

MEDINA CITY COUNCIL
December 14th, 2015

Opening:

Medina City Council met in regular, open session on Monday, December 14th, 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, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose. D. Simpson was absent.

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

Minutes:

Mr. Shields moved that the minutes from the regular meeting on November 23rd, 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 yea votes J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. and J. Shields.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated the Finance Committee met prior to Council and won't meet again until next year on January 11th and also have a special meeting in the weeks to follow for discussion on capital projects to include the pool discussion.

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 was absent.

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

Requests for Council Action:

- 15-194-12/14 – Payment Over \$3,000 - Osborne
- 15-195-12/14 – Public Defender Contract Renewal
- 15-196-12/14 – Membership Withdrawal Fee - MCRC
- 15-197-12/14 – Fund Transfer – Parking Fund
- 15-198-12/14 – Fund Advances – Grant Funds
- 15-199-12/14 – Budget Amendments
- 15-200-12/14 – Expenditure Over \$15,000 – Video Service of America
- 15-201-12/14 – Capital Bill Request – Parking Garage
- 15-202-12/14 – Amend 142.01 regarding Cemetery Commission
- 15-203-12/14 – Increase P.O. 2015-561 – Osborne Medina

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported:

- 1) Eat*Drink*Shop Medina - The Post Newspapers in partnership with Medina Chamber, Main Street Medina, and City of Medina hosted first annual Eat*Drink*Shop Medina November 1-30. Receipts with 44256 area code turned in for tickets to win prizes on December 5th at MCRC. Very successful with ~ 350 attendees for nearly \$9k in prizes donated.
- 2) December 2nd - Lorain County Alcohol and Drug Addiction Services office opened in 700 block of East Washington St. Well attended and well received to provide opiate addiction services to constituents in need. Called Medina Wellness Center.
- 3) Ohio Attorney General Mike DeWine issued a warning of IRS imposter scams in the state. Recommendations are not to call back robocalls threatening to sue or arrest for unpaid taxes, and not to engage callers if your answer phone. Do not send or wire money as this is frequently used by con artists. May report scams to U.S. Treasury or IRS Treasury Inspector General for Tax Administration at www.treasury.gov/tigta ; or by calling 800-366-4484.
- 4) Happy Birthday to Council Clerk Kathy Patton! A night of Meetings sure beats a party!
- 5) Last meeting of year - I would like to personally wish Council members, City staff, and community a Merry Christmas and a safe and happy holiday season!

Keith Dirham, Finance Director, reported there are budgets on this agenda as well as a number of transfers and advances and year in items. Happy Birthday to the Mayor and Kathy Patton.

Greg Huber, Law Director, had no report.

Chief Berarducci, Police Department, had no report.

Kimberly Marshall, Economic Development Director, reported the City of Medina in conjunction with Main Street Medina and the Chamber of Commerce are hosting a grand opening and ribbon cutting for Honey Bee Bakery located at 23 Public Square Suite #1 this Friday, December 18th at 4 p.m.

Jonathon Mendel, Planning Community Director, had no report.

Jansen Wehrley, Parks and Recreation Director, stated the Forestry Dept. issued a work permit on November 18th for Ohio Edison Company to perform utility vegetation management along four distribution circuits in the City of Medina. The streets affected include Industrial Parkway, Lake Rd., Hartford Drive, Wooster Pike, Ryan Rd., South Broadway St., Lafayette Rd., Wadsworth Rd., Plymouth St., Blannet St., LaSalle St., and West Sturbridge Dr. The work will involve pruning of public and privately owned trees in close proximity to primary and secondary distribution lines to

be performed by Aspen Tree Expert Company and will commence after January 1st, 2016. Any questions about the work should be directed to 330-323-9232.

Dan Gladish, Building Official, reported the following:

It's now been a year since the City's Building Department took over the Plumbing Permit responsibilities from the County. I would like to say that it been a success and has been very beneficial to the Community. We have issued over 100 Residential and 35 Commercial Plumbing Permits. I would also add that providing this additional service has not been an added cost to the City. The permit fees collected have and will continue to cover the costs of labor (both in the field and in the office), all required tools and reference materials.

Patrick Patton, City Engineer, reported the Ryan Rd. project is underway, mainline installation of the water main has been completed. Installation of individual services to the homes and the storm sewer work will start this week.

