

MEDINA CITY COUNCIL  
December 8th, 2014, Regular Session

**Opening:**

Medina City Council met in regular, open session on Monday, December 8th, 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. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

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 November 24<sup>th</sup>, 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 B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Reports of Standing Committees:**

Finance Committee: Mr. Coyne stated the Finance Committee met prior to Council this evening and we will not meet again until next year.

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

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report.

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

Water & Utilities Committee: Mr. Kolesar made public announcement that water bill will have a 3% increase going into effect January 2015. Avon Lake could possibly ask for an additional 3% midyear 2015.

**Requests for Council Action:**

**Finance Committee**

- 14-248-12/8 – Budget Amendments
- 14-249-12/8 – Increase P.O. – NuCO2 – MCRC
- 14-250-12/8 – Naming 406 S. Broadway Property – Parks
- 14-251-12/8 – R-O-W Purchase Agreement, 750 W. Smith
- 14-252-12/8 – PY14 Fair Housing Agreement
- 14-253-12/8 – Fair Market Value Estimates – W. Smith Reconstruction
- 14-254-12/8 – Discussion – Masonic Temple Building
- 14-255-12/8 – Advance - Airport

**Reports of Municipal Officers:**

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

- 1) Brass Band of Western Reserve- Will hold concert at the Performing Arts Center, Saturday December 13, 2014 at 7 pm. Charge of \$10. Tickets available at PAC or by going to website [www.bbwesternreserve.org](http://www.bbwesternreserve.org)
- 2) Medina Community Band- Will hold their winter concert at the Performing Arts Center, Sunday December 14, 2014, at 2 pm. free concert, no tickets required. Concert of holiday music and last about 60 minutes. Fortunate to have a band to perform without charge for our community.
- 3) Landlord/Renter info- New tab on city website under residents, then Landlord/Tenant info. There are several links with scanned brochures from Medina County Housing Office. These topics include Landlord/Tenant Rights and Responsibilities; Housing and Disabilities; Repairs to Rentals; Fair Housing and you. Councilman at Large Bill Lamb and I will also be doing a show on Cable TV, channel 37, 12/16 to go over this information a well. It will likely be prepared to air later this month.
- 4) Mayoral Proclamation to Gary Rumley for 28 years of service with city
- 5) Mayoral Proclamation to Murray and Sue Van Epp
- 6) Last Council meeting for 2015- Happy and Safe Holidays to all!

**Keith Dirham, Finance Director**, reported the following: There are a couple things on the agenda that I will address when we get there. Keith congratulated Mr. Gary Rumley on his 28 years of service and thanked the Van Epp family for their generous donation to the City of Medina and wished everyone a happy and safe Holiday.

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

**Chief Berarducci, Police Chief**, had no report but wished everyone a Merry Christmas.

**Jonathon Mendel, Community Development Director**, stated on Friday, December 12<sup>th</sup> there will be four ribbon cuttings starting with Tokyo Ink. Restaurant, at 1132 N. Court St. at 10am, then at 1pm Molly's Closet 140 West Washington, then at 2pm 47 S. Public Square Something's Popping and 5pm H2 Wine Bar at 221 S. Court St. Thursday at 5pm BOC, Historic Preservation Board, Board of zoning and appeals and Planning Commission in the multipurpose room.

**Chief Painter, Fire Chief**, thanked the local 3M Company for their generous donation of \$7,500 to the Fire Department, through an internal grant process with 3M our local plant applied for and received a grant to make improvements within our local community. They saw fit to work with the Fire Department and used it for a purchase of a propane fire extinguisher training.

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

The Rec's new Winter Program Brochure will be available online by Tuesday, December 9th at [www.MedinaRec.org](http://www.MedinaRec.org) and will be delivered in the Post Newspapers on Sat, December 13th. Lastly, our next scheduled Rec Advisory Board meeting will be Thursday, December 18th, at the Rec. Center at 7:30 a.m. Congratulations to Gary Rumley, he was a pleasure to work with.

