

## MEDINA CITY COUNCIL

July 13th, 2015

### **Public Hearing**

To consider a text amendment to Section 1147.07(J) of the Planning and Zoning Code of the codified ordinances of the City of Medina, Ohio, pertaining to full color vs. single color electronic message center (EMC) signs.

### **For the text amendment:**

Mr. Mendel stated that on May 14<sup>th</sup> 2015, the staff presented and recommended changes and additions to the Planning Commission to allow full color electronic message signs. Mr. Mendel would recommend that Council approve the changes to the electronic message signs section of the Zoning Code.

### **Against the text amendment:**

No one spoke against the text amendment.

### **Opening:**

Medina City Council met in regular, open session on Monday, July 13th, 2015. The meeting was called to order at 7:32 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 D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

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

### **Minutes:**

Mr. Shields moved that the minutes from the regular meeting on June 22nd, 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 J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

### **Reports of Standing Committees:**

Finance Committee: Mr. Coyne stated the Finance Committee met prior to Council. This is the last meeting before going on summer break until August 24, 2015.

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 reported a meeting is scheduled for July 22<sup>nd</sup>, at 5 p.m. prior to our budget hearing.

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

**Requests for Council Action:**

**Finance Committee**

- 15-122-7/13 – Payment Over \$3,000 – Terrace Construction
- 15-123-7/13 – Expenditure Over \$15,000 – Fire Safety Services
- 15-124-7/13 – Expenditure Over \$15,000 - Kokosing
- 15-125-7/13 – Authorize Walter & Jocke to File Trademark/Copyright Application
- 15-126-7/13 – Budget Amendments
- 15-127-7/13 – Establish New Fund – Bicentennial Committee Fund
- 15-128-7/13 – Transfer Request – 001 to 902.
- 15-129-7/13 – Payment Over \$3,000 – Trident Insurance (legal fees)
- 15-130-7/13 – Amend Codified Ordinances, Chapter 901
- 15-131-7/13 – Bids, Audible Traffic Signals
- 15-132-7/13 – Grant Application – Ohio Public Works Commission (OPWC)
- 15-134-7/13 – Request for Holiday Lighting Repair Funds

**Streets & Sidewalks Committee**

- 15-133-7/13 – Co-Name Section of Northland Dr. “Vietnam Veterans Memorial Way”

**Reports of Municipal Officers:**

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

- 1) Healthy Strides - The walks will continue at various county parks with different health professional talks and walks on the second and fourth Saturday of each month starting 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](http://www.healthymedina.com) or Medina County Parks website- [www.medinacountyparks.com](http://www.medinacountyparks.com)
- 2) Community Band Concerts - Started Friday, June 5 and each Friday night in July. Thanks to band and board members for keeping this tradition going. Concerts start at 8:30 p.m.
- 3) Medina County Arts Council - Art Events on Square 7/13 thru 7/17 from noon to 1 p.m., and 7 p.m. – 9 p.m. on Square.
- 4) Art in the Park Sunday, July 19, 11 a.m. to 5 p.m. on Square.
- 5) Movie Night on Square by Cool Beans - 7/25 & 8/22, 9 p.m. to 11:30 p.m.
- 6) Big Band Jazz on Square - Gardner’s Cottage- 8/1, 7 p.m. -9 p.m.
- 7) Shakespeare in the Park/Square - Medina Co. Show Biz- Friday 8/7, 4 p.m. -10 p.m., Sat. 8/8, 2 p.m. -10 p.m.
- 8) An Affair on the Square - Sun. 8/9, 11 a.m. to 5 p.m.
- 9) International Festival - Sat. August 22, 9 a.m. to 6 p.m.

- 10) Jazz Under the Stars - Velvet Voyage** performed Sat. July 11 from 7 p.m. to 9 p.m. The next concert will be Sat. August 15, from 7 p.m. to 9 p.m. Performers will be Laura Varcho Quartet. Thanks to Thomas Sigel and Ormaco for arranging these free Jazz Concerts for our community. In case of rain the concert will be moved to United Church of Christ, Congregational, 217 East Liberty Street. See [www.ormaco.org](http://www.ormaco.org) for further info.
- 11) Hope Council** has a safe and enjoyable summer break!

