

MEDINA CITY COUNCIL
July 24, 2014, Special Council Meeting
Multi-Purpose Room, Medina City Hall

Opening.

After due notice according to law, Medina City Council met in special, open session July 24, 2014. The meeting was called to order at 7:30 a.m. by President of Council John Coyne with the following members of Council present: J. Coyne, B. Hilberg, M. Kolesar, J. Shields, and D. Simpson. B. Lamb and P. Rose were absent.

Introduction of Ordinances and Resolutions.

Ord. 127-14

An Ordinance authorizing the Mayor to advertise for competitive bids and to award contracts to the successful bidders for the construction of the Medina Square Public Restroom and Visitor's Center. Mr. Shields moved for the adoption of Ordinance/Resolution No. 127-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 127-14, seconded by Mr. Simpson. Mayor Hanwell added that the reason for the emergency clause is to get the project going before the next meeting. We are going to try to general contract this ourselves to save some money. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 127-14 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and J. Shields.

Ord. 128-14

An Ordinance amending Section 31.02(B)(6) of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Intensive Supervision Probation employees for the Municipal Court. Mr. Shields moved for the adoption of Ordinance/Resolution No. 128-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 128-14, seconded by Mr. Simpson. Mr. Coyne explained that this is the second part to this grant that Council approved at the last Council meeting. The roll was called on adding the emergency clause and was approved by the yea votes of M. Kolesar, J. Shields, D. Simpson, J. Coyne, and B. Hilberg. The roll was called and Ordinance/Resolution No. 128-14 passed by the yea votes of B. Hilberg, M. Kolesar, J. Shields, D. Simpson, and J. Coyne.

Res. 129-14

A Resolution authorizing the Law Director to bid on the property located at 120 N. Elmwood Avenue, Permanent Parcel No. 028-19A-21-087. Mr. Shields moved for the adoption of Ordinance/Resolution No. 129-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 129-14, seconded by Mr. Simpson. Mr. Coyne explained that this is the Masonic Temple and as we talked about, even though the Court is going to be located next to the building this property may be valuable to the City in the future so we are going to have to go ahead and bid on it since it is up for sale. Mayor Hanwell stated the reason for the emergency clause is that the auction is this afternoon. We would like to be involved in securing the property if not for immediate need for future need. He stated he thinks it makes sense having the Municipal Court and City Hall/Police Department for future expansion. There is an additional 10% over and above the bid cost for the auctioneer. Mr. Huber stated that we should meet after the auction in order to lock in the specific purchase price. The roll was called on adding the emergency clause and was approved by the yea votes of B. Hilberg, M. Kolesar, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 129-14 passed by the yea votes of M. Kolesar, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 130-14

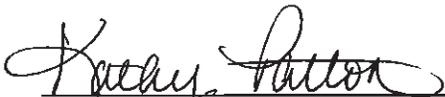
An Ordinance authorizing the Mayor to enter into a Contingent Fee Agreement with Vorys, Sater, Seymour and Pease, LLP in connection with a Counterclaim in Condemnation filed by Columbia Gas Transmission, LLC. Mr. Shields moved for the adoption of Ordinance/Resolution No. 130-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 130-14, seconded by Mr. Simpson. Mr. Huber explained that we own ground west of town, farm property, approximately 100 acres. Under the ground there is a level of soil that is used by Columbia Gas to store gas. Pursuant to regulation, it has been determined that Columbia Gas has been storing and using this ground without paying people for a long time. In addition, they would be required to pay for the usage of this level of the ground in the future. In an extremely heavy handed legal maneuver, Columbia Gas has filed a suit against every property owner whose soil they are using. Their estimation through their Philadelphia law firm is that nobody is going to answer this lawsuit in Federal Court. I have received 18-20 phone calls from older individuals who are bewildered by this, they received in the mail this complaint with them named as a defendant in it. Nobody individually can afford to hire an attorney and go to Federal Court and litigate this matter, for one the amounts of money are not huge and second, Columbia Gas is banking on nobody answering their lawsuit so they can do what they want by way of default judgment. Atty. Gail Ford in the Vorys law firm has initiated a class action of people to try to pool their efforts and defend themselves in this lawsuit in Federal Court. The contract is a contingency fee contract so that Vorys recovers 1/3 of whatever monies we get out of the lawsuit if they are successful. We are responsible for a percentage of fees and costs but the fees and costs in the contract are not going to cost more than what we are recovering. My recommendation is for the Council to pass this ordinance authorizing the Mayor to enter into an agreement for Vorys to represent us in this litigation. The answer is due within 28 days of last week when we were served with this complaint and this is the reason for the emergency clause. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and J. Shields. The roll was called and Ordinance/Resolution No. 130-14 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

Ord. 131-14

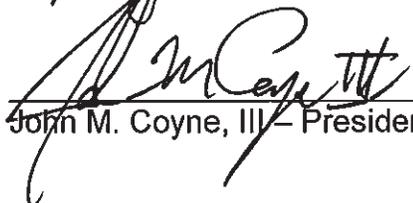
An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances of the City of Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 131-14, seconded by Mr. Simpson. Mr. Coyne stated this is the annual update to update our books. The roll was called and Ordinance/Resolution No. 131-14 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, J. Shields, and D. Simpson.

Adjournment:

There being no further business before council, the meeting adjourned at 7:45 a.m.



Kathy Patton, Clerk of Council



John M. Coyne, III - President of Council