

MEDINA CITY COUNCIL
March 23rd, 2015, Regular Session

Opening:

Medina City Council met in regular, open session on Monday, March 23rd, 2015. The meeting was called to order at 7:30 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 Dennis Hanwell, Keith Dirham, Greg Huber, Dan Gladish, Nino Piccoli, Sgt. Kinney, Chief Painter, Jansen Wehrley, Jonathon Mendel, Mike Wright, Kimberly Rice, Commissioner Adam Friedrich, Amy Lyons-Galvin, and Beth Biggins-Reimer.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on March 9, 2015, as prepared and presented by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the minutes were approved by the yeas of 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, our next meeting will be in two weeks.

Health, Safety & Sanitation Committee: Mr. Rose has a meeting scheduled on March 31st at 5:30 p.m. to discuss the SPCA.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report, will schedule meeting late in April.

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

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

Requests for Council Action:

Finance Committee

15-047-3/23 – Budget Amendments

15-048-3/23 – Payment Over \$3,000 – Mitchell Communications

15-049-3/23 – Bids, Roof Replacement at Fire Station #1

15-050-3/23 – Job Creation Grant – Allfasteners USA LLC

15-051-3/23 – Sam Masi Park – NatureWorks Grant

15-052-3/23 – Proposed Amendment to Medina-Montville JEDD Contract

Public Properties Committee

15-053-3/23 – Gold Star Memorial Monument

Health, Safety & Sanitation

15-054-3/23 – Recycling Bin Locations

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported the following:

- 1) Tae Kwan Do State Tournament at MCRC Saturday, March 28, 2015, kicks off at 9:00 a.m. First time hosted outside of the greater Columbus area. Will be excellent draw of people in to see our community. This is a qualifier for National Championship. 250 to 300 participants and their families as well as those guests coming to watch the event. Thanks to Kurt Gehring from MCRC for promoting this event at our Recreation Center.
- 2) Brass Band of Western Reserve – Windows of the World concert at 7 p.m. on March 28, 2015 at the Performing Arts Center. Tickets at door are \$10, \$9 for seniors, \$5 for students.
- 3) Healthy Strides - Outdoor talk then walk in county parks will kick off on Saturday, April 11, 2015 at 9:00 a.m. at CL Musgrave Park, on Windfall just north of Hospice Care Center. Dr. Tulisiak and I will both do brief talk on the Healthy Medina initiative, then walk through the park. The walks will continue at various county parks with different health professional talks and walks on the second and fourth Saturday of each month from April 11 and concluding Oct. 24. Good exercise, good information, and good way to see the many county parks and the amenities they have to offer. Walks and talks are both done in an hour, 9 a.m. to 10 a.m. Park locations will be on healthy Medina Website – www.healthymedina.com or Medina County Park website www.medinacountyparks.com
- 4) Healthy Medina Kickoff was Saturday, January 10, 2015 - still time/room to sign up.

Keith Dirham, Finance Director reminded all residents they are required to file an income tax return for the city income tax filed with CCA. There are 3 more opportunities for assistance on Wednesday, March 25th 2 – 8 p.m., Wednesday, April 1st 2 – 8 p.m., and Saturday, April 11th 8:30 – 2 p.m. These sessions are being held at the Recreation Center on Weymouth Rd.

Greg Huber, Law Director, Had no report.

Sergeant Kinney, Police Dept., Updated us on the two fires here in Medina on March 20th. There was a structure fire at 235 Jackson St. which is a 6 unit multifamily apartment complex. 16 occupants at the time of the fire and all evacuated without any serious injuries. The fire originated in a lower unit and spread throughout. At 7:45 a.m. the same morning the Fire and Police Departments responded to a second fire at 5 Harmon Court in Lincoln Crossing Apartments. Thankfully that fire was small and was quickly extinguished by the residents' three occupants. Investigations were done on both fires and it was determined that both fires were designated as arson by the State Fire Marshal. The detectives quickly identified a likely suspect for both fires and immediately went to work to locate the suspect. By 8 p.m. that same evening the suspect, a 29

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year old male from Cleveland Ohio was taken into custody. The suspect is currently charged with aggravated burglary, a first degree felony, and retaliation, a third degree felony. He is being held at the Medina County Jail on a \$500,000 bond. The investigation is ongoing and we anticipate additional charges. The collaborative efforts of the Police, Fire Department and State Fire Marshal resulted in the quick identification and apprehension of the suspect.