**Keith Dirham, Finance Director**, stated the Finance Dept. splits the budgets into three parts to get through the process and we are finishing up the second part and will have another meeting with Council on that and then the third section is the General Fund Budget which the Finance Dept. will put out the packets and information to the dept. heads a week from today on July 20<sup>th</sup>. The Art in the Park is this Sunday, stop by the east side of the square and buy a meal from the Kiwanis Club we will be there from 11 a.m. – 5 p.m.

**Greg Huber, Law Director**, had no report, but thanked Council for their patience dealing with all the legislation they have considered this year.

**Chief Berarducci, Police Chief**, had no report, also thanked each member of Council for supporting the Police Dept. with their latest budget request, their trust in us is important. We are in the process of hiring their 39<sup>th</sup> officer and that is a historic number.

**Kimberly Rice, Economic Development Director**, reported July 24<sup>th</sup> is the next round of ribbon cuttings in conjunction with Main Street Medina and the Chamber of Commerce starting at noon with the new Court House Pizzeria, at 1 p.m. We will be at Sparrow Art Gallery and Studio located at 44 Public Square, Suites 3 & 4. Atlantica Pet Spa located at 799 North Court St. in Suite 31 at 3 p.m. Following at 4 p.m. is the Marathon Gas Station at 429 South Court St. (new owner). We are working with Matt and Derrick Fry from the Medina Cable TV on interviews of business CEO's and Presidents and they are doing 3 to 5 minute video/testimonials that we will be adding to the website by the end of this month.

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

**Chief Painter, Fire Chief**, reported the new engine has been delivered and we are working diligently getting all the equipment mounted and required training in and hope to have it in service at Station 3 on Wadsworth Rd. in the next couple of weeks. Chief Painter reminded residents that they are offering CPR, First Aid and Fire Extinguisher Training at Station 1 during the summer months and they are filling up fairly quickly.

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

The Medina Rec's five day shut-down week for maintenance, repairs and deep cleaning is Monday, July 27<sup>th</sup> through Friday, July 31<sup>st</sup>. They will reopen on Sat. Aug. 1<sup>st</sup> at 8 a.m. Thank you to the school's maintenance and custodial departments for all their work they accomplish in such a short time. The next scheduled Rec Advisory Committee meeting is Thurs., July 16, 2015 at 7:30 a.m.

**Jansen Wehrley, Parks and Recreation Director**, reported that construction is underway at Spring Grove Cemetery for the new maintenance building and office. The previous building was demolished so there is a temporary office located behind the chapel. Last week they met with Brandstetter Carrol to kick off the design stage for the municipal pool at Memorial Park and it will take several months for the design to be completed. The trail connection from the Champion Creek Multi-Purpose Trail to Sam Masi Park was open this week and you are now able to access four parks from the Champion Creek Multi-Purpose Trail.

**Dan Gladish, Building Official**, was absent and had no report.

**Patrick Patton, City Engineer**, reported the Lake Road Construction Project continues, the first pour on the second half of the south bound lane. This road should be completed and open in a couple of weeks. Our Railroad Improvement Project is underway and should also be completed within the next few weeks.

**Nino Piccoli, Service Director**, reported that street crews have been working on painting and striping in the various areas and intersections throughout the city, additionally the crews have been working on cleaning storm sewers in advance of the grouting crew to repair some defects. We are encouraging residents to drop off their recyclables at the various locations throughout the county.

#### **Notices, Communications and Petition**

Mr. Shields moved not to object to the issuance of a new D-3 permit to H2 Huth & Harris Wine Merchants LLC, 221 S. Court Street, Medina. Motion seconded by Mr. Simpson and approved by the yeas votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Mr. Shields moved not to object to the issuance of a new C-1 and C-2 permit to WJF Investment Corp., dba Medina Marathon, 428 S. Court St. Medina. Motion seconded by Mr. Simpson and approved by the yeas votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

#### **Unfinished Business:**

There was none.

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

Denise Jocke – Medina County Auditors' Office,

The Township City and Village budget are due by July 20<sup>th</sup> to Marybeth Gunther. The City does not have anything to go on the ballot.

The CAUV field checks are completed and we have sent letters to anybody we thought might not be telling the truth and they have until Sept. 18<sup>th</sup> to respond.

