

**Finance Committee**  
**Monday, June 24th, 2019**  
**5:30 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, Patrick Patton, Nino Piccoli, Jonathan Mendel, Jansen Wehrley, Mike Wright, Chief Kinney, Kimberly Marshall, Dan Gladish, Kathy Patton, Pam Miller, Father Tony, Dolly Yowler, Bruce Gold, Matt Wiederhold, Rick Grice, Sean McDonnel, Phoebe Simpson, Kevin representative of Diocese, Stan Sheetz, Susanne Sharp, Ben Chojnacks (Walter & Haverfield) and Bob Finnan.

1. Assignment of Requests for Council Action

2. 19-137-7/9 – LGBTQ Inclusive Nondiscrimination Legislation

Mr. Coyne stated if you recall they had a meeting and most of you were there at that meeting with Special Legislation and now here at Finance is the second step and then Council for the third step. John stated there was discussion had with the Diocese of Cleveland sent over some concerns of the legislation and wanted us to review the letter associated with their concerns. Todd Hunt and his associate Ben went through the concerns, spoke with the attorneys from the diocese and submitted another draft that was sent out to everybody. Then another revised version of that was sent out. Some of the changes that were made were just a clarifications regarding the religious exemption in the code that we are trying to adopt to clarify really what that meant, and to coincide with the first amendment rights of both religion and expression. The language was modified to make it very clear about what it means and what the exemption of religion applies to. The changes that were made dealt with the Religious Freedom Restoration Act. That Act is a Federal Act adopted by federal law and doesn't apply to State nor Municipalities but it may at some point, we don't know, so that is in the revised ordinance. If it is applicable it will be applied and the Law Director will make that determination at the time, if any claims are made to determine if the act will apply or not. The next issue that was raised had to deal with the commercial activity or public funds associated with the use of a church whether or not a church wanted to open its doors to the public to rent a hall out or rent a facility that they have, and would they or would they not be subject to the discrimination ordinance of the City of Medina. The latest draft he's seen had in there that a church can do whatever they want with respect to their own members, but if they open it up to commercial activity or they get public funds form a facility, that they could not discriminate if that happens. So that is what the latest ordinance provides and that is for public accommodations. As far as employment goes, it is all the same, a church can do whatever they want with their own employment, they can do what they want if they have parochial school. Because again, that is a school that is joined by people who want to have that kind of system in place for their children, so they are allowed. We have balances of the first amendment to the constitution, we have Freedom of Religion and Freedom of Expression. We don't balance that, usually a court decides if there is ever a lawsuit to make a determination of is that covered by the first amendment through our constitution.

Mr. Huber stated there are still a couple of objections from the attorneys for the Catholic Diocese. This legislation is an attempt to balance points of view and feels there is fundamentally going to be litigation in terms of how a person's religious beliefs intersect with this kind of

legislation, it's probably inevitable. Until the Supreme Court comes out with some answers in terms of where the lines get drawn, there's a gray area and some of these gray areas he doesn't think any attorney can predict or say for certain what the outcome will be, and there are a couple of areas in this legislation that are potentially subject to challenge.

Mr. Coyne stated there are two pieces of legislation we are talking about, a nondiscriminatory legislation with LGBTQ that is just focused on the sexual identity, sexual orientation, that portion of it, and then there is a legislation that's in the Section 500 of our code, which is the civil section and then there is section 700 which is the criminal section and that deals with the intimidation factor and as Mr. Hunt in the last meeting at Special Legislation mentioned, intimidation factor has to come along with another crime whether it be assault, battery, or some other type of crime, to have a right limit of intimidation which is what would be considered a hate crime.

Mayor Hanwell spoke to correct the record, stating that the Intimidation is in the 500 chapter which is the General Offense code 541.08 and the LGBTQ is in the Section 717 which is a new code.

Mr. Lamb stated the sense of putting this together in the way that it was drafted was significant in that the objective was to meet the protection goals that are laid out in the ordinance, but at the same time, to earn a broad support, and hopefully unanimous support. Clearly the legislation is about protections for the LGBTQ community that do not otherwise exist, but the protections also speak to us, they speak to us about what kind of community we are and so the broad support for the legislation coupled with the draft that provides the protections makes this a nonsignificant piece of legislation and when it passes he feels we will see the support that we expect to have as we go forward and this becomes an ordinance.

Mr. Starcher stated this is the right thing to do, equality is a Constitutional right of every American. In American society in 2019, no one should be discriminated against when it comes to civil rights. When it comes to non-discrimination, it is the right thing to do. My question, though, when it comes to this LGTBQ legislation is, "Is it the right thing to do RIGHT NOW"? I've heard that Medina should not wait for the state and federal government to enact laws - that 20 other cities in Ohio have enacted nondiscrimination ordinances. Well, besides the fact that about 220 cities do not have them, every city's legislation regarding LGTQB rights is an arrow attempting to hit a moving target, and every city's ordinance is different, with a pick one from column A, and one from column B feel to it, in order to come up with the ideal ordinance. And there obviously is not one or every city would adopt it as written.

This issue is at the forefront of the legal system in every corner of the United States. It seems that every week there is another court decision where this issue is at the center of litigation in every area of life. Both the Legislative Branch and the Judicial Branch of the United States government are wrestling with this topic. The United States Supreme Court is hearing not 1, not 2, but 3 cases this fall involving this issue, which will certainly set a more solid legal foundation from which to enact an ordinance.