Kimberly Rice, Economic Development Director, Had no report.

Jonathon Mendel, Planning Community Director, Had no report.

Chief Painter, Fire Chief, reported they will be offering CPR and First Aid Classes at the Fire Station for any public organizations or Scout groups, or anyone that may need it. Call Station #1 330-725-1772 for further information.

Mike Wright, Recreation Center Director, Reported the Tae Kwan Do State Tournament at MCRC is Saturday, March 28, 2015, kicks off at 9 a.m. and cost is \$10 per adult, \$5 for children and seniors and under 5 yrs. old are free. To register online go to www.ohiotaekwando.org. Our new spring/summer brochure will be in the Post Paper on April 18th or just download it starting on April 15th from our website at www.medinarec.org. Our next scheduled Rec Advisory Board Meeting is Thursday, April 16th at the Rec. Center at 7:30 a.m.

Jansen Wehrley, Parks and Recreation Director, reported the Forestry Department recently completed tree removals on Brandywine Dr., Goldcrest Dr., Beechwood Dr., and Shagbark Trail due to the Emerald Ash Borer. We are currently grinding stumps and working on plans to replace those trees. Thank you for your patience and if you have any questions call the Forestry Dept. at 330-722-9031. We have received a lot of pavilion rentals for this year so far. If you are planning an event please call early to schedule your event. The Parks office number is 330-721-6950. The Memorial Pool discussion has been moved from Public Properties to the Finance Committee two weeks ago and our goal is to complete construction without a levy. Thanks to Mike Wright for his idea on having the pool under the Rec. Center Enterprise Fund to help us accomplish this project. Last week they interviewed three design consultants and will be selecting one in the near future.

Dan Gladish, Building Official, reported that with the snow melting here recently the Building Department has been addressing many property maintenance complaints, mostly of trash debris and old newspapers laying around. He asked residents to pick up anything they see uncovered from the snow.

Nino Piccoli, Service Director, gave an update on the Wadsworth Water Line Replacement Project which is about complete. The 8 inch water line has been installed. Depending on the weather the contractor can start restoration in a couple weeks. The Lake Rd. project is well underway, the water line portion is complete and the storm sewer installation is currently ongoing for the next week or so. Tentatively we would like to close Lake Rd. at Heritage for about 2 weeks to replace the box culvert by Fire Station #2, and we will notify the public, it is slated for Monday, March 30th.

We have been discussing sanitation, and recycling in the city as well as the county and tonight you

will hear very shortly a presentation from representatives of the Medina County Sanitary Engineers Office.

Confirmation of Mayor's appointment.

Records Commission – Justin Petrecca – Expiring 12/31/16
Mr. Shields moved to approve, seconded by Mr. Simpson. The roll was called and the Mayor's appointment was approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Notices, Communications and Petitions:

There were none.

Unfinished Business:

There was none.

Introduction of Visitors:

There were none.

Introduction and Consideration of Ordinances and Resolutions:

Ord. 35-15:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the annual purchase of general pavement services and equipment to be used by the Service Department. Mr. Piccoli stated this is a contract they have been using for about 7 years and they have served the city well specifically in emergencies and we would like to continue the same. Mr. Shields moved for the adoption of Ordinance/Resolution No. 35-15, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 35-15 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 36-15:

An Ordinance rezoning Parcel Nos. 028-19A-13-108, 028-19A-17-001, and 028-19A-16-047 located in the 600 block of N. Huntington Drive from R-3 High Density Urban Residential to SPD-2 Special Planning District. Mr. Shields moved for the adoption of Ordinance/Resolution No. 36-15, seconded by Mr. Simpson. Mr. Mendel stated this project started in December of 2014 to rezone for a 131 senior apartment complex three stories tall. Mr. Huber stated the deed changes were forwarded to the developer and there has not been any problems that he knows of but would like this passed subject to his final approval. The roll was called and Ordinance/Resolution No. 36-15 passed subject to the Law Directors final approval, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 36-15 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 37-15:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract for the construction of lights and gates at the City's State Railroad Crossing. Mr.

