

**MAYOR DENNIS HANWELL – STATE OF THE CITY ADDRESS
IMMEDIATELY FOLLOWING CITY COUNCIL MEETING**

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

August 25, 2014

Medina City Hall

7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (July 14, 2014 & July 24, 2014)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Mayoral proclamations.

Donald & Ryan Wheeler
Medina Rangers – State Championship

Notices, communications and petitions.

Unfinished business.

Introduction of visitors.
(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Ord. 132-14

An Ordinance authorizing a Job Creation Grant Agreement for Discount Drug Mart, Inc.

(emergency clause requested)

Ord. 133-14

An Ordinance providing for the conveyance of the property at 529 W. Friendship Street, Medina City Lot Nos. 297 & 298 to the Medina City Development Corporation.

Council comments.

Adjournment.

MEDINA CITY COUNCIL
July 14, 2014, Regular Session

Public Hearing:

Concerning the proposed 2015 tax budget for the City of Medina.

Mr. Coyne asked if anyone wished to speak in favor of the 2015 proposed tax budget.
Finance Director Keith Dirham explained this is something we are required to do each year.

Mr. Coyne asked if anyone wished to speak against the proposed 2015 tax budget.
No response.

Mr. Coyne closed the public hearing at 7:32 p.m.

Opening:

Medina City Council met in regular, open session on Monday July 14th, 2014. 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 P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

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

Minutes:

Mr. Shields moved that the minutes from the June 23rd, 2014 Council meeting as prepared and presented by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the minutes were approved by the yeas of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated the Finance Committee met prior to Council and was the last meeting due to break and will resume on August 25th.

Health, Safety & Sanitation Committee: Mr. Rose has a meeting scheduled for June 7/15/14 at 5:30 p.m. in the multipurpose room to discuss police department reorganization.

Public Properties Committee: Mr. Shields reported tentatively setting meeting for Monday, July 21st at 5:30 p.m.

Special Legislation Committee: Mr. Lamb announced he will be scheduling meeting sometime in September.

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

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

Requests for Council Action:

Finance Committee

- 14-141-7/14 – Budget Amendments
- 14-142-7/14 – Increase P.O. 2014-000940 – Arnold Masonry
- 14-143-7/14 – Transfer 529 W. Friendship Property to CIC
- 14-144-7/14 – Bids, Public Square Restrooms & Visitor's Center
- 14-146-7/14 – Job Creation Grant – Discount Drug Mart

Public Properties Committee

- 14-145-7/14 – Bids, Spring Grove Cemetery Maint. Bldg. / Lease Agreement

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported the following:

- 1) New City Website - Some adjustments still being made and information uploaded, but please let us know of any concerns or suggestions. Daily more information is added.
- 2) Friday Night Band Concerts- Public Square on Friday nights in July starting at 8:30 p.m. Parking is prohibited and posted as tow away zone for private lots on north side of Second Sole, Eli's, Marie's Café, Lager and Vine and Four Ladies and more... It is also prohibited between Lager and Vine and Four Ladies and more. Please use street parking, County Administration Bldg., court lots, as well as any city lots, city hall, and/or Medina Municipal Court.
- 3) Art in the Park - Sunday, July 20 from 8 a.m. to 5 p.m.; International Festival is Saturday, August 23rd from 8 a.m. to 5 p.m. Hope to see you all there.
- 4) Proclamation for Robert J. Grey for his heroic acts on June 21st as he bravely recognized an emergency situation when Brendan Federinko was struck by a vehicle as he was crossing the street. Robert pulled his vehicle into the intersection blocking traffic that was traveling towards Brendan, removed his shirt to cover Brendan's injured leg because of extensive injuries, he then moved him out of the road and applied pressure on his wound directing a bystander to call 9-1-1.

Keith Dirham, Finance Director, stated the Finance Department has been working on the budgets with other departments and Council. Sanitation rates are on the agenda this week and a few other items that we will address this evening.

Greg Huber, Law Director, had no report.

Chief Berarducci, Police Chief, had no report.

Kimberly Rice, Economic Development Director, had no report.

Jonathon Mendel, Planning Community, had no report.

Chief Painter, Fire Chief, had no report.

Mike Wright, Recreation Center Director, reported the MCRC will be shut down for five days for the yearly maintenance on July 28th thru August 1st, same week as the Medina County Fair. The rec's Summer Camp Program for kids ages 5 to 12 is in week 7 of 11 with countless activities for all including field trips and the program ends the week of August 11th through the 15th. Sign up for one week or multiple weeks, we offer multiple kid discounts. Hours for camp are Mon. – Fri. 8 a.m. – 5 p.m., offering early morning drop off and after 5 p.m. pick up. Check out our website for more info. www.medinarec.org or call 330-721-6901. Our next Rec. Center Advisory Board meeting is July 17th.

Jansen Wehrley, Parks and Recreation Director, reminded residents to be patient with our Splash Pads, occasionally we do experience some difficulties. We have staff on call and will get to them as soon as possible. Our Forestry Department continues to remove dying and declining Ash trees throughout town. You will receive a door hanger notification if your city tree is going to be removed. Go to our city website to be directed to our Forestry Department or find information regarding Emerald Ash Borer or other tree care facts.

