

MEDINA CITY COUNCIL  
October 27th, 2014, Regular Session

**Public Hearing**

To consider the Planning Commission's recommendation to rezone Parcel Nos. 028-19A-21-273, 028-19A-21-271, 028-19A-21-272, 028-19A-21-274 and 028-19A-21-270 from R-3, High Density Urban Residential to C-2, Central Business District.

Mr. Mendel stated on August 14<sup>th</sup>, 2014 the Planning Commission concluded a review of the rezoning request initiated by Habitat for Humanity of Medina County to rezone these properties within the 200 block of W. Smith Rd. Part of the argument was due to the amount of traffic on Smith Road and the obtuse angle of the railroad crossing Smith Rd. is not really conducive to residential redevelopment. Mr. Lamb questioned the amount of traffic in that area.

No one was there to speak against the proposed zoning change.

The public hearing closed 7:35 p.m.

**Opening:**

Medina City Council met in regular, open session on Monday, October 27th, 2014. The meeting was called to order at 7:35 p.m. by President of Council John Coyne who led the Pledge of Allegiance.

**Roll Call:**

The roll was called with the following members of Council present J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

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

**Minutes:**

Mr. Shields moved that the minutes from the regular meeting on October 14th, 2014 as prepared and presented by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the minutes were approved by the yea votes D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**Reports of Standing Committees:**

Finance Committee: Mr. Coyne stated the Finance Committee met prior to Council this evening and will meet again on Monday, November 10<sup>th</sup>, 2014.

Health, Safety & Sanitation Committee: Mr. Rose had no report but is working on scheduling a meeting in November.

Public Properties Committee: Mr. Shields stated there is a meeting on Tuesday, Oct. 28<sup>th</sup> at 5:30 p.m.

Special Legislation Committee: Mr. Lamb stated there is a meeting scheduled for Wednesday, October 29<sup>th</sup> at 5:30 p.m.

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

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

**Requests for Council Action:**

**Finance Committee**

- 14-216-10/27 – 2015 Member Renewal Main Street Medina
- 14-217-10/27 – Amend Sec. 133.01 Association Memberships
- 14-218-10/27 – Adopting Fee Schedule – Planning & Zoning
- 14-219-10/27 – FMVE for West Smith Reconstruction
- 14-220-10/27 – Amend Chapter 1311 - 2011 Plumbing Code, Permit fees
- 14-221-10/27 – Increase P.O. #2014-869 – Davis Tree Farm
- 14-222-10/27 – Increase P.O. #2014-281 – Signal Service Co.
- 14-223-10/27 – Amending Ord. 161-14 – Additional Auction Items
- 14-224-10/27 – Easement – W. Smith Rd. (Parcel #14)

**Special Legislation**

- 14-225-10/27 – Discuss Possible Legislation to Regulate Donation Bins/Boxes

**Reports of Municipal Officers:**

**Dennis Hanwell, Mayor,** reported the following:

- 1) LST Levy- On city resident's ballot Issue #1 is an LST levy renewal. This is to fund our Advanced Life Support care and ambulance services from Medina Hospital/Cleveland Clinic. Our safety forces - police, fire, and LST work collaboratively and save lives routinely. Cost is about \$60.45 per \$100k value per the County Auditor's office. Mayor Hanwell encouraged residents to vote yes for levy to continue our excellent services.
- 2) Cable Show - City Government Discussion - President John Coyne and I recently taped a cable show with help from Medina TV covering the City's Strategic Plan, five year budget process, and some more recent capital purchases/expenses. The link for this show is on city website - [www.medinah.org](http://www.medinah.org) in the news section; or you may watch on Armstrong Channel 37; or you may go to [www.medinatv.org](http://www.medinatv.org). Thanks to Jarrod Fry from Medina TV for his assistance with this.
- 3) Trick or Treat - City of Medina will have trick or treat on Friday, 10/31/14 from 6 p.m. to 8 p.m. Chief Berarducci will discuss safety and proactive plans. Some requests were received for the city to move to day earlier or later, but when this was attempted in the past, there was equal or greater resistance as some have already planned events, activities, parties, etc. for the 31st.
- 4) Veteran's Day Concert - Monday, November 10, 2014 at 7 p.m. - Saint Francis Church will host the annual Veteran's Day Concert with the Medina Community Band. Parking is available at the church, with overflow permitted at 600 East Smith and 620 East Smith

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Road. Concert is free, but guests are asked to bring in a non-perishable food item to support Saint Vincent DePaul Society.