Shields moved for the adoption of Ordinance/Resolution No. 37-15, seconded by Mr. Simpson. Mr. Piccoli stated the city received an order from the Public Utilities Commission of Ohio to install rail crossing lights and gates on State Road that was previously entered into agreement with PUCO. This agreement speaks to the PUCO providing \$200,000 for this work. The engineer's estimate is \$248,000 and the recommendation from the City Engineer is for the city to provide the remaining \$48,000 for the project. Mr. Coyne states he will vote no on this as he feels the gates are not necessary at that location and paying for the ongoing maintenance required. The roll was called and Ordinance/Resolution No. 37-15 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Hilberg, and M. Kolesar. Mr. Coyne cast a nay vote.

Ord. 38-15:

An Ordinance amending Ordinance No. 200-14, passed December 8, 2014. (Amendments to the 2015 budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 038-15, seconded by Mr. Simpson. Mr. Dirham stated these are the budget amendments necessary to handle the project discussed in the last ordinance. The roll was called and Ordinance/Resolution No. 038-15 passed by the yea votes of P. Rose, J. Shields, D. Simpson, B. Hilberg, M. Kolesar, and B. Lamb. J. Coyne cast a nay vote.

Mr. Coyne announced a presentation from Medina County Sanitation Engineer's Office for the solid waste plan update by the Medina County Solid Waste District. We have Sanitary Engineer Amy Lyon-Galvin, Beth Biggins-Ramer and Commissioner Adam Friedrich to discuss the new plan.

Please refer to attached handout for information on the presentation.

Comments from Medina City Councilmen: Please note, full presentation is available to be viewed at <http://medinatv.pegcentral.com/player.php?video=536a791bd5912fbbe854ff52efadbe17>

Mark Kolesar questioned the decision to go Single stream, he has done research and finds there are still some issues with it and as a resident and local official he wants to see the recycle rates go a lot higher than previously. He realizes that costs money and agrees they need to find the happy medium that residents are willing to pay. Kolesar questioned the quality of recyclables, are there any concerns of contamination with paper and broken glass an all mixed into one? Mr. Kolesar feels that as residents of Medina we need to do more, take more initiative to help out in this process.

Mr. Lamb feels why would he and this community want to buy back into something that was operated by the County, the CPF, why pay those fees that we've been paying. 21 years ago this program was sold to city councils across the county that 25% of recyclables would be pulled out and recycled. Our residents have assumed with good conscience they have put everything in the trash and thought a huge percent was being recycled. Week after week, year after year for 20 some years! He stated that half of our trash that we have sent to the CPF goes right to a transfer truck headed to a landfill. There is 50% not recycled at all. The rest of it, if it goes on the belt is about 2%. If we look at this as a business proposition and we are, the past is predicate, nothing short of an absolutely dysfunctional service. We raised our sanitary rates to attempt to simply break even. Now our tipping fee has gone down but our residents that recycle have to take their recyclables to a bin someplace and if they do that they are putting less recyclables, less trash on the curb but they

are paying the same because our rate was based on barely breaking even. Mr. Lamb stated he feels it would not make sense for us to support any plan that came from the same jurisdiction that handed us the plan we've had. He hears from the community and they want to know what we are supposed to be doing with our trash. The history of our association with this CPF, the money we have spent for what in effect accounts for negligent recyclables to me is nothing short of fraud, and there is no way, no how that I would support any association with any plan that came out of that same egg.

Mr. Rose agreed with Mr. Lamb and Mr. Kolesar in that we do have to have our recycling at the lowest cost and at the highest rate of recycling. Mr. Rose is very concerned with the 15 year plan when they don't even know how the first year is going to go. To be setting something like this up and to lock yourself into something like that makes him hesitate to approve or agree with anything of that length of time. There are too many variables out there that we don't know about and with the history behind this all, one that is less than stellar and causes great concern with every member of council here and many on the staff. Mr. Rose stated he feels maybe this is a time for the EPA to come in and regulate even though he dislikes the EPA. Take this plan here and clean it up, bring in the type of recycling that the majority of the people and the rest of the country do. As he understands it, we are the only county in the nation that does this type of recycling and with the highest cost. We need something a little more wide spread, more acceptable involving everyone's efforts. Another concern of his is free market. In his world that means no government involvement. Government gets involved and costs go up and regulations start and nit picking people to death. We need to take this plan and let the cities run it, and be in control of what we are doing so we can control the costs for the people we are responsible for.