Patrick Patton, City Engineer, This morning ODOT started their project resurfacing State Routes 42 and 3. Rt. 42 will extend from the city limits west of Lake Rd. to Court St. and up Court St. to Highland. Rt. 3 will extend from the square to Weymouth Rd. to the city limits. Milling has been started on Weymouth near Reagan and will continue for a couple months. We will have weekly updates on our city website and Facebook page as to what and where work is being done. The Gunnison Ct. reconstruction project will start this week replacing concrete pavement as well as waterlines and storm sewers.

Nino Picolli, Service Director, reported they are working to repair storm sewer problems in the current system as well as addressing the many flooded property complaints we have received since the May 12th storm. Reminder: when mowing grass and tree lawns do not blow grass clippings in the street it can cause the street grates to become plugged causing rain to flood the streets.

Mayoral appointments.

Planning Commission (Alternate) – Dave Edmonds, expiring 12/31/15

Mr. Shields moved to approve Dave Edmonds as Planning Commission Alternate, seconded by Mr. Simpson. The roll was called and approved by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

City of Medina Building Official – Dan Gladish

Mr. Shields moved to approve the Mayor's appointment of the Building Official, seconded by Mr. Simpson. The roll was called and approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Notices, Communications and Petitions: There were none.

Unfinished Business: There was none.

Introduction of Visitors:

Tim Pope from the Ohio Government Finance Affairs Finance Officers Association was here to present an award to the City's Finance Director Keith Dirham. This is a certificate of achievement for excellence in financial reporting to the City of Medina. The purpose of the program is to encourage and assist governments to prepare financial reports at the highest quality for the benefit of the citizens and other parties with a vital interest in government finances. To earn this certificate, the City had to substantially conform to programs demanding criteria which go beyond the minimum requirements of generally accepted accounting principles. Program participants submit copies of their comprehensive annual financial report to the Certificate of Achievement Program for an in-depth review and evaluation by two members selected from the impartial panel of government finance officers, independent certified public accountants, educators and others with specialized expertise and experience in governmental accounting and financial reporting. This is not the first time the City of Medina has received this honor, rather today's presentation marks the 5th consecutive year that the city has received this certificate of achievement. Such a record reflects professionalism and commitment of numerous individuals as well as many hours of hard work, reflecting a high degree of dedication and leadership on the part of the Finance Director, Mayor and City Council. We hope this award will serve as an example to encourage others to strive for the same high standards in their own financial reports. Congratulations.

Beth Bugner from 1005 Lakeshore Walk presented on behalf of Medina County Road Runners, the race committee, her co-race director Ron Ross and Bob McCorney who came here tonight to thank the Mayor, Council, Administration and employees. The Medina Half Marathon was held on May 31st starting and ending in our square. Beth thanked Mayor Hanwell for starting the race off and for his support and your enthusiasm. Thank you to Dawn Conwill for working with us on matters concerning connecting the city with our event. We want to thank the Medina City Police Dept., Medina Township and Montville as well. Our runners felt the love of our town on race day and were blessed to have had our event run down the streets of our neighbors. Our event had 942 runners cross the finish line. Our 5K had just under 400 runners. Thank you to the local businesses that helped make this possible, all the volunteers and local elementary schools on their cheering competitions for our runners.

Ron Ross spoke of this event being a huge collaboration involving many people in this room and as this event grows we will learn from any mistakes and continue to learn and make it better. There was 16 states represented in our 2nd year.

Cynthia Danielson from 147 W. North Street stated she has an issue with the sidewalk there and has been trying to rectify it for about a year and a half now and needs answers. Mr. Coyne asked her to stay until the end of the meeting to discuss the issue with Mr. Huber.

Introduction and Consideration of Ordinances and Resolutions:

Ord. 113-14:

An Ordinance amending Section 941.06(B) of the Codified Ordinances of the City of Medina, Ohio relative to increasing Residential Sanitation Collection Rates. Mr. Shields moved for the adoption of Ordinance/Resolution No. 113-14, seconded by Mr. Simpson. Mr. Rose stated these rates will go into effect October 1st as was recommended by the Utility Rate Review Commission. They originally recommended an increase from \$14 to \$17 but in light of the recent water increases and some issues with the central processing facility, we felt \$16 was more manageable. We will revisit these numbers again in January and adjust accordingly. The roll was called and Ordinance/Resolution No. 113-14 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Res. 114-14:

A Resolution adopting the Tax Budget of the City of Medina, Ohio for the fiscal year beginning January 1, 2015 and submitting the same to the Medina County Auditor. Mr. Shields moved for the adoption of Ordinance/Resolution No. 114-14, seconded by Mr. Simpson. Mr. Dirham states this is the process for the budget that we pass every year. The roll was called and Ordinance/Resolution No. 114-14 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Res. 115-14:

A Resolution donating thirty (30) Dell Computers to the Medina City Schools. Mr. Shields moved for the adoption of Ordinance/Resolution No. 115-14, seconded by Mr. Simpson. Mayor Hanwell stated these are computers that are three to five years old and within the replacement schedule of the city and additionally they have Windows XP an outdated operating system that was no longer supported after the first quarter of this year. They are still of value and use to the schools. Mr. Shields will be abstaining due to the fact that this benefits his employer. The roll was called and Ordinance/Resolution No. 115-14 passed by the yea votes of B. Lamb, P. Rose, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar. J. Shields abstained.