Nino Piccoli, Service Director, reported the leaf program is complete.

Confirmation of Mayoral appointments

Airport Commission – Ed Farnum, Expiring 12/31/19
Brian Gussion, Expiring 12/31/19
Archive Commission – Roger Smalley, Expiring 12/31/18
Board of Zoning Appeals – Mark Williams, Expiring 12/31/19
Charter Review Comm. – Mike Ryan, Expiring 12/31/20
Stacy Bonitz, Expiring 12/31/20
Mike Jenks, Expiring 12/31/20
Elizabeth Bux, Expiring 12/31/20
Mildred Medley, Expiring 12/31/20
Historic Preservation Board – Leslie Traves, Expiring 12/31/19
Paula Banks, Expiring 12/31/19
Shade Tree Commission – Virginia Jeandrevin, Expiring 12/31/19
Utility Rate Review – Andrea Lyons, Expiring 12/31/19

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

Confirmation of Council appointments.

MCDAC Board – Bob Starcher, Expiring 12/31/17
Archive Commission – Matt Weiderhold, Expiring 12/31/18
Audit Committee – Bert Humpal (Accounting Rep.), Expiring 12/31/19

Mr. Shields moved to confirm the Council appointments, seconded by Mr. Kolesar. The roll was called and the appointments were approved by the yea votes of M. Kolesar, B. Lamb, P. Rose, J.

Shields, and J. Coyne, and B. Hilberg.

Notices, Communications and Petition:

Liquor Permit:

Not to object to the transfer of a C1 and C2 permit from Stop N Go of Medina, Inc. 828 W. Liberty St. to TA Operating, LLC, dba Minit Mart, 828 W. Liberty St. 1st floor. Mr. Shields moved not to object, seconded by Mr. Kolesar. The roll was called and approved by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar.

Liquor Permit:

Not to object to the transfer of a C1 and C2 permit from Stop N Go of Medina, Inc. dba Stop N Go, 1033 S. Court Street to TA Operating, LLC, dba Minit Mart, 1033 S. Court Street. Mr. Shields moved not to object, seconded by Mr. Kolesar. The roll was called and approved by the yea votes of P. Rose, J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Liquor Permit:

Not to object to the transfer of a C2 and C2X permit from Stop N Go of Medina, Inc. dba Stop N Go #99, 1010 W. Lafayette Rd. to TA Operating, LLC, dba Minit Mart, 1010 W. Lafayette Rd. Mr. Shields moved not to object, seconded by Mr. Kolesar. The roll was called and approved by the yea votes of J. Shields, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Unfinished Business: There was none.

Introduction of Visitors:

Erica Graffein from the County Auditor's Office spoke about the following:

1. Top Dog contest/ Dog License January 31 cost is \$10
2. Mid-January – Seal contest
3. Tax Bills middle January

Introduction and Consideration of Ordinances and Resolutions:

Ord. 150-15:

An Ordinance authorizing the Mayor to enter into an Agreement with Medina Township for the purpose of providing 9-1-1 Emergency Police Dispatch and Communications Services on behalf of the residents of the township. Mr. Shields moved for the adoption of Ordinance/Resolution No. 150-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 150-15, seconded by Mr. Kolesar. Mayor Hanwell stated this is a 3 year renewal contract with some increases in fees that they are paying for dispatch services for our dispatch center and the Police Department for Medina Township's Police and Fire. 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, and J. Coyne. The roll was called and Ordinance/Resolution No. 150-15 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 151-15:

An Ordinance authorizing the Mayor to enter into an Agreement with Montville Township for the purpose of providing 9-1-1 Emergency Police Dispatch and Communications Services on behalf of the residents of the township. Mr. Shields moved for the adoption of Ordinance/Resolution No. 151-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 151-15, seconded by Mr. Kolesar. Same as prior ordinance. The reason for the emergency clause is because this takes effect at the end of the month and we need it in place for January 1st. With Montville we don't do fire because the city fire dept. provides fire services for them. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar. The roll was called and Ordinance/Resolution No. 151-15 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, J. Coyne, and B. Hilberg.