The reason this issue is so contentious is the fact that it pits basic American constitutional rights at a crossroad and legislators are trying to determine who has the right-of-way. From local courts to the United States Supreme Court, judges are trying to decide where the line is between the right of free speech, the right to non-discrimination, and the right of religious freedom should be drawn without infringing on the other two. We don't have to do that now, we can let the Supreme

Court do the heavy lifting for us in a few months. I heard many times this past weekend at various events that Medina is unlike any other Ohio city, that we do things better, that our way of life is better, that other cities wish they had what we have. That is all true, Medina is a progressive, tolerant city that does indeed do things better than a lot of other cities, and because of that I don't feel the need to rush into passing an ordinance that we can't even decide on the details at this time.

One of the things we can do better now is to adopt a Resolution stating that the city is 100% behind non-discrimination rights of the LGBTQ community in Medina. I am 100% in favor of that, but I am not in favor of this ordinance at this time.

Mr. Simpson wishes that the Federal Government would have already taken steps to remedy this discrimination that is taking place nationwide and in our state. He understands the reasoning that Bob said that maybe we should wait and just pass a resolution, but Dennie disagrees because there is never going to be an ordinance that is going to satisfy everybody. This is a part of our population, not only in the City of Medina, but people that are going to visit the City of Medina, maybe apply for work in the City of Medina, that this ordinance would help address. Dennie understands that the Federal Government through the Supreme Court or through legislation comes out with a ruling and develops their own law or the state comes out with a law that will prevent discrimination in the ordinance that we are trying to adopt, and if it goes above what we are trying to do or below what we are trying to do, we are going to have to adopt what is presented. Unfortunately in his 16 years here on council, he understands how government works, and 16 years ago one of the main reasons not only did he want to give back to his community he thought foolishly that the process of government could be quicker and he has since learned that it is not the fault of government, it is the process and understands things move slowly, more slowly nationally and state-wise than our community. He is 100% supporting this legislation, Medina is a special community and we want to welcome everybody, whether you are a resident here, visiting here, or working in our community, everybody should be the same.

Mr. Rose stated that no beating heart should be discriminated against in any way shape or form. He echoes Mr. Starcher's concerns of is this the right time for it, especially with all the turbulence going on in other places for legislation and those legislations are a lot higher courts than us, and they would trump anything that we do here. He doesn't think we would be serving everybody, every facet of our community by passing the legislation as it is right now. He understands that there are some changes, and he received his copy at 4:23 p.m. today and did not have a chance to review it and doesn't think right now is the time, we should give ourselves some time to review this, review the changes, and if there are any more input brought to us let us digest that and then come back to the next meeting or the meeting after that, whenever it is appropriate, and have an open discussion with those changes fully understood.

Mr. Heffinger stated he works with high school students and he does their newspaper and publications for the school and something that he teaches is that perfection is sometimes your enemy. If you wait for everything to be perfect, it will never actually get done. He wishes there was perfection in this but there is no perfection in the fact that if we pass this in the next two weeks that there is still the ability of someone to have to look where the city line is on where they get their house, where they work. The only perfection that will come of this is if the higher officials of the state or nationally would step up and take this upon their shoulders and do it but they are not, so it falls upon us and so he believes they should step up and need to do this. They've been discussing this for a year and he has reviewed the legislation, he is not a lawyer

but the lawyers he has spoken to has said this seems good and a step in the right direction that we need to do and he is all in favor of passing this tonight.

Mr. Coyne stated with the comments heard and the information that came about through the Diocese who sent us the information letter, it has been going on for a long time and we did receive that last minute. He thinks Mr. Hunt's office or Walter Haverfield did every attempt to try to build in some of the answers and concerns. Will it address every concern, probably not, should it? He doesn't know if it can. It's very difficult to make everybody happy. When they do legislation, he always looks at it as how do we come to a resolution to a problem to make everybody equally not happy. It's kind of the way you look at it, somebody is happy there's somebody else that is being taken advantage of, so it's very difficult to come up with drafting legislation, as legislators, that try to address all the concerns of every group. Most of the people on council understand that there are competing interest here, that there are religious exception and people hold their religion close to them as they should, because that kind of guides us through life doesn't it? We have an obligation as legislators to look at the entire community and the community is made up of various religions, various people of various creeds, so how do you balance that – you have to have a balancing act here. How do you do that in our position, how do you look at all the different moral issues? Morality is different for everybody. There's not one moral compass that somebody has, you ask somebody else and they have a different moral. It's our job to try and figure out well how do you balance those throughout the community to make it a better community of which everybody can live? Sure we all have our own opinions and we have our own direction that we want to go but we have to move forward at some point otherwise nothing will ever get done in a city. Mr. Coyne stated he thinks they have done a great job so far through council and the administration, in making this city a great place. His personal opinion is getting something out there that will show everybody that we do not discriminate, we are a community that accepts everyone, is very important part of our community because he thinks that shows people that you know, hey we are trying to make sure that we don't leave anybody behind and that's what we're really trying to do. His personal thing is we're trying to show the people again he'll say it, in schools you don't bully people just because of who they are, that's the oldest thing if you wear glasses you don't bully, if you're a different color skin you don't bully them, if your economic status is different, you don't bully them. This is the same thing, if your sexual orientation is different, you don't bully them. This is not who we are, this is not who we should be. Mr. Coyne stated he is in favor of moving forward with it, he feels they tried to address the concerns that they can address in the way they addressed them. Is it perfect? Absolutely not, but they have to move forward.