Res. 116-14:

A Resolution extending the Intensive Supervision Probation Grant for the Medina Municipal Court through the fiscal year 2015. Mr. Shields moved for the adoption of Ordinance/Resolution No. 116-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 116-14, seconded by Mr. Simpson. Mr. Dirham explained this is a grant that the court receives every year and the reason for the emergency clause is that the way the grant works they don't get the information until they are too close to the time that it takes effect. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose. The roll was called and Ordinance/Resolution No. 116-14 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Ord. 117-14:

An Ordinance authorizing the Mayor to enter into an Agreement with Medina United Methodist Church and Mark Klaus, LLC for the lease of parking lot areas located on South Court Street. Mr. Shields moved for the adoption of Ordinance/Resolution No. 117-14, seconded

by Mr. Simpson. Mayor Hanwell stated this is the second time entering into a lease to open up the United Methodist Church parking lot at the corner of S. Court and W. Smith Rd. for public events. It's not being used by Mr. Klaus and his events which are more in the Christmas Season and it gives us the benefit throughout the other 9 to 10 months of the year of using it in exchange for the city doing the plowing and snow clearing with basic maintenance to keep it usable. There is no exchange of money and it's a one year term. The roll was called and Ordinance/Resolution No. 117-14 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 118-14:

An Ordinance authorizing the purchase of one (1) 2015 Ford Transit Van and one (1) 2014 Ford F-150 Truck from Montrose Ford to be used by the Fire Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 118-14, seconded by Mr. Simpson. Chief Painter explained that these two vehicles will be replacing a 1995 Ford Van and a 1996 Pickup truck which are at the end of their serviceable life. We did use the school cooperative purchase program to purchase these. The roll was called and Ordinance/Resolution No. 118-14 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 119-14:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the purchase of one (1) Rear Loading Packer Truck complete with Cab and Chassis for the Sanitary Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 119-14, seconded by Mr. Simpson. Mr. Piccoli stated this is a replacement garbage truck that is 14 years old and has almost 15,000 hours on it. The roll was called and Ordinance/Resolution No. 119-14 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 120-14:

An Ordinance amending Section 31.05 and 31.07 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Community Development Department and accepting the revised Job Description of Building Official. Mr. Shields moved for the adoption of Ordinance/Resolution No. 120-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 120-14, seconded by Mr. Simpson. Mayor Hanwell stated since our Building Official left last December we've been without a Building Official and Council authorized at the beginning of the meeting to name a Building Official and what this does is revise the job description because this Building Official has many more certifications that will be beneficial to both the Water Department and backflow and Engineering Dept. and storm water management. Amending the pay from 112 to 113 is in relation to those extra certifications. We would like this individual to start with us on August 1st and that is why we are requesting the emergency clause. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar. The roll was called and Ordinance/Resolution No. 120-14 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 121-14:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the 2014 Residential Drainage Improvement Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 121-14, seconded by Mr. Simpson. Mr. Patton stated this is an annual project started several years ago to address smaller drainage issues in our residential areas. This year we have five locations and are asking for \$35,000. The roll was called and Ordinance/Resolution No. 121-14 passed by the yeas votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Ord. 122-14:

An Ordinance authorizing the Mayor to accept two (2) easements necessary for the Forest Meadows Drainage Improvements Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 122-14, seconded by Mr. Simpson. Mr. Patton stated there is some work to be done on Wildwood Dr. that is on private property and these are easements on two of the property owners. The roll was called and Ordinance/Resolution No. 122-14 passed by the yeas votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Res.123-14:

A Resolution authorizing the Mayor to execute an Economic Development (TRES) Transfer Form from the Division of Liquor Control pertaining to the property located at 1132 N. Court Street. Mr. Shields moved for the adoption of Ordinance/Resolution No. 123-14, seconded by Mr. Simpson. Ms. Rice stated this resolution authorizes the Mayor to sign off on the form to transfer the liquor permits from Cuyahoga County for the new Japanese Restaurant called Tokyo Inc. at 1132 N. Court St. He is leasing space there and in the process of renovating it. Approximately \$200,000 investment and initially 6 to 8 new jobs. The roll was called and Ordinance/Resolution No. 123-14 passed by the yeas votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 124-14:

An Ordinance authorizing the increase of the expenditure to Kokosing Materials from \$21,000.00 to \$35,000.00 for the Service Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 124-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 124-14, seconded by Mr. Simpson. Mr. Piccoli stated the emergency clause is due to the approval process. We currently have \$1,450 left on our P.O. We are asking for the increase as we need to purchase more asphalt in the coming weeks. We use this material year round for temporary and permanent patching of our city streets. The roll was called on adding the emergency clause and was approved by the yeas votes of B. Hilberg, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 124-14 passed by the yeas votes of J. Coyne, B. Hilberg, B. Lamb, P. Rose, J. Shields, and D. Simpson. (1) Mark Kolesar (conflict of interest)

Ord. 125-14:

An Ordinance amending Ordinance No. 208-13, passed December 9, 2013. (Amendments to 2014 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 125-14, seconded by Mr. Simpson. Mr. Dirham explained the first three are for snow removal as

we discussed at the finance meeting earlier. Number 4 is for residential drainage project and the fifth one is a check from Medina Lacrosse which we received the check and need to appropriate in order to be able to spend it. The last one is a transfer for the tap into the sewer system for the weigh station. The roll was called and Ordinance/Resolution No. 125-14 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 126-14:

An Ordinance authorizing the expenditure of not to exceed \$14,000.00 to Securitec for the purchase and installation of an amplifier and speaker system for the Uptown Park. Mr. Shields moved for the adoption of Ordinance/Resolution No. 126-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 126-14, seconded by Mr. Simpson. Mr. Wehrley explained this is for upgrades to the speaker system and the installation of the distributed sound system. It is a much needed improvement that will benefit all users of the square for events. The emergency is requested to expedite the installation so we can get some use out of it this summer. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb. The roll was called and Ordinance/Resolution No. 126-14 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

Council Comments:

Mr. Simpson offered condolences to the Hamilton Family.

Please sign up online for the Tunnels to Towers 5K run or walk being held on Sunday, September 14th at 8 a.m., there will be representation from basically all over the country, some fire fighters and dignitaries from New York City.

The annual Life Support Team Citizens Academy is a program that you can sign up for and the number is 330-721-5015 and the classes are sometime in September. It's a program that teaches you about what your emergency medical service does for your community. It involves all the emergency services provided by the Cleveland Clinic and the City of Medina.

Mr. Hilberg stated they held the 2nd annual Ward 1 Community Block Party and wanted to thank everyone for their assistance. Based on the amount of food they went through they had close to 400 people. Thanks to Skinny Moo the band for entertainment, all the residents that showed up, Council and Kathy Patton, Keith Dirham, Pat Patton, Chief Berarducci and Jansen Wehrley for attending and the Parks Department for helping to get the park ready. The Mayor and his wife Chris helped out with the food line and grilling. Thank you to the following organizations: Cups Café, Children Center of Medina County, Mike Kovack, Medina County Help Me Grow and the Ohio regional music arts and cultural outreach. Thank you to all our very generous sponsors.

Mr. Lamb thanked Mr. Hilberg for putting on such a great event.

Mr. Lamb mentioned it is time again for the annual South Court St. House Tour, the 5th annual Twilight Stroll on August 9th from 5 p.m. – 9 p.m. Tickets go on sale this Saturday at Cool Beans, Miss Molly's, and the Medina County Visitors' Bureau.

He congratulated Keith Dirham on his award, and recognized Roger Smalley for being selected as Chairman of the City's Bicentennial Committee.

Medina City Council
July 14, 2014

Adjournment:

There being no further business before Council, the meeting adjourned at 8:23 p.m.

Kathy Patton, Clerk of Council

John M. Coyne, President of Council

MEDINA CITY COUNCIL
July 24, 2014, Special Council Meeting
Multi-Purpose Room, Medina City Hall

Opening.

After due notice according to law, Medina City Council met in special, open session July 24, 2014. The meeting was called to order at 7:30 a.m. by President of Council John Coyne with the following members of Council present: J. Coyne, B. Hilberg, M. Kolesar, J. Shields, and D. Simpson. B. Lamb and P. Rose were absent.

Introduction of Ordinances and Resolutions.

Ord. 127-14

An Ordinance authorizing the Mayor to advertise for competitive bids and to award contracts to the successful bidders for the construction of the Medina Square Public Restroom and Visitor's Center. Mr. Shields moved for the adoption of Ordinance/Resolution No. 127-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 127-14, seconded by Mr. Simpson. Mayor Hanwell added that the reason for the emergency clause is to get the project going before the next meeting. We are going to try to general contract this ourselves to save some money. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 127-14 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and J. Shields.

Ord. 128-14

An Ordinance amending Section 31.02(B)(6) of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Intensive Supervision Probation employees for the Municipal Court. Mr. Shields moved for the adoption of Ordinance/Resolution No. 128-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 128-14, seconded by Mr. Simpson. Mr. Coyne explained that this is the second part to this grant that Council approved at the last Council meeting. The roll was called on adding the emergency clause and was approved by the yea votes of M. Kolesar, J. Shields, D. Simpson, J. Coyne, and B. Hilberg. The roll was called and Ordinance/Resolution No. 128-14 passed by the yea votes of B. Hilberg, M. Kolesar, J. Shields, D. Simpson, and J. Coyne.

Res. 129-14

A Resolution authorizing the Law Director to bid on the property located at 120 N. Elmwood Avenue, Permanent Parcel No. 028-19A-21-087. Mr. Shields moved for the adoption of Ordinance/Resolution No. 129-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 129-14, seconded by Mr. Simpson. Mr. Coyne explained that this is the Masonic Temple and as we talked about, even though the Court is going to be located next to the building this property may be valuable to the City in the future so we are going to have to go ahead and bid on it since it is up for sale. Mayor Hanwell stated the reason for the emergency clause is that the auction is this afternoon. We would like to be involved in securing the property if not for immediate need for future need. He stated he thinks it makes sense having the Municipal Court and City Hall/Police Department for future expansion. There is an additional 10% over and above the bid cost for the auctioneer. Mr. Huber stated that we should meet after the auction in order to lock in the specific purchase price. The roll was called on adding the emergency clause and was approved by the yea votes of B. Hilberg, M. Kolesar, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 129-14 passed by the yea votes of M. Kolesar, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 130-14