Mr. Coyne stated he feels there is a lot of misinformation out there just from the letters to the papers we read and the lack of communication regarding that. They don't understand why we wouldn't want the CPF to continue to recycle everything they do it all right now why would you want to stop that. The public needs to be educated in understanding what the real issues are and why we are not recycling. How is the recyclable revenue built into the cost per ton for the county wide single stream drop off recycling program, are the 5,000 tons you mention recyclable revenue off of those tonnage that you believe we will achieve come back to the county to offset the cost of the funding through the gate rate? What do you get per ton? I realize that can fluctuate depending on the commodities of glass, plastics and paper. Looking at the gate rates, it says \$1.22 per ton for retirement of debt for 500,000 in 2020, 2025 and 2030? Is there more debt going to be added?

The plan states the road map must be approved by a majority of the work group members. Must include two of the cities, the commissioners, the township and majority of the policy committee. This plan allows the CPF to continue, the debt to continue to be on the CPF, allows no free flow control, it ties us into an existing world that we live in today and we don't like it. Why would we vote for the plan that is causing us the aches that we continue to have over and over again. Mr. Coyne stated he will not support a plan that only provides us the things that we've always done.

Mr. Simpson thanked Amy, Beth and Commissioner Friedrich for the time they have invested in this program. He hopes that throughout the negotiations between the all the political entities that we can arrive at a solution that will benefit everyone.

Mayor Hanwell stated it makes no sense that we have a comment period but the comments mean nothing because the plan is already written and nothing will be adjusted, we are out of time so it is what it is. The cities need to have some kind of control of our destiny because our residents are suffering as a result of decisions made out of our control. There is absolutely no enforcement of seeing what trash generated in this county is actually coming to your facility. The only action taken was when employees of the city of Medina a number of years ago actually followed a trash hauler out of the county and opened the bags of trash to report to the person in charge of the CPF as evidence of trash being hauled and not even taken to the CPF. Your plan talks about the dumpsters and the host of the dumpsters is responsible for the upkeep, care and cleanliness of it but yet in the agreement, it states that the contractor is responsible for it, those two things don't seem to be in agreement with one another. The Mayor stated his biggest concern is he repeatedly asked in several meetings with Commissioner Friedrick and a meeting with Commissioner Smith and in an email to Scott Miller, is there is a penalty to pay off this debt that exists and if not why would we spend almost \$170,000.00 in interest going from July payment of this year through 2022 and have yet to receive an answer from the county, so I asked our Finance Director Keith Dirham to contact the Ohio Water Development Authority today and give him the loan number and found out that because it's for equipment that the debt can be paid off with no penalty what so ever. My question remains, why would we have 1.4 million in reserve and refuse to pay off a \$700,000.00 debt and instead pay \$170,000.00 of our dollars in interest?

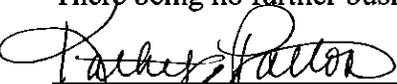
Mr. Huber questioned with respect to the proposed plan what are your consultants telling you would be the projected percent of recycling?

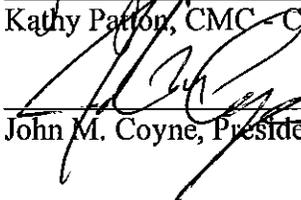
Mr. Coyne stated he feels maybe we can have an exemption if we do go to curbside because there is no way we can pay for curbside and continue to pay a gate rate for both programs because it would be cost prohibitive and somehow getting exempted out of the plan so we don't have to follow it if we can prove that we can do our own recycling at a higher rate and we show you numbers of that effect, not sure if that works for the EPA or not but maybe that's a way to settle some of the issues.

Mr. Piccoli stated that the county has worked with them, he has worked with Amy and Beth and there has been some movement, again, not to the satisfaction of the city in what we want to do. We are trying to implement some type of recyclable program and have been contacted by several companies offering to supply totes and things. We want to increase recycling and we want to do it at a lower cost.

Adjournment:

There being no further business before Council, the meeting adjourned at 9:26 p.m.


Kathy Patton, CMC - Clerk of Council


John M. Coyne, President of Council

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