Mr. Shields stated he agrees with everything Mr. Coyne just said but he is a little nervous that they received this at 4:30 p.m. today and here it is 5:30 p.m. and they have to vote on it. Jim stated he's been reading it right here as he walked in from work.

Mr. Lamb mentioned they didn't get the letter from the Catholic Diocese after the last meeting and his memory isn't perfect, but he has been here for long enough that he could count pretty high how many times they have changed a piece of legislation not only a day or an hour before they've simply passed a piece of legislation pending review by the law director, which could certainly mean they would have to make a change, and if you look at what was changed in the legislation, the part that was changed is a pretty small part actually it's not a huge part of the total piece of legislation. Bill doesn't think this is about whether we make people happy or we don't make people happy. One of the letters that he received today from one of the ministers was a one sentence letter which just said "Do the responsible thing." and when you are trying to

discuss equality, there isn't an exception. There is no way to distort the term, it's an absolute term which is equality, and that's all this legislation is working to do. At the same time, make sure that there is no interference up to point that we can, with anyone's religious practices or religious beliefs because we have recognized it is our obligation to insure that if he can have access to housing, then the person who is LGBTQ needs to have that same access to housing. Whatever your gender, however you see yourself sexually, that should not come into play with whether we are all equal. That is a fundamental premise of this is not Russia, this is not Korea, this is the United States of America. We have always been on a trend line of better to improve equality. First only white men on the property could vote, then just white men could vote, and then black people could vote but then not really until the civil rights movement and not until the twentieth century could Native Americans vote, not until the twentieth century could women vote. While the trend line always hasn't been perfect rising, the trend line has always been to try to really be inclusive and recognize that we are not in a moral statement, but we are in a reality supposed to work to be as inclusive to really have a true sense of equality, and that's all we are doing here and our small simple way is for these people out here that keep coming to have this legislation, they are not asking for anything he doesn't have. You know women get equal pay, maybe we should take that away, we could have all kinds of discriminatory practices and the few that we have we have an opportunity now to put those to rest and set these old ideas, discredited ideas, that somehow the way you see yourself sexually is somehow different than the way the rest of us view ourselves. We are different people born with the same God and that's how he feels.

Bill stated he hadn't cried since his father died and then realized that statement wasn't true, he had cried when they had a meeting here and his old friend Alan Parkhurst got up and talked about how badly he had been abused year after year throughout his adulthood because he was of that category. Bill does not want to delay, to delay is the old tactic.

Atty. Ben Chojnacki stated this is not the first version by any means. They had, with Greg Huber's help, prepared a draft and Equality Ohio prepared a draft as well, and those drafts have emerged and created into what we have now with a considerable number amount of modifications and compromises throughout. Monday everyone met and discussed the issue and they had received comments either on Wednesday or Thursday by voice message or email raising concerns. Those concerns were considered and did some legal research. This is the cutting edge of the law. There are no gray answers here, there are areas that are undefined, and there are issues before the Supreme Court currently, so to try and carve out specific legislation that will address each and every facet scenario and each and every concern of everyone is pretty difficult to do. What they've tried to do, and one of the things they've tried to account for, that is to give within the legislation itself, the administrator the authority to really mediate and address concerns. That's in there. There is a process to address gray areas. As a matter of drafting what they've done is the diocese and they received four major concerns and several concerns. They attempted to fold all those into something that accommodates the concerns. They finally found a happy medium that after working some over the weekend and some today up to 4 p.m. they felt they could present to everyone to have for final consideration and that is why council got the information at 4:23 p.m. today. They wanted to really carefully consider all the issues everyone presented and come to a final draft that accounts for everyone's concerns to the best of the law.

Mr. Coyne asked Ben to explain the draft that was submitted to the Special Legislation Committee on Monday to now, and what are the changes, there are only certain sections and

they are repetitive.

Ben stated they called out specifically that the ordinance should not be interpreted to infringe upon anyone's freedom to exercise rights as protected by the first amendment of the United States Constitution and they also carved out an exception for the Religious Freedom of Restoration Act, which is a federal law that prohibits other federal laws from being interpreted in a matter that interferes with someone's right to exercise their religion or their exercise of their religion. They specifically placed those into the ordinance itself to accommodate part of the Dioceses concerns and then they modified some of the language in the Public Accommodations section to insure that when a commercial activity is taking place, whether the public accommodation in that cohabitation against discrimination in the public accommodation context when a religious entity or organization would be engaging in an activity that would require them to comply with the public accommodation piece. There are some real protections baked in to protect against that gray area. A complaint is going to be lobbied to the Law Director, the Law Director is going to have to undertake that analysis, approach, and try to engage into mediation while at the same time, reviewing the law and determining whether a violation has actually occurred.

Mr. Coyne stated the changes made to the ordinance relate to mainly to clarification in trying to address the concerns of the religious community, and make it very clear that we by adopting any kind of legislation, do not want to and should not want to, infringe upon those religious rights. Again, there are all different types of religions that we are talking about, there are many different denominations in the City of Medina, and they have their right of course to practice their religion that they want to practice. We are seven members of the legislative branch of the City of Medina should infringe upon that. That was never the intent and he is glad that there was some clarification of that and we should also respect the issues of the rest of the community.