**Keith Dirham, Finance Director,** reported the following:

Spoke of the LST Levy renewal in November and as mentioned, it is \$60.45 per year for owner of a \$100,000 home. It provides funding to pay for emergency services for ambulance service. It is a renewal not an increase in tax rate. The State is phasing out the exemption and by doing a renewal we preserve that exemption.

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

**Chief Berarducci, Police Chief,** reported the following:

Some safety precautions for Halloween night are as follows: 11 marked Police cars on the road during the Trick or' Treat hours of 6-8 p.m. There will be 2 sergeants that will each take half of the city and oversee the special patrol activities. The Medina Life Support Team and the Fire Department will both have two units out on each side of town. The Medina Community Police Academy Alumni Association members will also be out in their own vehicles equipped with cell phones as spotters in the neighborhoods to alert Police if needed. Chief Berarducci suggested wearing flame retardant material costumes for children and brightly colored or edged with reflecting tape so motorists can see the children. Attach the children's name, address and phone number to the inside of costume in case your child gets lost. No child under the age of 12 should be out by themselves.

Assure the costume is not too long, use washable face paint instead of masks so their vision is not compromised. Teach child not to respond to a driver or pedestrian that calls out to them. Make sure you check all candy or food before they eat any. Provide them with flashlights and teach them to stay on the sidewalks and to be aware of their surroundings and cars. Don't go to homes that don't have a porch light on and never enter anyone's house under any circumstances while Trick or' Treating.

**Kimberly Rice, Economic Development Director,** had no report.

**Jonathon Mendel, Community Development Director,** had no report.

**Chief Painter, Fire Chief,** had no report.

**Mike Wright, Recreation Center Director,** reported the following:

Basketball registration and skills testing for grades 2<sup>nd</sup> through 5<sup>th</sup> are Wednesday, November 5<sup>th</sup>, Thursday, November 6<sup>th</sup> and Saturday, November 8<sup>th</sup>. \$50 for members and \$60 for non-members. Grades 6<sup>th</sup> through 12<sup>th</sup> are Wednesday, November 12<sup>th</sup>, Thursday, Nov. 13<sup>th</sup> and Saturday, November 15<sup>th</sup>. Rates are \$60 for members and \$70 for non-members. Please go to our website at [www.medinarec.org](http://www.medinarec.org) for times and other inquiries regarding the Kindergarten and First Grade leagues. The next Rec. Advisory Board meeting is Thursday, Nov. 20<sup>th</sup> at the Recreation Center at 7:30 a.m.

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**Jansen Wehrley, Parks and Recreation Director,** reported the following:

The Forestry Department Fall Tree Planting will begin in the next week and be completed by December 1<sup>st</sup>. 239 trees will be planted in tree lawns. Locations for trees are marked with yellow flags and we appreciate the residents' patience with this project.

**Dan Gladish, Building Official,** reported the following:

He thanked the Building Dept. staff for all their hard work, he is proud to say that with the current work load the department is providing same day service.

**Patrick Patton, City Engineer,** reported the following:

Two construction contracts were awarded by the BOC, one being the Lake Rd. reconstruction between Lafayette and West Smith and the second one is Wadsworth water line replacing a section and being funded with a 0% interest loan through the Ohio Public Works Commission.

There is a section of South Court Street just north of Smith that was recently resurfaced by ODOT and has been rejected. The material was not up to ODOT standards and that will be removed and replaced on October 29<sup>th</sup> starting at 9 a.m.