**Jansen Wehrley, Parks and Recreation Director**, reported the following: The fall tree planting

project is complete. 239 trees were installed. The Parks Department has begun construction of the Sam Masi Trail connector to Champion Creek Multi-Purpose Trail. We will be installing the base this winter in preparation for paving the trail connector to Sam Masi in the spring. The entrance to the Khun and Todd conservation area was completed last week and a sign should be installed by the 1<sup>st</sup> of the year. Jansen extended a thank you to the Van Epp family for their donation to the fountain project it would not have happened. Congratulations to Gary Rumley.

**Dan Gladish, Building Official**, reported the following: The month of December is off to a very busy start for the Building Dept. for both permits and property maintenance.

**Patrick Patton, City Engineer**, reported the following: The Wadsworth Waterline Project will begin the second week in December and should take about a month to complete, restoration of lawn and sidewalk will be completed in the spring. We have notified all the residents in the construction zone. It will be about a 6 week long project and will maintain 2 way traffic throughout. Pat stated Gary Rumley was a pleasure to work with over the years.

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

He extended best wishes to Gary and has worked with him for the last 13 years and has taught Nino a lot of those years. They are continuing to pick up the leaves as long as the weather permits. Check the website for updates and the Leaf Hotline at 330-725-5323.

#### **Mayoral Appointments:**

MCDAC Board – Robert Starcher – Expiring 12-31-15

Mr. Shields moved to approve the Mayoral appointment, seconded by Mr. Simpson. The roll was called and passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

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

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

Not to object to the issuance of a new D-2 permit to Fred W. Albrecht Grocery Company, DBA ACME Fresh Market, NW corner of High Point Drive and SR 3.

Mr. Shields moved not to object, seconded by Mr. Simpson. The roll was called and passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

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

Not to object to the issuance of a new D-5 permit to Mark Klaus LLC, dba Castle Noel, 245-260 S. Court Street. Mr. Shields moved not to object, seconded by Mr. Simpson. The roll was called and passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

#### **Unfinished Business:**

There is none.

**Introduction of Visitors:**

There were none.

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

**Res. 198-14:**

**A Resolution commending Murray and Sue Van Epp for their donation to fund a new fountain in the Bicentennial Commons.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 198-14, seconded by Mr. Simpson. Mr. Kolesar thanked the Van Epp family stating this is a crucial part of the Bicentennial Park and carries on the Van Epp family legacy of helping this community. Mr. Simpson stated generations to come will enjoy this fountain and thanked the family. Mr. Shields thanked them for the donation to the Fire House station floor. The roll was called and Ordinance/Resolution No. 198-14 passed by the yeas votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

**Res. 199-14:**

**A Resolution commending Gary Rumley for his dedication years of service to the City of Medina.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 199-14, seconded by Mr. Simpson. Mr. Kolesar thanked Gary for his services in Ward 3 and with the city. Mr. Simpson also thanked Gary. The roll was called and Ordinance/Resolution No. 199-14 passed by the yeas votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**Ord. 200-14:**

**An Ordinance to make appropriations for current expenses and other expenditures of the City of Medina, Ohio for the fiscal year ending December 31, 2015.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 200-14, seconded by Mr. Simpson. Mr. Dirham states this is our budget for 2015, we started working on this back in February and in another few weeks we will start working on 2016. Mr. Coyne stated some issues have occurred with the state of Ohio limiting some state funds that come to the local municipalities and has impacted us about a million dollars a year in the General Fund. The roll was called and Ordinance/Resolution No. 200-14 passed by the yeas votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

**Res. 201-14:**

**A Resolution adopting a five-year budget for the City of Medina, Ohio for the period beginning January 1, 2015 through December 31, 2019.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 201-14, seconded by Mr. Simpson. Mr. Dirham states this is the second part of the budget process, what we are adopting here is the five year budget that we do here at the City of Medina that is not required by state law, we do this to help us plan. The roll was called and Ordinance/Resolution No. 201-14 passed by the yeas votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Ord. 202-14:**