An Ordinance authorizing the Mayor to enter into a Contingent Fee Agreement with Vorys, Sater, Seymour and Pease, LLP in connection with a Counterclaim in Condemnation filed by Columbia Gas Transmission, LLC. Mr. Shields moved for the adoption of Ordinance/Resolution No. 130-14, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 130-14, seconded by Mr. Simpson. Mr. Huber explained that we own ground west of town, farm property, approximately 100 acres. Under the ground there is a level of soil that is used by Columbia Gas to store gas. Pursuant to regulation, it has been determined that Columbia Gas has been storing and using this ground without paying people for a long time. In addition, they would be required to pay for the usage of this level of the ground in the future. In an extremely heavy handed legal maneuver, Columbia Gas has filed a suit against every property owner whose soil they are using. Their estimation through their Philadelphia law firm is that nobody is going to answer this lawsuit in Federal Court. I have received 18-20 phone calls from older individuals who are bewildered by this, they received in the mail this complaint with them named as a defendant in it. Nobody individually can afford to hire an attorney and go to Federal Court and litigate this matter, for one the amounts of money are not huge and second, Columbia Gas is banking on nobody answering their lawsuit so they can do what they want by way of default judgment. Atty. Gail Ford in the Vorys law firm has initiated a class action of people to try to pool their efforts and defend themselves in this lawsuit in Federal Court. The contract is a contingency fee contract so that Vorys recovers 1/3 of whatever monies we get out of the lawsuit if they are successful. We are responsible for a percentage of fees and costs but the fees and costs in the contract are not going to cost more than what we are recovering. My recommendation is for the Council to pass this ordinance authorizing the Mayor to enter into an agreement for Vorys to represent us in this litigation. The answer is due within 28 days of last week when we were served with this complaint and this is the reason for the emergency clause. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and J. Shields. The roll was called and Ordinance/Resolution No. 130-14 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

Ord. 131-14

An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances of the City of Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 131-14, seconded by Mr. Simpson. Mr. Coyne stated this is the annual update to update our books. The roll was called and Ordinance/Resolution No. 131-14 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, J. Shields, and D. Simpson.

Adjournment:

There being no further business before council, the meeting adjourned at 7:45 a.m.

Kathy Patton, Clerk of Council

John M. Coyne, III – President of Council

ORDINANCE NO. 132-14

AN ORDINANCE AUTHORIZING A JOB CREATION GRANT AGREEMENT FOR DISCOUNT DRUG MART, INC., AND DECLARING AN EMERGENCY.

WHEREAS: Ordinance No. 154-07, passed September 24, 2007, adopted a Job Creation Grant Program for the City of Medina, Ohio to provide incentives to businesses to retain, create and expand employment opportunities within the City of Medina without utilizing tax revenues or impacting negatively upon the local school system; and

WHEREAS: As part of said Job Creation Grant Program, a Business Development Committee was established to review applications and annually review each approved grant for adherence to their grant agreement; and

WHEREAS: The Business Development Committee recommended the attached grant agreement for Discount Drug Mart, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Job Creation Grant Agreement #JCG09 for Discount Drug Mart, Inc. is hereby authorized.

SEC. 2: That the Mayor is hereby authorized to execute all documentation associated with the Grant.

SEC. 3: That a copy of the Job Creation Grant Agreement is marked Exhibit A, attached hereto and incorporated herein.

SEC. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 5: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the employee transfer has begun; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

PLEASE REVIEW THE EMPLOYMENT AND PAYROLL NUMBERS FOR CONSISTENCY WITH YOUR APPLICATION FORM. THESE NUMBERS WILL BECOME YOUR COMPANY'S COMMITMENT TO THE CITY OF MEDINA.

EXHIBIT A

GRANT# JCG09-Discount Drug Mart14
(Administrative Only)

JOB CREATION GRANT AGREEMENT

This Agreement made and entered into by and between the CITY OF MEDINA, OHIO, a municipal corporation, with its main offices located at 132 North Elmwood Avenue, Medina, Ohio 44256 (hereinafter referred to as "Medina") and Discount Drug Mart, Inc. with its main offices located at 211 Commerce Drive, Medina, Ohio 44256 (hereinafter referred to as "Company"), and is dated as of .

WITNESSETH:

WHEREAS, Medina has encouraged the creation and retention of new job opportunities throughout the City of Medina; and

WHEREAS, Discount Drug Mart, Inc. has acquired Hastings Professional Medical Equipment Company located at 15210 Industrial Parkway, Cleveland, Ohio 44135 and will relocate 25 new full time employees to 211 Commerce Drive, Medina, Ohio 44256 (hereinafter sometimes referred to as the "PROJECT") and \$2,300,000.00 in new payroll within the boundaries of the City of Medina, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Medina, Ohio by Ordinance No. 154-07 adopted September 25, 2007 created the Job Creation Grant Program pursuant to Article XVIII, Section 3 and Article VIII, Section 13 of the Ohio Constitution; and

WHEREAS, the City of Medina, having the appropriate authority for the stated type of program, is desirous of providing Discount Drug Mart, Inc. with incentives available for the development of the PROJECT; and

WHEREAS, Discount Drug Mart, Inc. has submitted a proposed Agreement application (herein attached as Exhibit A1) to the City of Medina (said application hereinafter referred to as "Application"); and

WHEREAS, Discount Drug Mart, Inc. has remitted the required application fee of \$ 500.00 made payable to the City of Medina; and

WHEREAS, the Business Development Committee of the City of Medina has investigated the application of Discount Drug Mart, Inc. and has recommended the same to Medina City Council on the basis that Discount Drug Mart, Inc. is qualified by financial responsibility and business experience to create employment opportunities in the City of Medina and improve the economic climate of Medina; and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Description of the Project.