Dennie stated he has nothing against the Catholic Diocese whatsoever, but he did, and he is sure every other member of the Diocese received he believes, six or seven letters from pastors from different religious organizations in our community supporting without the changes, because they didn't know what the changes were going to be, supporting this legislation. Correct him if he is wrong, it wasn't that long ago that when talking about the Catholic religion when Pope Francis was questioned about LGBTQ situation he stated "Who am I to judge"? Dennie took the letters he received as encouraging that a lot of our religious organizations in our community are very supportive of this legislation.

Mr. Rose questioned when Ben brought in the Federal Law how does that impact this legislation for municipalities since we're not doing anything at the federal level?

Ben stated it is debatable whether the Referral Law applies, we don't believe it does, it's a federal law that prohibits other federal laws from being interpreted in a way that would enforce or infringe upon someone's exercise of their religion. They put it in there, more or less, as a way for a guide post for how these matters should be interpreted, if there is a piece that is interpreted in a manner that is consistent with federal law interpretations. That way you have some consistency throughout.

Mr. Shields asked if the changes were just in Chapter 717, and Ben stated correct, nothing was made to any other sections. Mr. Coyne stated those were all the changes for more clarification to make sure it's very clear what religious rights are being protected.

Paul stated he appreciated the explanations, but wants to get full input from constituents and listen to what they have to say about these changes. Mr. Coyne stated the changes only benefit the church. Paul stated he has received a whole of emails in supporting the ordinance without knowing about these changes, and he would like to hear what they have to say.

Mr. Coyne stated he guesses the question is if they want to talk he thinks they can pass it out of the committee and then you would have two weeks to talk to people and if there is anything they disagree with. We have a process here and that is his opinion.

Kevin (attorney for the Catholic Diocese) stated it bears repeating for this group that the Catholic Church keeps it very clearly that they are against unjust discrimination, they are not opposed to this ordinance or an ordinance such as this, never have been opposed to. What is important is that it is clearly spelled out in this ordinance that religious liberties protect and he thinks they need to be very careful about that. It's not a very difficult thing to do either. The things they proposed are very simple and very clear and really extricate the city from any kind of entitlement with religion while at the same time any measurable or meaningful way affecting this ordinance in the way it's going to protect people. Kevin stated he feels you can do both in protecting LGBTQ people in this way and protect people a particular face who have viewpoints that allow them to minister, allow them to hire people, allow them to associate with people who have aligned in accordance with the church's teachings, he doesn't think that will impact this law in any way. People will still be able to eat, live and work in Medina, and still the church can have its protections to live the way it chooses to live in accordance with its own teachings. Kevin politely contests the idea that this has been vetted, the Diocese just got this legislation a week ago and have not had any meaningful opportunity to really engage with you, to talk to you. He understands that this legislation has been around for many months. He does not know what the conversations have been with the area churches, but they certainly haven't been a part of it and he is not suggesting that was intentional, but you had the opportunity not to dialog with them. He doesn't think that it's going to require any significant delay in passing this legislation, certainly some time to talk with them to hear more about why we are concerned, why we don't think what's been proposed most recently today goes quite far enough particularly in the area of employment and public accommodation, terms like commercial activity in the public accommodation section not defined, there is reference to government funds being part of that calculus, again, not clear whether that would apply to these churches, can a church be forced to rent a hall for instance for a purposes of a same sex marriage if even despite the fact that church might disagree with the concept of the same sex marriage, and understanding this a pluralistic city, it's not going to be a difficult task to actually balance those competing interests. He thinks what they have to be careful about is entering into a real dialog, and again not intentionally done, but he doesn't think they've had that dialog or had that opportunity. They've kind of came in last minute because they've just become aware of the legislation and just had a chance to read it. Kevin thinks a couple sentences are going to go a long way in the employment section in the public accommodation section to protect religious liberty. When you build in meaningful and reasonable protect for religious liberty you protect religions regardless of what they think, regardless of whether they agree with one another. He thinks you run the risk if you pass the law as it is written now, that in a sense codifying one religious view point over another, you are saying for instance to Catholics; we think you're view isn't appropriate, we don't think you should have the right to void people who think like you or act in a way that is in accordance with the teachings for instance, or we think you should be forced to rent your facility for activities that you think are contrary to your moral code. It's not a judgement that people were making against

anyone, it's just we are asking the city here to if you are really concerned about tolerance and diversity, let's make sure we don't pass a law that in trying to accomplish those ends actually opens the door for discrimination against certain faith traditions that may not agree with what the Council at Large or what certain other people make think about the issues of sexuality, of marriage, and you need to be very careful and he thinks it's something that can be easily corrected. He thinks the things that Brian had proposed are very reasonable, very simple and clear. There was mention of \_\_, He doesn't think that's a real protection in light of the case law that is out there now, and besides the fact, if you are really going to have that imbedded in the law, you have to explicitly adopt it into the law itself through language, and he doesn't think that has been done yet in the current legislation. They are happy to join anyone in opposing unjust discrimination, but he thinks they need to be very careful at how they do it so that we don't go too far in opening the door to discrimination against people.

Mr. Coyne stated he appreciates Kevin's comments and believes there is a dialog that has been open and hashed out between Brian and Ben. Kevin stated he is here on behalf of the Diocese and Brian is his colleague. Mr. Coyne stated they may not agree with the final result now they are not going to agree with everything, but he thinks they came to a happy even. Speaking over each other Kevin stated his point is you had dialog with folks from Equality Ohio for probably 6 to 8 months now, you've had dialog with the Diocese for a week, what does that tell you about how important you think the Diocese's view point is.