**An Ordinance Amending Ordinance No. 164-14, passed October 14, 2014, pertaining to the expenditure to Zashin and Rich Co., LPA for the Law Department.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 202-14, seconded by Mr. Simpson. Mr. Huber states this request increase the amount on the PO for Zashin and Rich Law firm from \$33,000 to \$40,000 this year is the year that the City of Medina negotiated the union contracts with the Police Patrol Union, the Police Sargent's union, the Police Dispatcher's union and Teamsters. The increase has to do with his concluding the negotiations with Teamsters. The roll was called and Ordinance/Resolution No. 202-14 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

**Ord. 203-14:**

**An Ordinance Authorizing the expenditure of \$57,902.56 to the Medina County Commissioners for the reimbursement to the Bond Reserve Fund for the Medina County Port Authority Fiber Network.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 203-14, seconded by Mr. Simpson. Mr. Dirham explains back in 2010 we agreed to help support this project and this is a payment due. The roll was called and Ordinance/Resolution No. 203-14 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

**Ord. 204-14:**

**An Ordinance Authorizing the purchase of three (3) 2015 Ford Utility Police Interceptors from Statewide Ford for the Police Department.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 204-14, seconded by Mr. Simpson. Chief Berarducci states these three new vehicles are replacements in 2015, we are accelerating the purchase to use 2014 funds. The roll was called and Ordinance/Resolution No. 204-14 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**Ord. 205-14:**

**An Ordinance Repealing Sections 1371.04 and 1371.05 of Chapter 13 of the Building Code of the codified ordinances of the City of Medina, Ohio.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 205-14, seconded by Mr. Simpson. Mr. Mendel states this is to remove duplicative fence code regulation sections out of the building code. The roll was called and Ordinance/Resolution No. 205-14 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

**Res. 206-14:**

**A Resolution authorizing the Mayor to enter into agreements with the Medina County Commissioners and the Medina County Public Defender Commission so as to provide legal counsel to indigent persons charged with a violation of the City's ordinances.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 206-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 206-14, seconded by Mr. Simpson. Mr. Huber explained every year the city is required to enter into an agreement with the public defenders' office and the agreement needs to be in place by Jan. 1<sup>st</sup> and that is why

the emergency is being requested. The roll was called on adding the emergency clause and was approved by the yeas 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. 206-14 passed by the yeas votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**Ord. 207-14:**

**An Ordinance Authorizing the Mayor to execute a Revocable Use Permit with Foundry Holdings, LLC for use of the parking lot located at 563 Bronson Street.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 207-14, seconded by Mr. Simpson. Mr. Patton states a portion of their parking lot exists in the city's right-of-way. This ordinance allows them to maintain their parking as is, nothing changes but we are issuing a revocable use permit just to acknowledge that it is part of the road right-of-way. The roll was called and Ordinance/Resolution No. 207-14 passed by the yeas votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Res. 208-14:**

**A Resolution donating a 2000 Pierce Pumper Fire Truck to the Medina County Career Center Fire Training Program.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 208-14, seconded by Mr. Simpson. Chief Painter explains it is not road worthy as an emergency vehicle and want to donate to the fire training academy and will not leave their property and they will get several more years of use out of it. The roll was called and Ordinance/Resolution No. 208-14 passed by the yeas votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

**Ord. 209-14:**

**An Ordinance Amending Section 31.02(E) of the Salaries and Benefits Code of the City of Medina, Ohio Relative to the Salary Schedule for Part-Time Employees of the Medina Community Recreation Center affected by the Ohio Minimum Wage Increase.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 209-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 209-14, seconded by Mr. Simpson. Mr. Wright explains this is to adjust the part-time pay scale to reflect a minimum wage increase to \$8.10 on January 1, 2015. Emergency is needed so the pay scale can be in effect by the New Year. Mr. Kolesar is abstaining due to Mother being employed at Rec. Center. The roll was called on adding the emergency clause and was approved by the yeas votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg and B. Lamb. The roll was called and Ordinance/Resolution No. 209-14 passed by the yeas votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne and B. Hilberg.

