

MEDINA CITY COUNCIL
September 8th, 2014, Regular Session

Opening:

Medina City Council met in regular, open session on Monday September 8th, 2014. The meeting was called to order at 7:30 p.m. by President of Council John Coyne who led the Pledge of Allegiance.

Mr. Coyne stated prior to commencement of the council meeting he would like to take a moment of silence in recognition of former Mayor Jane Leaver who served the City of Medina as Mayor from 2002 to 2009. On behalf of Council we send our condolences to her family, they are in our prayers at this time.

Roll Call:

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

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

Minutes:

Mr. Shields moved that the minutes from the regular meeting on August 25th, 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 J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated Finance Committee met prior to Council this evening and will meet again in two weeks.

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

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb plans to schedule a meeting in October.

Streets & Sidewalks Committee: Mr. Simpson has a meeting scheduled for October 8th at 5:30 p.m.

Water & Utilities Committee: Mr. Kolesar plans to schedule in early October.

Requests for Council Action:

Finance Committee

14-178-9/8 – Fund Transfer – from 001 to 301

14-179-9/8 – Budget Amendments

14-180-9/8 – 2014 City Auction

14-181-9/8 – 2015 Material Bids

14-182-9/8 – Expenditure Over \$15,000 – Expert Outfitters Gun Shop

14-183-9/8 – Bids, Wadsworth Rd. Drainage Improvements

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14-184-9/8 – Easement – Wadsworth Rd. Water Main
14-185-9/8 – Stand-By Emergency Water Service Agreement
14-187-9/8 – Expenditure Over \$15,000 – Securitec One (Parks)

Water & Utilities Committee

14-186-9/8 – Natural Gas Aggregation

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported the following:

- 1) Service this morning at St. Francis Xavier church for Mayor Jane Leaver. Our thoughts and prayers remain with the family of Mayor Leaver in this loss to our community. The Medina Community Band will also have a concert in her honor on Saturday, July 4th, 2015, at Public Square starting at 8:30 p.m.
- 2) New City Website- Some adjustments still being made and information uploaded, but please let us know of any concerns or suggestions. Daily more information is added.
- 3) State of the City - presented to Council on August 25, 2014 and to Medina Area Chamber of Commerce on September 2nd. Both presentations are available on Medina TV Channel 37 or at www.medinacableaccess.org.
- 4) National League of Cities - Discount Drug Program: 542 cities (Medina) participating; 440,000 residents using cards; over 1 million prescriptions issued with average savings of \$12.11 per prescription. No cost to city. Locally, we have made available since January, 2013: Total prescriptions - 559; price savings of \$9754.34; average price savings of \$17.45; total users - 225.

Keith Dirham, Finance Director, on behalf of the Finance Department he extended thoughts and prayers to the former Mayor Jane Leaver's family. There are a few items on the agenda we will address when we get to them. A building my family owns was burglarized last week and I want to thank the Police Department. The officers that we worked with on Friday were all very helpful and professional in that situation. Chief Berarducci has informed me that they have 3 people in custody.

Greg Huber, Law Director, had no report.

Chief Berarducci, Police Chief, had no report.

Kimberly Rice, Economic Development Director, had no report.

Jonathon Mendel, Community Development Director, reminded the community about the Boards and Commissions meeting scheduled for September 11th, there will be a Special meeting for Board of Zoning Appeals on Tuesday, September 16th at 5:30 p.m.

Chief Painter, Fire Chief, reminded residents that October 11th is the annual Open House and Safety Day at Fire Station #1 at 300 W. Reagan Parkway. A free event that is being held rain or shine. There will be a lot of emergency vehicles, food, bouncing houses, helicopter landing, and educational opportunities.

Mike Wright, Recreation Center Director, reported the new fall brochure for MCRC is now available on our website at www.medinarec.org . The next Rec. Advisory Board meeting is Thursday, September 18th at 7:30 a.m.

Jansen Wehrley, Parks and Recreation Director, reported the Splashpads will be closing on Wednesday. There are two areas closed off on the square, the Parks Department is in the middle of a turf renovation project and we appreciate your patience. Park users are not to park on the grass, try to utilize our various parking lots or city streets opposite from the fire hydrants.