- A. Discount Drug Mart, Inc. shall relocate 25 full-time employees from a newly acquired company in Cleveland, Ohio to 211 Commerce Drive, Medina, Ohio 44256.

2. Project Investment.

- A. The PROJECT will involve a total investment, plus or minus 10%, by the Property Owner of \$275,000.00(dollars) the PROJECT.

- B. The PROJECT will involve a total investment, plus or minus 10%, by Discount Drug Mart, Inc. as follows:

1. New Machinery and Equipment	\$145,000
2. New Furniture & Fixtures	\$ 95,000
3. Land/Building Acquisition	\$ n/a
4. Construction of facility / improvements	
Of existing building	\$ 35,000
TOTAL	\$275,000

- C. Transfer of employees will begin approximately August 1, 2014 and will be completed approximately September 30, 2014.

3. Job Creation and Retention.

- A. Discount Drug Mart, Inc. shall transfer employees into the City of Medina within a time period not exceeding 36 months, the equivalent of 25 new full-time permanent job opportunities in the City of Medina.

- 1) Discount Drug Mart, Inc.'s schedule for hiring permanent full time employees is as follows:

<u>Year</u>	<u>Number of Jobs New to Medina</u>	<u>Payroll Created</u>
2014	25	\$2,300,000

1 yr. total: 25 employees \$2,300,000 in payroll

- B. The job creation period begins approximately August 1, 2014 and all jobs will be in place by September 30, 2014.

- C. The Company currently has 276 employees at the 211 Commerce Drive site. The Company currently has 276 employees in the City of Medina. In total, the Company has 1,777 full-time permanent employees in the State of Ohio.
- D. The increase in the number of employees new to the City of Medina will result in approximately \$2,300,000 of additional annual payroll in the City if Medina when the projected maximum employment level is achieved after the three year period.
- E. The retention of the existing jobs in Medina will maintain the current annual payroll in Medina of \$14,672,000.00.

4. Issuance of Grant.

- A. The City of Medina hereby grants a Job Creation Grant based upon the creation of new payroll and jobs in the City of Medina, and the implementation of the PROJECT, according to the schedules contained herein in Section 4(C).

<u>Years</u>	<u>Amount of Grant as a Percentage of Payroll Taxes New to Medina</u>
10	40%

Funding for the grant issued herein shall only be from the following non-tax revenue sources: interest income, permit fees, activity fees, service charges, and tax incentive application and monitoring fees.

- B. For purposes of calculating the amount of the grant, the new payroll upon which the grant is based may not exceed 25% above the maximum payroll projected in Section 3(D) above. The grant amount shall be based on the current 1.25% income tax rate. The maximum amount of the grant in any year shall be \$14,375.00 (maximum NEW PAYROLL projection x 125% X 1.25% x 40% of grant)
- C. To receive a grant in any given year, Discount Drug Mart, Inc. must retain full time permanent jobs existing in Medina prior to the Agreement.

- (1) If Discount Drug Mart, Inc. does not achieve at least 90% of new payroll projections, Discount Drug Mart, Inc. shall receive reduced incentives according to the schedule below:

<u>% of New Payroll Projection Achieved</u>	<u>Amount of Grant as a Percentage of Payroll Taxes New to Medina</u>
90-100%	full grant
85-89%	reduce grant by 5% (Ex.: 40% grant reduced to 35%)
80-84%	reduce grant by 10% (Ex.: 40% grant reduced to 30%)
75-79%	reduce grant by 15%
Less than 75%	no grant for that year; and

- (2) If Discount Drug Mart, Inc. fails to meet 75% of new payroll or new employment projections in any given year, the grant shall not be awarded for that year.
- (3) If Discount Drug Mart, Inc. has multiple locations in the City of Medina and new employment and new payroll projections are met at any combination of locations in the City of Medina, Discount Drug Mart, Inc. will receive its annual grant payment.
- (4) New payroll is defined as that amount in excess of the amount in Section 3(E) above.

5. Grant Payments.

A. Initial Grant Payment.

- (1) Year 1 projections must be met by December 31, 2014. The initial grant payment shall be made by approximately June 30th, 2015 (following year), provided that Discount Drug Mart, Inc. files its Reconciliation of City Income Tax Withheld Form S-W3 by February 28, 2015, and reconciliation is confirmed by the City of Medina Finance Department.
- (2) If the project start or occupancy of the project facility is delayed, Year 1 may be extended to the following year and the Year 1 projections deadline adjusted accordingly, upon written request by Discount Drug Mart, Inc. to the Economic Development Director, provided that the extension is approved by the Economic Development Director with notice to the Business Development Committee.
- (3) If the project or occupancy of a project facility begins in the third or fourth quarter of the year and Discount Drug Mart, Inc. is not able to meet its Year 1 projections by December 31st of that year, Year 1 will be considered the first full year of occupancy, and the first grant payment will occur in the year following the first full year of the project or occupancy of the project facility.