Mr. Lamb spoke to clarify some things and appreciates Kevin's comments, but when you say we have had dialog with other churches and other church people and not the Catholic Church...

Mr. Rose stated that Kevin did not say that.

Bill stated he thinks Kevin feels that the Catholic Church was kind of set aside and that we have had other religions involved.

Kevin reiterated that you've had conversation with folks on the other side of the issue like Equality Ohio for many months now which is appropriate, you want to talk to a broad range of people with different viewpoints, but they've just come into this conversation within one week.

Bill spoke to clarify Kevin's point of just coming into the conversation, Bill stated they've received approximately 8 letters today from different pastors and ministers and churches in Medina that this has been going on for almost a year and these are all public meetings, and to his knowledge, with the exception of the folks that brought the issue to him in the first place, which is sort of like Fredrick Douglas brought the issue to Abraham Lincoln to free the slaves, and he is kind of glad they brought the issue but no one that he knows of outreached to anybody else other than the group that brought them the issue, no outreach to any other churches, other denominations, other ministers, pastors that he knows. The hundreds of letters they've received when this first meeting took place, they were not solicited, they just came in and so he is not inclined to agree that the Catholic Church has not been or have not had the opportunity to come and speak, because these have not been minor odd hour, small back room meetings, these have been substantial meetings with a lot of press coverage like all their public meetings that are publically advertised. Since the Catholic Diocese has decided to get involved...

Kevin interjected stating they didn't just decide to get involved, they got involved immediately when they found out about the legislation. Bill stated they've been working on this for a year.

Kevin asked if there was any attempt to contact the Catholic Church because you understand this is an issue, you understood in the beginning that religious ... Bill interjected, No, what we understood in the beginning was that we did not want to cross a line into religion and that's the reason so much time was spent by the city, administration, the law director, outside counsel in order to do the very best we could do to make sure this was a solid piece of legislation that did not infringe on anybody, none of us want to do that, and he doesn't feel like they have. Mr. Lamb stated they have a good piece of legislation, they've had a huge dialog with this community, they've heard from hundreds of people in support, they've heard individual stories of abuse which you guys are probably very familiar with.

Kevin stated with comments like that, you actually show bias against the Catholic Church.

Mr. Lamb stated he doesn't have a bias, he actually used to work for the Catholic Diocese. Mr. Lamb stated they crafted legislation with exactly what you're saying in mind, and we are as close as we are going to get and to use the argument that you didn't know about it is really hard to accept.

Mr. Coyne stated they still have to get the final approval from the Law Director, and if there are any other issues that need to be hashed out, which he believes have been hashed out already with Brian, that we could move forward. We have two more weeks to figure all that out which is plenty of time to do it and Ben can assist if there are any other issues that need more clarification, with Mr. Huber's approval of course. John stated they aren't going to pass it from here and go right to council tonight, but he feels they should pass it through Finance and keep the process moving, because this could get delayed forever and if Ben is comfortable working the next couple of weeks to satisfy whatever issues are out there, and then the Law Director approves it. There might be some issues that you want to address that aren't and they may never be addressed. Mr. Shields moved to approve the new Chapter 717, subject to the final approval of the Law Director, seconded by Mr. Simpson. Motion passes 5-2. P. Rose and R. Starcher cast a nay vote. Mr. Shields moved to approve the changes to Section 541, subject to the final approval of the Law Director, seconded by Mr. Simpson. Motion Passed 7-0.

### 3. 19-069-4/8 – Expand Downtown Parking District #1

Mr. Mendel explained that Parking District #1 which encompasses an area kind of tight around the Historic District. Originally had one in 1978 it was a much larger area of the downtown and was reduced in 1984 to the Parking District that we have now. So that exempts all those properties from having to meet the minimum parking requirements of the zoning code. Looking at that as kind of one of the many tools they've had over the last 35 – 40 years in the downtown probably was the success of the downtown. Looking at this as a tool for the southern end of downtown basically south of Smith Road to Lafayette to look to expand that parking district to include that area in the map. This really isn't an amendment to the zoning code it's just an amendment to the ordinances starting in 1978 and subsequent 1984, what it would do is to expand this as an economic development tool to help foster reuse and redevelopment of properties in the south town neighborhood. Jonathon stated they are lucky to have Rick Grice as the chairman of the Planning Commission, he provided some insights as to why. Mr. Mendel feels this is a good tool that would help prevent people from possibly buying a building and the one next door and tear them down and then you lose active buildings just to store cars. We have public parking near the south town area. To minimize the potential of more buildings being demolished for more parking because of changes of uses of buildings. Before it goes to ordinance Johnathon stated he is working with an engineering firm to get a specific description of

the area that it would encompass, what was done with the last two pieces of legislation in 1978 and 1984, because they want to be consistent with that.

Mr. Rose stated they voted unanimous both times to recommend that they do this, and he agrees with everything that Jonathon said as did the rest of the Commission and feels this would be a good thing and help in preserving some of our older housing and older buildings in the described district.

Mr. Coyne asked how Jonathon came up again with the east and west boundaries of the expansion area because the expansion area is just as large as the original area.

Mr. Mendel stated the expansion area is still the same as it was as it was in earlier this year when he brought it to the council. The reasoning is the vast majority of it is either commercially or non-residentially developed, the only pieces that are not commercially zoned industrial at the moment is the area of residentially developed on the west side of Huntington across from former Hawkins.