Dan Gladish, Building Official, stated property maintenance has been a high priority with the Building Department for the past couple of weeks. One reason recent newspaper articles, second is part of the city's labor costs are funded through a Code Enforcement Grant. The order of priority for enforcement is complaints from the community, rental properties that have a history of criminal activities, absent landlords, owner occupied properties and we are meeting with them with the goal of achieving compliance without written notice or court action, a friendly approach. We are working with a church group that will assist the elderly that are in need with some clean up.

Patrick Patton, City Engineer, The construction project of US 42 and RT 3 resurfacing will begin tonight with ODOT doing night work starting at 7 p.m. – 6 a.m. in and around the square. There will be no parking in those areas affected. This work should be completed by the end of this week. The roadway and driveways for Gunnison Court have been completed, landscaping restoration and sidewalks will begin this week.

Nino Picolli, Service Director, reported they are wrapping up various concrete projects. They are bringing in a grouting contractor in the next couple of weeks with respect to the storm sewers. We received bids for this years' winter salt prices at \$54.97 per ton. Last year's price was \$34.20.

Mayoral Appointments:

Bob Starcher – MCDAC Board (Alternate) – Exp. 12/16

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

Notices, Communications and Petitions:

Liquor Permit:

Mr. Shields moved not to object to the TREX transfer of a D1 and D2 permit from Bad Eye Bobs LLC to H2 Huth & Harris Wine Merchants LLC, 221 S. Court Street, seconded by Mr. Simpson. The roll was called and approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Unfinished Business: There was none.

Introduction of Visitors:

Erica Graffain from the County Auditor's office reminded residents of the Senior Citizen Disabled Person Program. If they missed the Homestead sign-up deadline, they could still sign-up as a late filer. Also, property owners currently receiving the exemption, can "port" or move their reduction to a home purchased by them in the future, without having to meet the recently reinstated income requirement.

Introduction and Consideration of Ordinances and Resolutions:

Ord. 137-14:

An Ordinance amending Sections 31.02 and 31.05 of the Salaries and Benefits Code relative to the Police Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 137-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 137-14, seconded by Mr. Simpson. Chief Berarducci stated this ordinance will allow him to hire two more officers raising the limit to 39 and eliminate all vacant part time positions other than in the records room. Mr. Rose thanked the chief for his work on this and getting his budget from a deficit in 2019 to a positive for the next few years out. The roll was called on adding the emergency clause and was approved by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg. The roll was called and Ordinance/Resolution No. 137-14 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 138-14:

An Ordinance approving the Capital Improvement Plan for the Medina Community Recreation Center. Mr. Shields moved for the adoption of Ordinance/Resolution No. 138-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 138-14, seconded by Mr. Simpson. Mr. Wright stated this is required by the Joint Operating Agreement and has been reviewed by the Rec. Advisory Board in July. Emergency clause is needed so that we can have the funds in place to reimburse the schools for the needed roof repairs. Mr. Shields will abstain from voting since this benefits his employer. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb. Mr. Shields abstained. The roll was called and Ordinance/Resolution No. 138-14 passed by the yea votes of B. Lamb, P. Rose, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar. Mr. Shields abstained.

Res. 139-14:

A Resolution of the City of Medina, Medina County and State of 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 according to the attached sheet(s). Mr. Shields moved for the adoption of Ordinance/Resolution No. 139-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 139-14, seconded by Mr. Simpson. Mr. Dirham stated this is a then and now purchase order for Fire Dept. medical exams. The emergency is needed because the work is done and we need to pay. 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, B. Lamb, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 139-14 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Res. 140-14:

A Resolution of the City of Medina, Medina County and State of 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 according to the attached sheet(s). Mr. Shields moved for the adoption of Ordinance/Resolution No. 140-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 140-14, seconded by Mr. Simpson. Mr. Dirham stated this is another then and now and is for Rail insurance. The roll was called on adding the emergency clause and was approved by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 140-14 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Res. 141-14:

A Resolution of the City of Medina, Medina County and State of 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 according to the attached sheet(s). Mr. Shields moved for the adoption of Ordinance/Resolution No. 141-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 141-14, seconded by Mr. Simpson. Mr. Dirham stated this is for repairs from a derailment and was an emergency repair. 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. 141-14 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 142-14:

An Ordinance amending Section 161.13 (F) and (K) of the codified ordinances of the City of Medina, Ohio relative to the allocation of income tax funds for the Fire Department Capital and General Purpose Capital Funds. Mr. Shields moved for the adoption of Ordinance/Resolution No. 142-14, seconded by Mr. Simpson. Mr. Dirham stated this will take effect January 1st, 2015 it is to amend the income tax allocation reducing from 7.5 to 7 General Purpose Capital and increasing from 1.0 to 1.5 Fire Capital. The roll was called and Ordinance/Resolution No. 142-14 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Ord. 143-14:

An Ordinance adopting and accepting the modification to the job description for the position of Cable TV Executive Director/General Manager as approved and presented by the Civil Service Commission. Mr. Shields moved for the adoption of Ordinance/Resolution No. 143-14, seconded by Mr. Simpson. Mayor Hanwell explained that is a minor revision to the job description for the cable TV executive director and general manager. The roll was called and Ordinance/Resolution No. 143-14 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B.

Hilberg, M. Kolesar, B. Lamb and P. Rose.

Ord. 144-14:

An Ordinance authorizing the purchase of one (1) 2015 Ford Utility Police Interceptor from Statewide Ford for the Police Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 144-14, seconded by Mr. Simpson. Chief Berarducci stated this is to replace the cruiser that had water damage due to flooding. They recovered \$25,000 from insurance proceeds and will also apply that towards the purchase, costing us about \$9,000.00. The roll was called and Ordinance/Resolution No. 144-14 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 145-14:

An Ordinance authorizing the Mayor to execute an agreement between the City of Medina and T&M Associates for Streambank Riparian Restoration services for the Champion Creek Restoration Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 145-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 145-14, seconded by Mr. Simpson. Mr. Mendell stated this is to get the project going so we can obtain an agreement with T&M for a design and construction for this restoration. The roll was called on adding the emergency clause and was approved by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 145-14 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 146-14:

An Ordinance authorizing the Mayor to execute a Revocable Use Permit with Gowe Leasing Limited to use or occupy part of City owned lot with an ADA ramp for 122 Public Square. Mr. Shields moved for the adoption of Ordinance/Resolution No. 146-14, seconded by Mr. Simpson. Mr. Mendell stated this is the final step in creating a revocable use permit for ADA compliant ramp for the Second Sole building. The roll was called and Ordinance/Resolution No. 146-14 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 147-14:

An Ordinance establishing a public bidding procedure for design-build bids for the Spring Grove Bridge Replacement Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 147-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 147-14, seconded by Mr. Simpson. Mr. Patton explained this ordinance is to replace the Spring Grove Bridge and was originally to be completed in 2015 and we would like to advance that as soon as possible and that is why we are requesting this design build process. Patrick thanked ODOT for all the bid materials. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb. The roll was called and Ordinance/Resolution No. 147-14 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

Res. 148-14:

A Resolution authorizing an application for grant assistance, relative to Phase 2 of the North Huntington Street Reconstruction, and in addition authorizing an application for a loan, relative to Phase 2 of the Wadsworth Road Waterline Project, both from the State of Ohio, Ohio Public Works Commission. Mr. Shields moved for the adoption of Ordinance/Resolution No. 148-14, seconded by Mr. Simpson. Mr. Patton stated this is an annual application to OPWC and is the Issue 1 Grant Program. The roll was called and Ordinance/Resolution No. 148-14 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Ord. 149-14:

An Ordinance authorizing the Mayor to enter into Supplemental Agreement No. 3 with HNTB-Ohio, Inc. for engineering design services for the W. Smith Road Reconstruction Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 149-14, seconded by Mr. Simpson. Mr. Patton stated this agreement is for Phase 2 of the West Smith Road project being handled by ODOT. The roll was called and Ordinance/Resolution No. 149-14 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 150-14:

An Ordinance authorizing the Mayor to accept five (5) easements necessary for the Lancaster Drive Drainage Improvement Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 150-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 150-14, seconded by Mr. Simpson. Mr. Patton stated that this Ordinance and the two that follow are getting easements from private property owners for projects we are involved with. Emergency clause is requested due to work being completed and needing to pay property owners. The roll was called on adding the emergency clause and was approved by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 150-14 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 151-14:

An Ordinance authorizing the Mayor to accept four (4) easements necessary for the Wadsworth Road Water Main Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 151-14, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 151-14 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 152-14:

An Ordinance authorizing the Mayor to accept one (1) easement necessary for the Forest Meadows Drainage Improvements Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 152-14, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 152-14 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

Ord. 153-14:

An Ordinance authorizing the purchase of one (1) Smeal Fire Pumper with Aerial Device mounted on custom Sirius Chassis from Smeal Fire Apparatus Co. for the Fire Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 153-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 153-14, seconded by Mr. Simpson. Chief Painter stated this unit will replace the pumper taken out of service due to rust issues on frame and sub-frame. It is a demo unit with State Bid. Emergency is needed since it will take 8 to 10 month window to bill us. 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. 153-14 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Res. 154-14:

A Resolution supporting the rerouting of the Buckeye Trail through the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 154-14, seconded by Mr. Simpson. Jansen Wehrley explained the trail is 1400 mile trail on road and off road that goes throughout Ohio. Mr. Kolesar thanked Jansen for getting the trail to come through town. The roll was called and Ordinance/Resolution No. 154-14 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 155-14:

An Ordinance authorizing the Finance Director to make certain fund transfers. Mr. Shields moved for the adoption of Ordinance/Resolution No. 155-14, seconded by Mr. Simpson. Mr. Dirham states this is a transfer to pay for the public restroom. These are not tax payer funds these funds were received from the Electrical Aggregation a few years ago. Mr. Kolesar will vote no on this ordinance, he feels this project went further than it should have. Mr. Rose feels this is a positive step for the future growth of the city. The roll was called and Ordinance/Resolution No. 155-14 passed by the yea votes of J. Coyne, B. Hilberg, B. Lamb, P. Rose, J. Shields, and D. Simpson. M. Kolesar cast a nay vote.

Ord. 156-14:

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. 156-14, seconded by Mr. Simpson. Mr. Dirham explained the first appropriation being the transfer through electrical aggregation and the next two are transfers of carry-over funds from Parks, Cemetery, and Forestry for the Spring Grove Cemetery Project. We also have the Champion Creek Restoration and a donation from engine house we are to appropriate in order to spend. Mr. Kolesar will again be voting no due to the restrooms and Spring Grove Cemetery Project that he feels we stretched too far. The roll was called and Ordinance/Resolution No. 156-14 passed by the yea votes of B. Hilberg, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. M. Kolesar cast a nay vote.

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Council Comments:

Mr. Simpson offered condolences to the Leaver Family.

September 14th at 9 a.m. is the Tunnel to Towers run/walk and he encourages all staff to register and participate.

Mr. Kolesar on behalf of Ward 3 offered condolences to the Leaver family.

Mr. Kolesar cancelled the event on September 20th to paint/stencil the areas above the sewer catch basins.

Mr. Lamb spoke with Commissioner Hambley about the igloos that collect glass and how there was no notification they would be removed. He stated that with bidding the new contract the new company will be responsible for handling the glass in some appropriate manner.

Philanthropic Education Organization has their annual scholarship fundraiser on Saturday at Medina Country Club, \$30 a ticket.

He announced he rescheduled a meeting for Sept. 24th 7 p.m. at the 2nd Baptist Church to discuss what we can do to help improve our neighborhoods in the City of Medina.

November 7th is the Faith in Action "Dancing With the Stars" fundraiser, tickets go on sale in a few days.

Mr. Coyne stated we are still doing the budgets and our next meeting is September 10th at 5:30 p.m., and another on September 17th at 5:30 p.m.

Adjournment:

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



Kathy Patton, Clerk of Council



John M. Coyne, III, President of Council

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