B. Timing of Annual Grant Payments. Annual grant payments shall be made by June 30th of the following year, provided that Discount Drug Mart, Inc. files its Reconciliation of City Income Tax Withheld Form S-W3 by February 28th and reconciliation is confirmed by the City of Medina Finance Department. If Discount Drug Mart, Inc. requests an extension for filing of its S-W3 form, the City of Medina shall make the grant payment within three months of the extended filing date. It is the responsibility of Discount Drug Mart, Inc. to advise the Economic Development Director of the filing extension.

C. Use of Grant Payments. Grants shall be allocated by Discount Drug Mart, Inc. for land acquisition, building acquisition, purchase of machinery/equipment, purchase of furniture/fixtures, and/or other non-construction related and non-installation related costs of the project.

6. Payment of Taxes and Filing Reports and Returns. Discount Drug Mart, Inc. shall pay all taxes and shall file all tax reports and returns as required by law. If Discount Drug Mart, Inc. fails to pay such taxes or file such returns and reports, all incentives granted under this Agreement are terminated beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
7. Information for Annual Review. Discount Drug Mart, Inc. shall provide to the City of Medina in a timely manner, any information reasonably required by the City of Medina to evaluate Discount Drug Mart, Inc.'s compliance with the Agreement.

8. Maintenance of Grant.

- A. Medina shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain incentives granted under this Agreement including, without limitation, joining in the execution of all documentation and providing necessary information to maintain the incentives granted hereunder.
- B. If for any reason the Job Creation Grant Program is discontinued, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless Discount Drug Mart, Inc. materially fails to fulfill its obligations under this Agreement and Medina terminates or modifies the incentives granted under this Agreement.

9. Certification as to Payment of Taxes. Discount Drug Mart, Inc. certifies that at the time this Agreement is executed, Discount Drug Mart, Inc. does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which Discount Drug Mart, Inc. is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or, if such delinquent taxes are owed, Discount Drug Mart, Inc. currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Discount Drug Mart, Inc.. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

10. Non-Discrimination Hiring. Medina has developed a policy to ensure recipients of Job Creation Grants practice non-discriminatory hiring in its operations. By executing this Agreement, Discount Drug Mart, Inc. is committing to following non-discriminatory hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

11. Transfer and Assignment. This Agreement is not transferable or assignable without the express, written approval of Medina. The City of Medina acknowledges that it would be unreasonable to withhold such consent in the event of a proposed transfer or assignment to any parent, subsidiary or affiliate of Discount Drug Mart, Inc. or to any third party so long as with respect to all or any of such proposed transfers or assignments, the proposed transferee or assignee adequately and sufficiently demonstrates to the City of Medina, to the City of Medina's reasonable satisfaction, its financial ability, business experience and intentions to continue its operations of the Facility and Project in a manner similar to that of Discount Drug Mart, Inc. in all pertinent respects.

12. Termination or Modification of Incentives.

- A. If Discount Drug Mart, Inc. fails to meet 75% of new payroll or new employment projections in any given year, the grant shall not be awarded for that year.
- B. If Discount Drug Mart, Inc. fails to meet 75% of new payroll or new employment projections for three consecutive years, this Agreement shall be terminated by the City of Medina.
- C. If the project does not proceed as specified in Section 5(A)(1) of the Agreement or within the approved one year extension period, the City of Medina may terminate the Agreement upon recommendation of the Business Development Committee.
- D. If Discount Drug Mart, Inc. fails to submit required information and/or reports as set forth in Section 7 above, the City of Medina may terminate or modify this Agreement and deny or modify future grants heretofore granted from the date of Discount Drug Mart, Inc.'s breach or default.

In the case as provided in this Subsection D, the City of Medina's termination or modification of this Agreement may be instituted only if Discount Drug Mart, Inc. fails to cure any breach of any term of this Agreement as determined by the City of Medina within ten (10) days of receiving written notice of such failure from the City of Medina or, if cure of the breach cannot be completed within ten (10) days, if Discount Drug Mart, Inc. has not made a good faith start of the cure, and/or not diligently pursued same.

- E. Nothing contained in Sections 12(A), 12(B), 12(C), or 12(D) shall permit the City of Medina to recapture or otherwise deny Discount Drug Mart, Inc. the benefit of a grant in respect of any period prior to the date of such termination or modification by the City of Medina.
- F. The City of Medina may terminate or modify this Agreement and may also require the repayment of the full amount of grant payments awarded under this Agreement, upon the occurrence of any of the following:
 - 1) the City of Medina determines that the certification as to delinquent taxes required by this Agreement is fraudulent, or
 - 2) Discount Drug Mart, Inc. vacates the Facility and/or moves the Project out of the City of Medina or terminates its operations at the Facility altogether during a 10 (numeral) year period beginning on the effective date of this Agreement.