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

##### **Res. 89-15:**

**A Resolution extending the Intensive Supervision Probation Grant for the Medina Municipal Court through the fiscal year 2016.** Mr. Shields moved for the adoption of Ordinance/Resolution

No. 89-15, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 89-15, seconded by Mr. Simpson. Mr. Dirham stated this is for the court. This grant comes in at the end of the State fiscal year and the emergency is needed because it starts up right away. 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, M. Kolesar, and B. Lamb. The roll was called and Ordinance/Resolution No. 89-15 passed by the yeas votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

**Ord. 90-15:**

**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. 090-15, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 090-15, seconded by Mr. Simpson. Mr. Dirham stated this is a part of the last ordinance. This is the Salaries and Benefits Code related to that same grant. The roll was called on adding the emergency clause and was approved by the yeas 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. 090-15 passed by the yeas votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

**Ord. 91-15:**

**An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the 2015 ADA Curb Ramp Program.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 091-15, seconded by Mr. Simpson. Mr. Patton stated every year they get a CDBG grant. This year they are electing to use part of those funds to install curb ramps in various locations throughout the city. The roll was called and Ordinance/Resolution No. 091-15 passed by the yeas votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

**Ord. 92-15:**

**An Ordinance establishing a Special Revenue Fund, (#110) Ohio Department of Natural Resources (ODNR) Grant Fund.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 92-15, seconded by Mr. Simpson. Mr. Dirham stated that Mr. Wright from the Medina Rec. has secured a grant from ODNR for Handicap parking at the Rec. Center. We need a fund to run the money through for that. The roll was called and Ordinance/Resolution No. 092-15 passed by the yeas votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Ord. 93-15:**

**An Ordinance authorizing the Mayor to execute a Memorandum of Understanding with Montville Township for a trial program for expanded staffing hours at Fire Station #3.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 093-15, seconded by Mr. Simpson. Chief Painter stated this MOU would expand the staffing hours by putting on a 4 p.m. to 12 midnight shift Monday through Friday. Historically this is a busy block of time for the department and we are hoping to reduce response time and ensure adequate response to any incident. The cost will be divided equally between Montville Township and Medina City. This is a trial program and

if successful we look to modify the contract in the future. The roll was called and Ordinance/Resolution No. 093-15 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, J. Coyne, and B. Hilberg. D. Simpson (Abst.)

**Ord. 94-15:**

**An Ordinance authorizing the payment of the remaining balance of the Medina Micro-Enterprise Revolving Loan Fund to the Medina County Economic Development Revolving Loan Fund.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 94-15, seconded by Mr. Simpson. Kimberly Rice stated the City has a Micro-Enterprise Revolving Loan Fund as part of a grant they received in 2010. The state has notified us that this year they would like us to either dissolve it by transferring the money to the County Economic Development Fund or return the money back to the state or combine it with existing or upcoming CDBG Project. They feel transferring it over Medina Co. Economic Development Revolving Loan Fund that our businesses would still be able to tap into that and still have this as an economic development benefit. The roll was called and Ordinance/Resolution No. 094-15 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

**Ord. 95-15:**

**An Ordinance authorizing the payment of \$15,000.00 to the Medina City Development Corporation (MCDC) as the local match for the Frontier Communications America's Best Communities Prize competition.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 095-15, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 095-15, seconded by Mr. Simpson. Mr. Mendel stated this is to fund the MCDC efforts as a quarter finalist for the America's Best Community Prize through Frontier Communications and their various partners in the project. This would come out of the Economic Development Fund that is generated through the Montville JEDD. This would help meet that local match and the emergency is needed because the match must be confirmed by Aug. 4<sup>th</sup>. 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. 095-15 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**Res. 96-15:**

**A Resolution of the Council 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. 096-15, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 096-15, seconded by Mr. Simpson. Mr. Dirham stated this is to pay for a construction company that helped us during a water break on a Sunday. The emergency is needed so that we can pay the bill. 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. 096-15 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**Ord. 97-15:**

**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. 097-15, seconded by Mr. Simpson. Mr. Dirham stated the first two additions are for donations and Council has to authorize the expenditure of that money. The final one is for the Bicentennial Committee. The reductions came out of the budget process that we had a couple weeks ago. The roll was called and Ordinance/Resolution No. 097-15 passed by the yeas of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Ord. 98-15:**