Res. 152-15:

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. 152-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 152-15, seconded by Mr. Kolesar. Mr. Dirham stated these are parts for a concrete pour and the emergency clause is requested due to payment being owed. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose. The roll was called and Ordinance/Resolution No. 152-15 passed by the yea votes of P. Rose, J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Ord. 153-15:

An Ordinance authorizing the Mayor to execute a Ground Lease Agreement between the City of Medina and the Miracle League of Northeast Ohio, Inc. for the Medina Lions Field at Sam Masi Park. Mr. Shields moved for the adoption of Ordinance/Resolution No. 153-15, seconded by Mr. Kolesar. Mr. Wehrley explained this ground lease at Medina Lions Miracle Field located at Sam Masi Park gives the exclusive use of the baseball field to the Miracle League of Northeast Ohio, Inc. a 501C3 for the next ten years. The Miracle League provides recreational support and opportunities for individuals with physical and mental disabilities. They have committed to renovating the playing surface at Medina Lions Field. Mr. Kolesar thanked the Miracle League for all they do and encouraged the public to attend a game. The roll was called and Ordinance/Resolution No. 153-15 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 154-15:

An Ordinance repealing Ordinance No. 78-15, passed June 8, 2015 and replacing Section 161.13 of the codified ordinances of the City of Medina, Ohio, relative to the allocation of Income Tax Funds. Mr. Shields moved for the adoption of Ordinance/Resolution No. 154-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 154-15, seconded by Mr. Kolesar. Mr. Dirham stated the emergency

clause is needed because this will take effect January 1st, 2016. The ordinance is to reallocate the income tax, which grew out of the budget discussions. We need to deal with some shortages in the upcoming years. Mr. Coyne thanked the department heads and the administration for working with council to determine a way to reallocate the funds from various departments. 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, J. Coyne, and B. Hilberg. The roll was called and Ordinance/Resolution No. 154-15 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and J. Coyne.

Ord. 155-15:

An Ordinance adopting a new Chapter 162 of the codified ordinances of Medina regarding Municipal Income Tax Funds. Mr. Shields moved for the adoption of Ordinance/Resolution No. 155-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 155-15, seconded by Mr. Kolesar. Mr. Dirham stated this is due to the fact that the State passed what was known as House Bill 5, which changes the way cities can collect income tax. We have to pass this ordinance in order to be in compliance with it. The emergency clause is requested due to taking effect January 1st, 2016. This is not repealing the old ordinance because the prior ordinance will still be in effect for tax years ending 2015 and prior. The city changed the minimum age threshold on income tax so that starting with 2016 persons aged 16 and 17 will no longer be subject to the tax for city residents. He thanked Mr. Huber and his office for his review. Mr. Rose stated while he agreed with certain portions of the requirements due to state changes he does disagree with exclusion of 16 & 17 year olds for the income tax. It's been estimated that the taxes we collect from those individuals are between \$10,000 and \$15,000 and Mr. Rose feels that is a significant amount of money that the city could use. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb. P. Rose cast a nay vote. The roll was called and Ordinance/Resolution No. 155-15 passed by the yea votes of B. Lamb, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar. P. Rose cast a nay vote.

Res. 156-15

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. 156-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 156-15, seconded by Mr. Kolesar. Mr. Dirham stated there had been a previous purchase order with a different vendor but Mr. Piccoli found a less expensive vendor and they were able to deliver on a Saturday. The emergency clause is necessary due to payment being due. Mr. Kolesar is abstaining from voting due to his employer doing business with this vendor. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, B. Hilberg, B. Lamb, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 156-15 passed by the yea votes of J. Shields, J. Coyne, B. Hilberg, B. Lamb and P. Rose. M. Kolesar abstained.

Res. 157-15

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. 157-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 157-15, seconded by Mr. Kolesar. Mr. Huber explained the State of Ohio Statutes require that cities enter into agreement with the County Public Defenders' Office when they are representing an indigent defendant charged with a violation of a city ordinance. This is the same contract we have each year but we are required to have a contract renewed every year. Emergency is needed due to time restraints. The roll was called on adding the emergency clause and was approved by the yeas votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, J. Coyne, and B. Hilberg. The roll was called and Ordinance/Resolution No. 157-15 passed by the yeas votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and J. Coyne.

Ord. 158-15

An Ordinance to make appropriations for current expenses and other expenditures of the City of Medina, Ohio for the fiscal year ending December 31, 2016. Mr. Shields moved for the adoption of Ordinance/Resolution No. 158-15, seconded by Mr. Kolesar. Mr. Dirham requested to explain the next two ordinances together. This ordinance is the budget for 2016 and is required by the State. The roll was called and Ordinance/Resolution No. 158-15 passed by the yeas votes of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar.

