

Finance Committee
Monday, May 28, 2019
6:00 p.m., Multi-Purpose Room

In attendance: John Coyne-Chairman, Jim Shields, Paul Rose, Bill Lamb, Dennie Simpson, Eric Heffinger, and Bob Starcher

Also present: Mayor Hanwell, Greg Huber, Keith Dirham, Nino Piccoli, Jonathan Mendel, Dan Gladish, Jansen Wehrley, Mike Wright, Chief Kinney, Teresa Knox, Arron Funk, Justin Eddy (attorney), Sean McDonnell and Bob Finnan.

1. Assignment of Requests for Council Action

2. Motion to Approve MCRC Sponsorships

Mr. Wright stated this was a 3 x 8 foot banner for Maximum Potential Chiropractor.

Mr. Simpson moved to approve, seconded by Mr. Rose. Motion Passes 6 – 1 abs/JS

3. 19-095-5/28 – Grant Application – Byrne JAG Grant – Police Dept.

Chief Kinney stated this is a Byrne JAG Grant and there is a local fund match, using existing personnel. The idea of it is to use an officer as a full-time dedicated traffic officer who can address all the extra patrol complaints we receive, the speeding complaints in the neighborhood and in addition to that, they will be able to contact the complainants and follow up with a meeting after the fact with any type of results and any enforcement actions that we took based on their complaint. Mr. Coyne asked if there were any strings attached to this grant and Chief Kinney stated other than that match and a collaboration group that they have to form to sit down and basically discuss the plan of the grant, but no other financial costs/responsibilities. The other \$40,000 will come from existing staff. The Chief stated the officer will come from the patrol division, someone that possibly has expressed an interest in traffic crash investigations or traffic enforcement.

Mr. Simpson questioned if the grant enables the Chief to make any purchases such as radar signs for speed limits or any other technology. Chief Kinney stated this grant does but he is asking it just for personnel costs which will of course free up other funds.

Mayor Hanwell stated they have added 2 additional recording devices so there are enough for each ward to have one.

Mr. Rose questioned if Chief Kinney was sure there was nothing in the contract about possible rate changes and if Chief has gone through the links that are attached to the contract. Chief stated there is no requirement for additional personnel and that this is a position that he intends on using regardless of this grant. He wants to assign this officer to this traffic position so even if they don't get the grant awarded or for some reason they pulled out, then they would still be using that position. Mr. Rose asked if we are awarded the grant and find out that there are some strings attached that aren't apparent to us now can we still decline it. Chief stated absolutely. Mr. Shields moved to approve with the emergency clause, seconded by Mr. Simpson. Motion Passes 7-0.

4. 19-096-5/28 – Amend Ord. 75-19 – Add Effective Date

Keith stated he appreciates Council putting this on the agenda. The increase in pay for the rec center lifeguards was passed with the emergency clause taking effect immediately and we need

to clarify when exactly immediately is because it would be very difficult for his office to do that in a middle of a pay period, then they would have lifeguards paid at two different rates in the same pay period so he would like it to take effect in the beginning of the pay period. Mr. Shields moved to approve with the emergency clause, seconded by Mr. Simpson. Motion Passes 7-0.

5. 19-097-5/28 – Bids, North Taxiway Extension at Airport – Job #1049

Mr. Huber stated city funds that would be required to do this are approximately \$15,950.00 and that would need to be appropriated if approved. This extends the taxiway all the way out to the runway. There is enough grant money to complete this project with the exception of the city matching amount. The FAA for a long time has encouraged taxiways to extend all the way to the end of the run way so that you are not out in the middle of the runway taxiing. Mr. Shields moved to approve, seconded by Mr. Simpson. Motion Passes 7-0.