**An Ordinance establishing a Bicentennial Committee Fund (#902).** Mr. Shields moved for the adoption of Ordinance/Resolution No. 098-15, seconded by Mr. Simpson. Mr. Dirham stated we need to have a separate fund for this so we can solicit money for this operation. The roll was called and Ordinance/Resolution No. 098-15 passed by the yeas of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

**Ord. 99-15:**

**An Ordinance authorizing the Finance Director to make certain fund transfers.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 099-15, seconded by Mr. Simpson. Mr. Dirham stated this is to transfer \$2,500 from the General Fund to the Fund that we created in the last ordinance for the Bicentennial Fund. The roll was called and Ordinance/Resolution No. 099-15 passed by the yeas of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

**Res. 100-15:**

**A Resolution adopting the tax budget of the City of Medina, Ohio for the fiscal year beginning January 1, 2016 and submitting the same to the Medina County Auditor.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 100-15, seconded by Mr. Simpson. Mr. Dirham stated we have a tax budget we have to turn in by July 20<sup>th</sup> and this is it. The roll was called and Ordinance/Resolution No. 100-15 passed by the yeas of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**To be added to the Agenda:**

Mr. Shields moved to add Ord. 101-15 to the agenda, seconded by Mr. Simpson. The roll was called and passed by the yeas of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

**Ord. 101-15:**

**An Ordinance amending Chapter 901 of the Codified Ordinances of the City of Medina, Ohio relative to Street Openings and Excavations.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 101-15, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 101-15, seconded by Mr. Simpson. Mr. Huber stated this ordinance allows the City Engineer the ability to review and allows for a permitting process with respect to placing utilities in a public right of way. The City of Medina is

seeing more small companies given public utility status which means they can bargain for space in our right of way as a consequence it's best to amend this ordinance, get to the engineer some ability to review these applications in an orderly process. The emergency is needed due to a request we have in front of us and would like to pass this legislation and use this as a spring board for the review process. 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. 101-15 passed by the yeas votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**Council Comments:**

Mr. Simpson thanked Mr. Ram who is the executive director of the CDC for his representation at the Garden Party for a good cause. He also thanked Brian Hilberg for his efforts for the Ward 1 residents party.

Mr. Hilberg announced that they hosted the 3<sup>rd</sup> annual Ward 1 Community Block Party on Sunday, July 12<sup>th</sup> from 2 p.m. to 6 p.m. at Ray Mellert Park. This was a free family event for the residents, and there were about 200 people in attendance. Thank you to members of Council that attended: Mark Kolesar, Dennie Simpson and to Jim Shields for arranging the stages, Paul Rose and his wife helped serve food and Bill Lamb for helping set up. Thanks to the administration that attended, the Parks Department that helped get the park ready, The Mayor for cooking and his wife that helped serve food. Thanks to the following organizations for their participation: The Children Center of Medina County, Diversity Project, The Medina Community Police Activities league, The Medina Co. Solid waste district, LST, Medina Fire Dept., MPD, and Sister Circle. Thanks to our sponsors: Cupcake a Day, ABC Therapy Co., Absolute 0 Internet Studios, Angel Touch Software, C. Martin Trucking, Carlson Funeral Homes, Cool Beans Café, Corkscrew Saloon, Discount Drug Mart, High Voltage Indoor Karting, I Candy Graphics, Main Street Café, Mic Jak Candy Co., MCS, PJ Marley's, Second Baptist Church, Spokes Café, Intervention for Peace and Waite and Sons Funeral Homes. Special appreciation to Mark and Elisa Williams who once again offered up Williams on the Lake in case of severe weather.

Mr. Kolesar stated we are going on break and he thanks all Council Members and Administration for all their hard work so far this year, it really shows.

There have been a lot of complaints in Ward 3 with pet owners and their dogs so pet owners please be responsible when you are walking your dog and clean up after them.

Mr. Lamb thanked Brian Hilberg for the event. He thanked Council and administration also. He also expressed thanks to Congressman Renaci, Mr. Lamb stated he has always gotten an immediate response to any issues he has gone to Congressman Renaci about.

Mr. Coyne states there is a Budget Hearing on July 22<sup>nd</sup> at 5:30 p.m.

Medina City Council  
July 13th, 2015

**Adjournment:**

There being no further business before Council, the meeting adjourned at 8:11 p.m.

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Kathy Patton, CMC - Clerk of Council

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John M. Coyne, President of Council