incur by reason of the Default, including reasonable attorneys' fees and expenses.

8. **General.**

- A. If any provision of this Agreement is found to be invalid, illegal or unenforceable under any applicable statute or law, such provision shall to that extent be deemed to be omitted, and the remaining provisions of this Agreement shall not be affected in any way.
- B. The Borrower acknowledges that it has read and understands this Agreement and is bound by its terms. This Agreement contains the entire understanding and agreement of the parties with respect to the matters contained in this Agreement, and supersedes all prior proposals and understandings between the parties.
- C. This Agreement shall not be modified or altered except as by a written instrument duly executed by all of the parties.
- D. The Borrower acknowledges that it has had an opportunity to review this Agreement and to be advised by an attorney of its choosing as to the Agreement's terms, conditions and provisions. The Borrower is entering into this Agreement knowingly and voluntarily.
- E. The Medina ESID, NWOAEID and the Borrower are, in relation to one another, independent contractors and not agents of one another, except to the extent the NWOAEID is authorized to act on behalf of the Borrower in accordance with paragraph 3. above. The parties have no fiduciary obligations to one another and are not, by entering into this Agreement, assuming any such fiduciary obligations.
- F. The Borrower acknowledges that the Medina ESID and NWOAEID have been created under provisions of the Ohio Revised Code and that and that their

authority, as well as the authority of their employees, agents and representatives, is limited under law.

- G. The Medina ESID or NWOAEID may cause this Agreement to be recorded in the office of the Fiscal Officer. The obligations created by this Agreement shall run with and be binding upon the land regardless of the owner of Property until duly released by the Medina ESID and NWOAEID.
- H. The Borrower will provide written notice to Medina ESID and NWOAEID of any sale or transfer of the Property.
- I. The Borrower shall disclose the existence of this Agreement to any purchaser or transferee of the Property and inform such purchaser or transferee of the nature and extent of the Special Assessments before entering into a binding agreement for the sale or transfer of the Property.
- J. The Borrower acknowledges that the Special Assessments, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance levying the final assessment if permitted by law and that if such Special Assessment is not paid in cash, the balance will be certified to the Fiscal Officer, as provided by law, to be placed by the Fiscal Officer on the tax list and duplicate and collected as other taxes are collected in such number of semiannual installments as determined by the NWOAEID and as allowed by law, together with interest at the same rate as shall be borne by the loans received or bonds issued to pay the costs of the Energy Project or in anticipation of the collection of the Special Assessments. Notwithstanding the foregoing, the Borrower waives and authorizes the NWOAEID to waive on its behalf, the right to pay the Special Assessments in cash.
- K. At such time as the Special Assessments are no longer necessary to finance the Energy Project, the NWOAEID having recovered all of its costs, and all other requirements under this Agreement have been fulfilled, the NWOAEID will provide a release of this Agreement and cause the same to be recorded in the office of the Fiscal Officer.
- L. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio, without regard to its conflict of laws principles.
- M. Any legal proceeding, including any arbitration or litigation, concerning this agreement, directly or indirectly, shall be heard only in a state or federal court with proper jurisdiction in Lucas County, Ohio.

[Signature Pages Follow]

Borrower:

Medina County

By: Scott Miller

Name: Scott Miller

Title: Medina County Administrator

Date: July 11, 2019

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)

On the 11th day of July, 2019 personally appeared before me, a notary public in and for the State of Ohio, Scott Miller, Administrator, Medina County, who acknowledged that he did execute the foregoing Energy Project Agreement on behalf of Borrower and that the same was the free act and deed of Borrower and himself as such Administrator for Medina County.



RHONDA J. BECK
Notary Public, State of Ohio
My Commission Expires
April 30, 2022

Rhonda J. Beck
Notary Public

NWOAED:

THE NORTHWEST OHIO ADVANCED ENERGY IMPROVEMENT DISTRICT

By: *Kevin Moyer*
Kevin Moyer

Its: Chairperson

Date: 7-11-19

STATE OF OHIO)
)
COUNTY OF LUCAS) SS:

On the 11 day of July, 2019 personally appeared before me, a notary public in and for the State of Ohio, Kevin Moyer, the Chairperson of the Northwest Ohio Advanced Energy Improvement District who acknowledged that he did execute the foregoing Energy Project Agreement on behalf of the Northwest Ohio Advanced Energy Improvement District and that the same was the free act and deed of said Northwest Ohio Advanced Energy Improvement District and of himself as such officer of the Northwest Ohio Advanced Energy Improvement District.



Teresa N Snyder
Notary Public - Ohio
Lucas County
My Commission Expires 08/17/2021

Teresa N Snyder
Notary Public

MEDINA ESID:

CITY OF MEDINA ENERGY SPECIAL IMPROVEMENT DISTRICT

By: Kimberly Marshall

Name: Kimberly Marshall

Title: Chairperson

Date: 7.11.2019

STATE OF OHIO)

COUNTY OF MEDINA)

SS:



Sharon K Patterson
Notary Public
In and For the State of Ohio
My Commission Expires
25 December 2023

On the 11 day of July, 2019 personally appeared before me, a notary public in and for the State of Ohio, Kimberly Marshall, the Chairperson of the City of Medina Energy Special Improvement District who acknowledged that he/she did execute the foregoing Energy Project Agreement on behalf of the City of Medina Energy Special Improvement District and that the same was the free act and deed of said City of Medina Energy Special Improvement District and of himself/herself as such officer of the City of Medina Energy Special Improvement District.

Sharon K Patterson

Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY:

The land referred to herein below is situated in the City of Medina, County of Medina, State of Ohio, and is described as follows:

Known as being the whole of Medina City Lot 4806, as recorded in Plat Volume 20, Page 63 of Medina County Records, be the same more or less. Subject to all legal highways.

AND:

Known as being the whole of Medina City Lots 4803 and 4804, as recorded in Plat Volume 20, Page 108 of Medina County Records, be the same more or less. Subject to all legal highways.

Parcel No. 028-19A-13-141

Property Address: 246 Northland Drive, Medina, OH 44256

EXHIBIT B

Project Plan for Medina County

The real property owned by Medina County at 246 Northland Drive, Medina, OH 44256, serves as a human services center. The legal description of the property is set forth on the attached Exhibit A. The property will be subject to special assessments for energy improvements in accordance with Revised Code Chapter 1710.

The energy efficiency savings for the project are expected to be 20% or more annually and consist of the following energy efficiency elements:

1. LED Lighting Replacement

Total Project Cost: \$25,000.00

Total cost including financing and other charges: \$25,500.00

Total direct payments collected: \$10,806.32

Total assessment payments to be collected: \$16,209.48

Estimated annual special assessment for 3 years: \$5,403.16

Estimated semi-annual special assessments for 3 years*: \$2,701.58

Number of semi-annual installments: 6

First annual installment due: January 31, 2020

**Note: Numbers do not reflect additional charges the County Auditor may apply to the annual assessment.*

Year Payments Are Due	Total Annual Assessment Parcel 028-19A-13-141	1st Half (Due 1/31)	2nd Half (Due 7/31)
2020	\$5,403.16	\$2,701.58	\$2,701.58
2021	\$5,403.16	\$2,701.58	\$2,701.58
2022	\$5,403.16	\$2,701.58	\$2,701.58
Total Assessment	\$16,209.48		

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Medina County Fiscal Officer under certain conditions.

The County Fiscal Officer of Medina County, Ohio may impose a special assessment collection fee with respect to each Semiannual Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Medina County, Ohio to each Semiannual Assessment payment.

EXHIBIT C
LOAN AGREEMENT

[attached]