Mr. Coyne stated with the parking requirements not being satisfied, again we are looking at a parking deck on the north and we have one on the east but there is nothing down on the south. How will that be impacted with people not having the parking requirements in that vast of an area, where would they park.

Jonathon stated the vast number of these properties already have sufficient parking on site for a lot of their activities.

Mr. Coyne just wants to make sure they are thinking about those other issues because this sounds great, but he just wants to make sure you understand if it all develops, then it creates other issues and we need to make sure we know how to solve it. Mr. Shields moved to approve, seconded by Mr. Simpson. Motion Passed 7-0.

4. 19-112-6/24 – Amendment to Lafayette Twp. Law Enforcement Services Agreement  
Chief Kinney stated this amendment will allow the township to use a portion of the law enforcement levy revenue that is in reserve. It's a reserve account and they can use that money for the Community Resources Officer that they fired on a part-time basis. That money will not affect the pass through levy revenue that they currently get, so it is reserved money that the township has had for several years now. Chief Kinney said there is approximately \$200,000.00 in the reserve account.

Mr. Starcher asked if the reserve keeps getting funded by the levy and Chief Kinney stated this reserve with the agreement they had with the Sheriff's Department, it was not a pass through so the Sheriff's Department built a township and because they built a township each year there was a carryforward or an overage, and they put that in a reserve account. Their arrangement with the township is a complete pass through so that reserve is no longer building.

Mr. Rose asked if every penny the city gets from the pass through is being spent in providing services to the city and Chief Kinney stated it is coming to us now. Paul questioned what happens if the levy fails. Chief Kinney responded then the agreement ends. Mr. Shields move to approve with the emergency clause, seconded by Mr. Simpson. Motion Passed 7-0.

5. 19-113-6/24 – PY18 CHIP Private Rehab. – 3877 Miller Dr., Brunswick

Jonathon stated this is for payment for a private rehabilitation under their current CHIP grant that they are in partnership with the City of Brunswick. Medina is the fiscal officer and are managing the executing payment of these. Emergency clause is needed because as they did in their last grant it helps expedite payment of the money to the contractor. Mr. Shields move to approve with the emergency clause, seconded by Mr. Simpson. Motion Passed 7-0.

6. 19-114-6/24 – CDBG Citizens Participation Plan Update

Mr. Mendel stated this is something that they need to have if they are going to be doing applications for CDBG grants through the State of Ohio. Emergency clause is needed because they have to have it on their books as soon as possible. Mr. Shields move to approve with the emergency clause, seconded by Mr. Simpson. Motion Passed 7-0.

7. 19-115-6/24 – 2019 Codification Update – Walter Drane

Kathy Patton Clerk of Council stated this is the annual updates to the Codified Ordinances. Mr. Shields moved to approve, seconded by Mr. Simpson. Motion Passed 7-0.

8. 19-116-6/24 – Increase Purchase Order – Soft Costs for PY18 CHIP Grant

Mr. Mendel stated this is reallocation to a different purchase orders to be able to pay soft costs activities that their contractor/consultant does to manage individual projects with CHIP. Mr. Shields moved to approve, seconded by Mr. Simpson. Motion Passed 7-0.

9. 19-117-6/24 – Bids, S. Broadway Street Reconstruction Project

Mr. Patton stated they are ready to move forward with bidding. This is to replace South Broadway Street from Lafayette to Grant and includes waterlines and storm sewers. They will be replacing the existing pavement section with concrete pavement with brick on top. Total construction cost is \$1,245,000.00 for the project. Pat stated that ODOT doesn't even have a category for prequalified brick pavement. Mr. Shields asked if the current brick was going to be used elsewhere and Patrick replied they don't have plans to reuse it. Jim asked if there was a chance for the Archive Committee to have some of the existing brick. Mayor Hanwell stated they have also had some of the community ask for some if we are not going to use the brick would we sell them. Mr. Rose asked if there was a way to use some of the old brick for a south end crosswalk down by Grant St. Mr. Lamb asked how long before the project gets underway and Patrick stated if you approve or authorize at the next meeting which is July 8<sup>th</sup> then they would be out to bid with the emergency clause by the end of the month and it is usually about a 30 day turn around for the bids so about August. Patrick stated they will start it this year but not sure if they will finish it. Mr. Shields moved to approve with the emergency clause, seconded by Mr. Simpson. Motion Passed 7-0.

10. 19-118-6/24 – Grant Application – ODOT – South Prospect St. Bridge

Mr. Patton stated ODOT has developed a target list every year and two of our bridges made the target list. One of them is South Elmwood and we've already entered into a contract for replacement. The other one is South Prospect that made the list. We are eligible at that point to request Municipal Bridge Funds for replacement or repair projects. This is the first time they have gone after this particular grant so he is not sure how successful it is, he knows it is competitive but it won't hurt to ask. It is a 90% grant. Mr. Shields moved to approve, seconded by Mr. Simpson. Motion Passed 7-0.

11. 19-119-6/24 – Job Creation Grant Payment – Discount Drug Mart

Kimberly Marshall stated this is a result of three expansion projects at Discount Drug Mart over the 2013 and 2014 time period. The first one is for the call center project, then Gentry Health – Specialty Pharmacy, and then for the acquisition of Hastings – durable medical equipment company. The 3 projects combined created 83 jobs and over 3.1 million in payroll. Funding from the grants come from non-income tax generated revenues. Mr. Shields moved to approve, seconded by Mr. Simpson. Motion Passed 7-0.