Res. 159-15

A Resolution adopting a five-year budget for the City of Medina, Ohio for the period beginning January 1st, 2016 through December 31, 2020. Mr. Dirham stated this is the five-year budget for 2016 through 2020 and is not required by the State it's just something we do here in the City of Medina voluntarily. Mr. Coyne thanked the department heads for their participation in their continued diligence in saving money and working towards balancing our budget in years to come, he also thanked council in their bold actions and continued direction to look at the vision of our city and move forward with capital projects and not stop the momentum that we've started in our city but to keep moving forward in an effort to generate more funds for the future and generate a better place in this community both for businesses and their families. J. Shields, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Ord. 160-15

An Ordinance authorizing the Finance Director to make certain fund transfers. Mr. Shields moved for the adoption of Ordinance/Resolution No. 160-15, seconded by Mr. Kolesar. Mr. Dirham stated they are transferring money from the General Fund to the Parking Fund. The Parking Fund does not have sufficient revenues to cover its operations. We pay rent on a couple of parking lots and we also pay the parking attendants and some utilities, we do an annual transfer to cover whatever shortfall there is and this is that annual transfer. The roll was called and Ordinance/Resolution No. 160-15 passed by the yeas votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 161-15

An Ordinance authorizing the Finance Director to make certain fund advances. Mr. Shields moved for the adoption of Ordinance/Resolution No. 161-15, seconded by Mr. Kolesar. Mr. Dirham stated an advance is a loan from one fund to another. In this case we are loaning money from our General Fund to various Grants Funds. We conduct a project by borrowing money from our General Fund then submit for reimbursement and repay the General Fund. The roll was called and Ordinance/Resolution No. 161-15 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and J. Coyne.

Ord. 162-15

An Ordinance amending Ordinance No. 200-14, passed December 8, 2014.

(Amendments to 2015 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 162-15, seconded by Mr. Kolesar. Mr. Dirham explained that there are a number of adjustments, some are carryforward reductions that came out of the budget process and the rest are year-end issues to get us to balance. The roll was called and Ordinance/Resolution No. 162-15 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, J. Coyne, and B. Hilberg.

Ord. 163-15

An Ordinance amending Ordinance No. 200-14, passed December 8, 2014.

(Amendments to 2015 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 163-15, seconded by Mr. Kolesar. Mr. Dirham explained this is a budget amendment to cover the expenditure that we are going to discuss with the next ordinance for the fiber project. The roll was called and Ordinance/Resolution No. 163-15 passed by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar.

Ord. 164-15

An Ordinance authorizing the expenditure of \$38,967.37 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. 164-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 164-15, seconded by Mr. Kolesar. Mr. Dirham stated when the county conducted the Fiber Project they came to us and others and asked for support in case there were insufficient revenues to make the bond payments. The City of Medina agreed to that in 2010 with limitations to a certain amount per year and for only two years. The years were 2013 and 2014 and a part of that agreement was if we didn't pay the max in 2013 and 2014 then we would also make a contribution in 2015. We paid nothing in 2013 and less than the max in 2014. This is the 3rd of 4 total payments. They will invoice us for the 4th one early next year. Emergency clause is requested in order to get them paid by the end of this year. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose. The roll was called and Ordinance/Resolution No. 164-15 passed by the yea votes of P. Rose, J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Medina City Council
December 14th, 2015

Council Comments:

Mr. Kolesar thanked the administration and council for another good year working together.

Mr. Rose spoke of a dear friend (Mayor of Kerry Ohio) who has recently been diagnosed with cancer and asked all to keep him in your prayers.

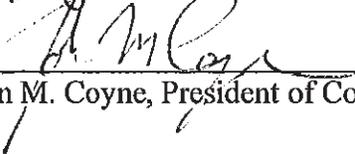
Both Council men wished Kathy Patton and Mayor Hanwell a Happy Birthday and all a very Merry Christmas and Happy New Year.

Adjournment:

There being no further business before Council, the meeting adjourned at 8:15 p.m.



Kathy Patton, CMC - Clerk of Council



John M. Coyne, President of Council