**Nino Picolli, Service Director,** reported the following:

The leaf season is here and starting Tuesday October 28<sup>th</sup> the crews will be vacuuming leaves in the North West Quadrant of the city/Ward 1, proceeding to the North East, then South East and then South West in a clockwise fashion. Check the website for updates and the Leaf Hotline at 330-725-5323. Please rake leaves to the curb not into the street due to the storm sewers.

The city Auction will be this Saturday, November 1<sup>st</sup>, at the city garage. 781 West Smith Rd. There will be over 300 items such as bicycles, cars, trucks, electronics and tools. Preview is at 9 a.m. and the auction begins at 10 a.m.

#### **Notices, Communications and Petitions:**

##### **Liquor Permit:**

Mr. Shields moved not to object to the issuance of a new C1 and C2 permit to Cineen Inc. dba VIP Mini Mart 238 N. Court Street, seconded by Mr. Simpson. The roll was called and approved by the yeas votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Mr. Shields moved not to object to the issuance of a TREX transfer of a D1, D2 and D3 permit from Homescorers for sale by Owner Club, Inc. dba Decades, 1618 SR 60, Vermilion Twp. To Tokyo Inc., 1132 N. Court Street. Seconded by Mr. Simpson. The roll was called and approved by the yeas votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

##### **Unfinished Business:**

There was none.

##### **Introduction of Visitors:**

Joyce Kimbler from Seville, Ohio, candidate for the upcoming election in Medina County Court of Common Pleas. This court handles such things as felony level and criminal matters. Usually what happens during Election Day is the judges that makes some of the most important decisions that affect the lives of the people of Medina County are elected by maybe 25% of the voting

population. For 29 years she has practiced solely in the Court of General Jurisdiction Common Pleas Court. She has handled over 1,400 cases of this level of court, over 100 Jury trials and felony criminal matters. She urged residents to educate themselves before going to the polls to vote.

David Sheldon, 4023 Fairway Dr. Montville and has been a resident since 1997. He is a candidate for Juvenile Probate Judge. There are many issues in the community facing our youth today, one is heroin use and addiction, and the other issue is mental health. Many of the youth that enter into our juvenile justice system have mental health issues. 65% to 70% of all the youth we come in contact with in this country through the juvenile justice system meet the criteria for at least one mental health issue. He went on to explain his plan for dealing with these two very important issues.

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

**Ord. 170-14:**

**An Ordinance authorizing the Mayor to enter into a renewal contract with United Healthcare for health care insurance for the employees of the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 170-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 170-14, seconded by Mr. Simpson. Mayor Hanwell stated this is the health care the employees currently have, so no change over would be necessary with cards, doctors or providers. Because of our claims history and the Wellness Program we were able to obtain an increase of only 4.23%. Emergency clause is needed due to paperwork. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar. The roll was called and Ordinance/Resolution No. 170-14 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.**

**Ord. 171-14:**

**An Ordinance amending Ordinance No. 126-14, passed July 14, 2014, relative to the expenditure to Securitec for the purchase and installation of an amplifier and speaker system for the Uptown Park. Mr. Shields moved for the adoption of Ordinance/Resolution No. 171-14, seconded by Mr. Simpson. Mr. Wehrley explained this is to increase the previously authorized amount due to a part that needed replaced that was not part of our original project. The roll was called and Ordinance/Resolution No. 171-14 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.**

**Ord. 172-14:**

**An Ordinance authorizing the increase of the expenditure to Wingfoot Commercial Tire Systems from \$25,000.00 to \$35,000.00. Mr. Shields moved for the adoption of Ordinance/Resolution No. 172-14, seconded by Mr. Simpson. Mr. Piccoli stated this is for tire and tire accessories that will allow us to get through the rest of this year. The roll was called and Ordinance/Resolution No. 172-14 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.**