12. 19-120-6/24 – Job Creation Grant Payment – Sandridge Food Corp.

Kimberly Marshall stated they have exceeded their payroll and job creation goals and information was verified with RITA. Mr. Shields moved to approve, seconded by Mr. Simpson. Motion Passed 7-0.

13. Discussion: Update on 347 N. Huntington

Mayor Hanwell stated he is looking for direction from council for a couple of things. One is whether you want to put the house up for bid or under the charter you can make an exception for normal bid rule and simply provide it to the nonprofit that she has established. So bid or not bid. Mayor Hanwell stated that he is a little nervous to not bid but it is your choice, there is no other than preserving a historic house which they have other people doing throughout the historic district, there is no direct benefit that he sees to the community or to the area.

The other question is, do we want to include in the bid or in this agreement that the house has to be moved. Make it very clear someone is not going to buy the house and the house is going to stay there.

The third question is, do we want to include a provision that the house has to be moved that somebody can't come in with a bid and then simply take the windows and the doors and piece it out as opposed to actually moving it because then we lose the desire of the council to preserve the house if that is at all possible.

The fourth question is whether or not we would want whoever wins the bid to restore the lot at least back to where it can be grass or if we want the school to take care of that because they were going to tear down the house anyway. Habitat was not having any availability of finding lots to build homes. They came up with a new program of Habitat taking over old homes and then working with people to restore homes and once people got enough hours in then they can get the home at a reduced rate.

Suzanne Sharpe stated they are not exactly working with Habitat for Humanity, they are making a new program within the nonprofit so it is under the umbrella of their Building Rock Blocks Preservation group and it's called "Your Historic Home". They will be targeting just the inner core of Medina, and will be using the Sophia Huntington Parker Home as like the first project to then take and build on and get their next house and continue.

Skip Baron stated what if they do something where they find a potential buyer that wants to live in a particular house or neighborhood in the inner core and they work out a contract with them where they would agree to work on the house and so many hours of sweat equity would go towards a down payment. Many of the people he talks to that are renting don't have a down payment.

Suzanne stated they started their fundraising campaign and those funds that would be used to save the historic home would be used to help move the house to its new location. This would be a privately owned lot that they will purchase and move the house on.

Mr. Coyne stated if they were to entertain the idea of transferring it over for a dollar, they would probably transfer it over at a certain time period that they knew the house would be moved. He asked what is the estimate of moving the house it's going to be a pretty big project, are there funds to move it? Because that will be very expensive.

Suzanne stated whatever funds they need her and her husband will personally fund the project to get it moved and get it over there. She intends for this fundraising campaign to generate enough funds to be able to move it. The location they are looking at right now is pretty close and the idea that you all had about moving the house through the Ray Mellert Park where there were no utility lines straight back there and over. The property they are currently looking at seriously would be just two streets over. They already have an estimate for moving, the financial part will be buying the lot and moving the house. John stated whatever they do, there will be a deadline. It's only a one and a half story house and you'd be amazed at what structural builders can move and get on a flatbed it's amazing.

Mr. Starcher stated in a worst case scenario what happens if whoever buys it moves it, gets it and says oh, its ok we like it as it is. Suzanne stated they are still developing all of the application process for Your Historic Home Program but they are taking applications for a couple or family or individual who is absolutely dedicated to taking on a historic home and maintaining that once they rehabilitate it and to live within the historic neighborhood, and to participate and keep it up to the standards even if they don't have anything that is mandated within a historic district to agree to live up to those standards, and to share it as a community asset cause it really is. Mr. Starcher asked if her group will be a part of the rehabilitation project to the end, and Susanne stated absolutely. The individuals they select will be working from start to finish, picking out interiors and exteriors, and guiding the process so that it is making it more of a personalized home. They will be looking for someone who wants to invest that time.

Mr. Lamb asked who pays for the materials. Suzanne stated there will be donations coming in, there is seed money and that will be within the budget of the program, and it will all be within the budget of the actual what the couple determines is an affordable mortgage. This will be within the application process, they haven't finalized all the details yet because Skip and the Mayor just met one week ago.

Mr. Coyne stated the questions council has to determine: Time lines, is the City of Medina selling them the house for \$1, or is the City of Medina going to bid this house?

Mr. Simpson asked why the Mayor and Law Director prefer the bid process. Mayor Hanwell stated that is the normal course of business that they do for any other city property that they are getting rid of, and he understands they are saving a historic house, but other people are saving historic houses too and the City is not involved in that. Mayor Hanwell said he personally is a little bit nervous doing this outside of the norm. Greg Huber stated the bid process is the normal process because it is tax payer owned property, and it is typical that you don't favor one individual group over another. Bid process on the face of it evens the playing field.

Suzanne Sharpe stated she has concerns that this bid process will delay things and doesn't want to lose the parcels that they are looking at because of a lengthy bid process.

Mayor Hanwell stated he feels there has been a misunderstanding on what they said, if they bid it they will bid it now and the deadline to have the house out of the park would be October 1<sup>st</sup> through November 1<sup>st</sup>, 2019 not delay the whole process till November 1<sup>st</sup>.

Skip stated he believes that this process and the ability to sign the house to a nonprofit because they are doing something that is going to be awesome for the inner core, is allowed under law according to the type of government we have, it is not against the law to give us as a nonprofit trying to help the community, to do that. It's just not done that often.