6. 19-098-5/28 – Wheeling & Lake Erie Railroad Crossing Agreement

Mayor Hanwell stated Wheeling & Lake Erie Railroad need to install a new water line underneath the tracks at West Smith. We have an existing water line there now and Patrick needs this \$2,500 to handle this project, but they included in their contract an indemnification clause that we prefer not to sign, legally we are not supposed to sign, so Patrick has talked to everybody he can and now it's up in their legal department to see if they'll permit it either give it to us without the indemnification or cross the indemnification out to permit us to sign it. If not then we are kind of at a standstill because we don't want to put a brand new road in and leave the old water line but yet without their permission they are holding us hostage and holding the project up. Mr. Coyne questioned if they ask us for a lot of things and Mayor Hanwell replied that they generally tell us what we will do for them. Mr. Coyne suggested providing an indemnity up to the amount of your insurance coverage. Mr. Shields stated sometimes with the schools he will give people that won't remove the clause but they will add "to the extent allowed by Ohio law", and they will sometimes agree to that. Mr. Shields moved to approve with the emergency clause subject to the Law Director's final approval, seconded by Mr. Simpson. Motion Passes 7-0.

7. 19-099-5/28 – Discussion – rezone 1088 S. Court St. – R-3 to C-3.

Jonathon stated this came before Planning Commission on May 9th and they recommended the request to rezone to City Council. As a rezoning it requires a Public Hearing. Mr. Rose stated he couldn't attend this meeting and stated the vote was 4 -1 in favor of recommending the rezoning and when he personally reviewed this he felt it opened the property up to more than just an ATM and the site plan is one that creates, at certain times of day, a conflict with traffic.

Mr. Coyne asked if there was a traffic study required and Mr. Mendel stated there was not a study. Jonathon stated that the property 1088 South Court Street is the last property on the east side of South Court Street/Route 3 in the City of Medina but it is continuous to their property in the Township that they own.

Mr. Shields stated the property owner is here and so is his attorney. The parcel is just about an acre. The main concern from the residents is the traffic and trying to pull out on Rt. 3 - it's a congested area.

Jonathon stated the proposed site plan approval on April 11th went to the Planning Commission for cycling approval and then went to Board of Zoning Appeals for land use and variance. Land use variance was denied, the site plan approval was granted contingent on them going through and getting the zoning. Mayor Hanwell spoke of the three lanes on Sturbridge both Northbound

and Southbound then reduces to just two lanes.

Mr. Rose spoke of Rt. 3 and the lack of a 3rd lane for turning with more and more business development going in especially with the Acme and it opens up a potential of having to add another lane for turning and how is this site plan going to be impacted by something like that, because it doesn't look like there is enough room. Mr. Mendel stated he didn't do that level of analysis on it. Mr. Rose feels for planning down the road, they need to consider before they do anything with this piece of property.

Johnathon stated in the Comprehensive Plan, these properties on the east side of Court Street in the City of Medina are designated high density residential which is equivalent to our R-4 zoning district and is consistent with a larger area on the future land use map of that designation and the west side of Court Street is commercial which is consistent with the zoning and development pattern we've had there.

Mr. Lamb spoke of the Comprehensive Plan and, in this case, we would not be following the Comprehensive Plan. Bill stated historically the Planning Commission when they voted, they gave reason for their vote.

Mr. Mendel stated this would be C-3 adjacent to a state highway with C-3 zoned and developed across the roadway and in his professional opinion, he doesn't think this would be considered spot zoning. Mr. Heffinger asked Mr. Mendel to explain/educate Council on the difference between a C-3 and a C-1 what could and couldn't be built there in the future.

Mr. Mendel stated a C-1 is their lowest intensity kind of general commercial zoning district and is very limited to small retail, gas stations and restaurants are a conditioning permitted use doesn't allow multi-family like the C-2 and C-3 do. Designed for the real small spots. C-3 is most intensive commercial zoning districts.

Mr. Starcher spoke of the traffic circle at Rt. 3 and Rt. 162 that will be going in and putting in a 250 unit development so no matter what happens here, the amount of traffic coming in and out of the city is going to increase a lot in the next few years.

Mr. Eddy stated in terms of traffic they are anticipating 30 to 40 actual site visits per day and isn't a traffic generator so to speak. There is a congestion issue but he just wants to drive home that they don't believe they will be adding to that in any fashion in terms of the actual cars traveling through that area. With regards to the Comprehensive Plan this is a commercial area and that plan is 10 to 12 years old and things change in a decade in terms of how and when and development and feels that is something to keep in mind.