**Ord. 173-14:**

**An Ordinance authorizing the Mayor to accept easement agreements for the West Smith Rd. Reconstruction Project (Parcels #3, 4, 6A, 7, 10, and 18).** Mr. Shields moved for the adoption of Ordinance/Resolution No. 173-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 173-14, seconded by Mr. Simpson. Mr. Patton stated the emergency clause is needed because the property owners have signed these agreements and we would like to issue payment and record these as soon as possible. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 173-14 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**Ord. 174-14:**

**An Ordinance authorizing the Mayor to accept two (2) easements necessary for the Lake Road Reconstruction, Phase 2 Project.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 174-14, seconded by Mr. Simpson. Mr. Patton stated these are storm sewer easements necessary to complete the project, one of them is a dual jurisdiction lot and the other is in the Township. The roll was called and Ordinance/Resolution No. 174-14 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Ord. 175-14:**

**An Ordinance authorizing the expenditure of \$245,521.00 to various vendors/contractors for emergency repairs to South Court Street due to a water main break.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 175-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 175-14, seconded by Mr. Simpson. Mr. Patton spoke of the water main break back on September 10<sup>th</sup> and as a result of the break they made a decision to replace the entire water main in the block South Court between Washington and Smith. The emergency is needed to pay the vendors. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne and B. Hilberg. The roll was called and Ordinance/Resolution No. 175-14 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

**Ord. 176-14:**

**An Ordinance Amending Ord. 161-14, passed September 22, 2014, relative to the auction, sale or disposal of city equipment and vehicles no longer in use.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 176-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 176-14, seconded by Mr. Simpson. Mr. Piccoli there are 72 plus items from the Municipal Court we would like to include in our auction. The emergency is needed since we added the 72 plus items to our list. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose. The roll was called and Ordinance/Resolution No. 176-14 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**Council Comments:**

Mr. Rose spoke of Election Day on Tuesday, November 4<sup>th</sup> and the opportunity to vote and elect our US Congress Representative, Governor, State Officials and Medina County Officials and support at least one very important local item the LST levy. This 2.2 mil renewal levy preserves the Homestead Exemption and does not increase your taxes this year. Costs on an average of \$17.00 for the average home. He spoke of Councilman Dennie Simpson who was just recently on Channel 5 for saving a life.

Mr. Simpson reminded the residents to vote on November 4<sup>th</sup>. Happy Birthday to Kevin McMannis.

Mr. Lamb spoke of the Salvation Army being out with their kettle and bell collecting money during the Holidays and 90% of the money collected in Medina City stays in Medina City. They have endured cuts of about \$30,000 due to loss of funding from United Way. They had to cut the number of students that were a loud to come and be tutored, nurtured and fed 5 days a week. Mr. Lamb needs volunteers with a kettle for the Square during the Holidays.

The SPCA had their Paws for a Cause 5K race/walk on the Square there were 650 people who attended the event. On November 8<sup>th</sup> they have another annual event Furry Frolic at Rustic Hills Country Club.

On Saturday, Mr. Lamb stated he will be on South Broadway St. talking to residents at 10 a.m. with regards to any issues you may have with your neighborhood and the condition of the brick street.

November 13<sup>th</sup> is the next Initiative of Neighborhoods meeting at the Salvation Army, 425 West Liberty at 7 p.m. Speaker will be Professor Raymond Cox.

Mr. Kolesar spoke of the opportunity to vote on November 4<sup>th</sup>. Make your voice heard.

Mr. Coyne spoke of the Budget Hearings still being held.

November 3<sup>rd</sup>, in the Rotunda here at City Hall at 6 p.m. we are having a joint meeting with City of Wadsworth and the City Council of Brunswick to discuss county issues, issues related to the CPF, Casino Money, 911 and various other collaborative efforts that we can do.

**Adjournment:**

There being no further business before Council, the meeting adjourned at 8:17 p.m.

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Kathy Patton, Clerk of Council

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John M. Coyne, III, President of Council