Mr. Huber stated that is correct because Medina is charter municipality, so the question is does council want to stick to the norm which is to bid it or do something outside of the norm.

Mr. Coyne feels they need to at least make a decision to bid or give to nonprofit by the next council meeting on July 8<sup>th</sup>, because then council is on break until August 26<sup>th</sup>.

Mr. Huber stated to Suzanne that if there is a 501C3, he will need to see all the documentation.

14. Discussion: Reconsideration of funding for Combined Municipal/County Court design by Brandstetter Carroll.

Mr. Coyne stated this item was discussed last Finance meeting were they agreed that the architect cost of \$135,000.00 will be paid out of the Court's Special Project Fund and in order for that to happen, the judge has to order himself to spend money out of the Special Project Fund and he is willing to pay half. Now this doesn't mean the rest of the project, I mean you'd like to see the city pay half of the rest of the project, but he thinks that is still up for discussion.

To keep the process moving we could probably do that now as far as \$70,000.00 contribution, and figure where that would come out of maybe the 108 fund or another, and discuss with judge how to fund the rest of the court project and what the number will be of course. \$8 million dollar facility has been talked about and is that still the number depending on how much contribution is agreed upon.

Mr. Lamb has concerns once we are \$70,000.00 in, which is for most people isn't pocket change.

Mr. Coyne stated both parties will be invested, question is do we want to continue to be vested in half. John does agree when they talked to Judge Chase over the years, he indicated that the users of the court was 20% from the city and 80% from the surrounding jurisdictions, so that kind of gives you a feel for what we the City of Medina uses are. There is a law that says the city shall provide reasonable accommodations now whether or not that exists today that is the debate right and what would they get in advantage of long term. John's personal opinion of long term a combined court is far better for everybody. The question is, we are stuck right? Do we argue over \$70,000.00 now and talk to the judge about what is reasonable, do we try to work that out?

Mr. Simpson stated he is comfortable spending the \$70,000.00, his problem is what if the number comes out for an \$8 million dollar price tag, where are they going to get the other \$4

million dollars?

John Coyne stated there are ways to get it, but the administration won't like that because it affects everybody. We need money to keep the city going – that is the issue and are we going to decide that today?

Mr. Huber stated so that everybody is aware, Judge Werner's point in meeting with the Mayor and it is a meeting Greg attended is a valid point. Courts are supposed to be built under the statutory by the council. When Councilman Lamb was Mayor was the time period where the court crossed the road, essentially council figured out the need. It is the council's responsibility to figure out what they can afford, and it's the council that found money to build a court. Since that time, the state's statute did pass the special projects fund, but it is still the council responsibility to determine the scope and to pay for it, and Judge Werner is more conservative than Judge Chase in his view in saying that you can't come to me and expect me by some way of debt service to pay you back to some kind of agreement formally or informally that's not legal. You guys build it and Judge Werner will help with the fees that he generates, but you can't expect a binding legal obligation from him beyond what he has to give you right now. He wants to be clear that there is a line in terms of what you can expect him to be able to do, and it has got a little blurred because in the discussions, it's almost as though the council expects the court to pay back the other \$4 million dollars that you advance. You can't do that. Some of the discussions got beyond what Judge Werner thinks he can do and he wants to make sure the council understands the entire legal responsibility the scope in what do is the councils no different than it was when Councilmen Lamb was Mayor.

Mr. Lamb stated the part that he is uncomfortable with is they didn't hold Judge Chase to the same terms. How many years did we have conversations with Judge Chase where we never gave any ground whatsoever.

Mr. Coyne stated this is the only time in history that we are going to get this opportunity, because it is happening now.

Bill stated we don't know for sure if it's going to happen now. Judge Werner was here with a discussion when we talked about location of the parking deck, and he was concerned about where we were going to allow it to be built in case we needed to save a piece of property if the county didn't work out, and to him at the time, that was a red flag if he was worried about it not working out.

Mr. Coyne stated the question is their duty is to provide adequate facilities, again he argues is it adequate enough over there now, well maybe not - but it's better than a lot of other places in the state. We don't have to put another court in there, we don't have to do all that, there are things we can do that he doesn't want to have happen necessarily right, that is where we talk and come up with a solution, because our answer can be ok here is \$500,000 to fix up the court and there you go.

Mayor Hanwell stated that Judge Chase never brought up to the council for us to have that discussion on the legal statute that says this is you not the court. In all the discussions, if he had presented that to us the same as Judge Werner presented it to us, then we would have been at the same place.

Mayor Hanwell stated the court is too small and not adequate for the operations and feels the

more important thing is the efficiencies of having shared hallways, shared securities so we are not paying for that ourselves, shared restrooms and maybe even some shared court rooms, but we would lose that all if we come back over here and build smaller and the other thing we lose is we are going to have this building still, and if we can use it to store some of the records and not build as big of a building or some of the operations that are over there each need a law library and move it over here. Any of those things that like that we can displace and not pay \$350 a square foot keeps letting both of us shrink that building down. Mayor Hanwell respectfully asks Council to go 50/50 for this next step, then we have lots of time to get back together and try to sort this through to where we all can be equally comfortable.

Mr. Lamb asked can you quantify the efficiencies with hallways, bathrooms and other stuff, he was told you can't quantify those. When he talked to Bill Hutson, he stated you can't really quantify exactly how much we are really going to save by having these efficiencies.

Recording ended.

There being no further business, Finance Committee adjourned at 7:32 p.m.

John M. Coyne, Chairman