**Ord. 210-14:**

**An Ordinance Amending Ordinance No. 208-13, passed December 9, 2013.**

**(Amendments to 2014 Budget)** Mr. Shields moved for the adoption of Ordinance/Resolution No. 210-14, seconded by Mr. Simpson. Mr. Dirham stated there are a lot of Budget Amendments this time being the last meeting of the year some of the main ones are grants, proceeds from the auction and airport advances. The roll was called and Ordinance/Resolution No. 210-14 passed by the yeas votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

**Ord. 211-14:**

**An Ordinance Authorizing the Mayor to execute a Right-of-Way Purchase Agreement with MCJ Enterprises for 750 W. Smith Road (Parcel #8) for the West Smith Rd. Reconstruction Project.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 211-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 211-14, seconded by Mr. Simpson. Mr. Patton explains this is another parcel that the city needs to acquire in order to construct the W. Smith road reconstruction project. We are asking for the emergency clause as we have a signed contract with the property owner and would like to finalize that pay it and get property transferred as soon as possible. The roll was called on adding the emergency clause and was approved by the yeas 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. 211-14 passed by the yeas votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**Ord. 212-14:**

**An Ordinance Authorizing the Finance Director to make certain Fund Advances.**

Mr. Shields moved for the adoption of Ordinance/Resolution No. 212-14, seconded by Mr. Simpson. Mr. Dirham explains this is an advance where we borrow money from one fund to another, this one is from the Airport Fund. The roll was called and Ordinance/Resolution No. 212-14 passed by the yeas votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**To be added to the agenda:**

Mr. Shields moved to add Ord. 213-14 to the agenda, seconded by Mr. Simpson. The roll was called on adding the ordinance and passed by the yeas votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

**Ord. 213-14:**

**An Ordinance repealing Ordinance No. 142-14, passed September 8, 2014 and replacing Section 161.13 of the codified ordinances of the City of Medina, Ohio by the addition of a new Section 161.13, relative to the allocation of income tax funds.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 213-14, seconded by Mr. Simpson. Mr. Dirham explained the changes as follows: 1/2% increase in Fire Capital Fund, 2 1/2% increase in allocation to General Fund, 2 1/2% reduction in allocation to General Purpose Capital Fund and 1/2 % reduction to the Medina Community Recreation Center Fund. The roll was called and Ordinance/Resolution No. 213-14 passed by the yeas votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

**Council Comments:**

Mr. Kolesar thanked Council and Administration for all their hard work this last year in keeping this city moving forward. Happy Holidays to the Community and Merry Christmas.

Mr. Rose agreed with Mark and spoke of the Van Epp Family and how they demonstrate their commitment to the community. Note to Chief Berarducci, other communities are looking at our

Police Chief in following his lead by putting the body cameras on our officers.  
He spoke of “Ringing the Bell” this past weekend for The Salvation Army and thanked the community for donating. He appreciates that Buehlers allows the Salvation Army in their stores because there are stores out there that do not. Very Merry Christmas to all.

Mr. Lamb states Civic participation is an absolute key to maintain a real sense of community.  
Thank you to the Van Epp Family for their donation to our Historic District. Thank you to the Mayor for his positive engagement with me on the housing issue. He is looking forward to the New Year and intends to work hard without legislation both with the Mayor and Administration as well as the neighborhoods by design for real improvement.  
Realizes the efforts that go into the square lighting and recognized Nino Piccoli.  
Merry Christmas to everyone.

Mr. Coyne wished everyone a Merry Christmas and Happy safe New Year.

**Adjournment:**

There being no further business before Council, the meeting adjourned at 8:16 p.m.

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Kathy Patton, Clerk of Council

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John M. Coyne, III, President of Council