Mr. Lamb asked Mr. Huber what the guide is on the Comprehensive Plan, Greg replied that it is amusing because Anthony Vanconti from the same Law Firm as Mr. Eddy was here two weeks ago telling us the importance of the Comprehensive Plan because in his case he wants the rezoning for JoJo's and this lawyer is telling us that the Comprehensive Plan is 10 years old and not that persuasive so it's lawyers spin in order to get where they want to go essentially, and that's what lawyers do. The Comprehensive Plan is just a look at their idea as to what might develop and what might make sense, it is not codified, and in Common Pleas Court it is one piece of somewhat persuasive evidence in terms of how a judge thinks things might go or should go but it is not definitive. It probably would be a good idea if the Planning Department went

through the Comprehensive Plan with the Council to educate you as to what's not been changed and have allowed the council to look at some of the issues, certainly in the instance of the other application we listened to 2 weeks ago. Essentially there is a request for a rezoning so that the property owner can put in a parking lot, that's the driving force. Perhaps Council would like to know in some of these changes what it means is that somebody can simply ask for a rezoning because they want to put in a parking lot. There are issues with these rezonings that have not been covered that you might want to learn about in terms of whether or not you want to go ahead with this Comprehensive Plan as it stands. To answer Councilman Lamb's question it is a guide.

Mr. Lamb stated from his point of view, because the issue that proceeded this issue, on one hand he would rather say yeah we shouldn't have to follow it because he doesn't want to see the other issue occur and on the other hand he doesn't know how you can operate in an "Alice in Wonderland" kind of atmosphere where it applies one week and two weeks later it doesn't apply. Bill feels if Council does not address this Comprehensive Plan and take a look at it, then he feels they will continually face these things because development is not going to stop in some of these areas. Bill spoke of the Quick Mart that went in on South Court Street and how the residents were at 100% opposition to the rezoning that allowed that commercial to go in.

Mr. Coyne stated that they do have another plan and it's the Strategic Plan and that goes under the Economic Development states they need to make a determination on where those goals are going to take them and they will look into that. The next step is this will go to a Public Hearing on July 8th and that is more than the 30 day minimum notice.

8. 19-100-5/28 – Increase Esp. to Core & Main – P.O. 2019-0524 – Water Dept.

Nino stated they secured a P.O. on January 4th so they could operate and then they upped that to BOC at the end of January and they are looking to increase by \$45,000.00 and this will allow them to purchase their fire hydrants, clamps, pipes, and materials of that nature for the water system to the end of the year. Mr. Shields moved to approve, seconded by Mr. Simpson. Motion Passes 7-0.

9. 19-101-5/28 – Purchase 2019 F550 Ford Series SD – Street Dept.

Mr. Piccoli stated this vehicle would replace a 2004 Pick-Up Truck and a 2001 GMC 1 ton they sold at auction. The city will be better served with this vehicle with the utility body package. Mr. Rose asked what would be the main purpose/use of the vehicle and Nino replied it's all around utility and has a plow for the winter, it could pull the trailers and equipment, the UPN which is the asphalt trailer, and it has a lift gate for the heavy items to move. Mr. Shields moved to approve, seconded by Mr. Simpson. Motion Passes 7-0.

Mr. Lamb stated he spoke with some people that had airplanes in Ashland and they wanted to know if there was space at the Medina Municipal Airport to move into some available hangar space if there was any. Mr. Huber stated there are two T-Hangars but the doors do not function very well so usually people rent those spaces during the summer when the weather is not too bad but then move them out during winter. It's been discussed to replace one of those hangars in the future at some point so that they are usable year round but they are kind of stuck right now with the detention basin as the County of Medina requires it to be in place and completed before we can start updating the hangars.

10. Executive Session: (land Acquisition/imminent litigation)

It was moved by Mr. Shields and seconded by Mr. Simpson to enter into Executive Session at 6:40 p.m. to consider the purchase of property for public purposes or the sale of property at competitive bidding because premature disclosure would give an unfair competitive or bargaining advantage to a person who's personal, private interest is adverse to the general public interest. Conferences with the City's Law Director concerning disputes involving the City which are the subject of pending or imminent court action to include the Law Director, Mayor and the Community Development Director. The roll was called and passed by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson and B. Starcher.

Finance reconvened at 7:18 p.m. and there being no further business adjourned at 7:19 p.m.

John M. Coyne, Chairman