The City of Medina may, absent any legislative action, resolution or court ordered mandate to the contrary, collect any and all grant payments awarded

under this Agreement, and Discount Drug Mart, Inc. shall pay directly to the City of Medina or its authorized agent any and all grant payments awarded under this Agreement due on the date Discount Drug Mart, Inc. moves the Project out of the City of Medina or terminates its operations at the Facility altogether during the 10 year period beginning on the effective date of this Agreement; or within ten (10) days from the date Discount Drug Mart, Inc. is notified by the City of Medina that any tax certification is fraudulent.

- G. Discount Drug Mart, Inc. or successor entity shall promptly notify the City of Medina if any of the following events occur:
- (i) If control of Discount Drug Mart, Inc. or substantially all of its assets located at the Project site is obtained by another entity or shareholders or
 - (ii) If Discount Drug Mart, Inc. merges with another entity or
 - (iii) If Discount Drug Mart, Inc. substantially restructures itself through an acquisition or divestiture or otherwise

and if any of these events affects the ability of Discount Drug Mart, Inc. or its successor entity to perform substantially the obligations of Discount Drug Mart, Inc. under this Agreement and to meet the employment and payroll projections anticipated herein. "Control of Discount Drug Mart, Inc." for the purposes of this subsection means that persons and/or entities owning the majority of Company's outstanding voting stock at the date of this Agreement cease to own such or cease to have the unconditional right to elect a majority of Discount Drug Mart, Inc.'s board of directors.

- H. Each provision for modification or termination hereunder shall not affect Discount Drug Mart, Inc.'s obligations or the City of Medina's rights under any other provision of this Agreement.
13. Fees. Discount Drug Mart, Inc. shall pay an annual fee of \$ 500 (five hundred dollars) in each year that Discount Drug Mart, Inc. receives a grant payment upon notification that such payment is due. The proceeds will be used to defray costs of program administration and to help fund the program.
14. Any notices, statements, acknowledgements, consent approvals, certificates, or requests required to be given on behalf of either party shall be made in writing addressed as follows:

If to the City to: Dennis Hanwell, Mayor
Medina City Hall
132 N. Elmwood Avenue
Medina, Ohio 44256

With a copy to: Director of Law– City of Medina
Gregory Huber
Medina City Hall
132 N. Elmwood Avenue
Medina, Ohio 44256

If to Discount Drug Mart, Inc. to:

Tom McConnell
Chief Financial Officer
Discount Drug Mart, Inc.
211 Commerce Drive
Medina, Ohio 44256

or such other address as may be noticed.

15. Condition Precedent. Discount Drug Mart, Inc. and Medina acknowledge that this Agreement must be approved by formal action of the legislative authority of the City of Medina as a condition for the Agreement to take effect.

IN WITNESS WHEREOF, the City of Medina, Ohio, by Dennis Hanwell, its Mayor, and pursuant to Ordinance No. 154-07 and Discount Drug Mart, Inc., by Tom McConnell, its Chief Financial Officer, have caused this instrument to be executed on the _____ day of _____, 2014.

WITNESSED BY:

CITY OF MEDINA

By: _____

Title: Mayor

WITNESSED BY:

DISCOUNT DRUG MART, INC.

By: _____

Title: _____

The legal form and correctness of the
within instrument is hereby approved.

DIRECTOR OF LAW— CITY OF MEDINA

By: _____

Date: _____

- C. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred) (please feel free to attach additional sheets identifying the above).

Acquisition of Home Health Care Company- relocation of 25 employees

- D. Form of business of enterprise (corporation, partnership, proprietorship, or other).

Corporation

3. Name of principal owner(s) or officers of business.

Donald Boodjeh Douglas Boodjeh
John Gans Tom McConnell

4. A. State the enterprise's current employment level at the proposed project site:

276

- B. Will the project involve the relocation of employment positions or assets from one Ohio location to another?

Yes X No

- C. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

Locations from: 15210 Industrial Parkway Cleveland Ohio 44135
4120 Shuffel Street NW North Canton Ohio 44720

Location to: 211 Commerce Drive Medina Ohio 44256

- D. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

1,777 full time permanent

1,614 part time permanent

185 part time seasonal

8 temporary

E. State the enterprise's current employment level for each facility to be affected by the relocation of the employment positions or assets:

40

F. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

employees (25 full-time) to relocate to corporate office

no assets to be transferred

5. Does the Property Owner owe:

A. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes _____ No x

B. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State?

Yes _____ No x

C. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?

Yes _____ No x

D. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).

6. Project Description: Acquisition/merger of Hastings Professional Medical Equipment Company. The ensuing company re-structuring will result in 25 full-time employees relocating to the DDM corporate offices in Medina.

7. Project will begin August 1, 20 14 and be completed September 30, 20 14 provided a tax exemption is provided.

8. A. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

Discount Drug Mart: 25 full-time employees

B. State the time frame of this project hiring: n/a years months

C. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): not applicable

9. A. Estimate the amount of annual payroll such new employees will add:

\$2,300,000.00 (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

All employees are full-time.

B. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 14,672,000.00

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings:	\$ n/a
B. Additions/New Construction:	\$ n/a
C. Improvements to existing buildings:	\$ 35,000.00
D. Machinery & Equipment:	\$ 145,000.00
E. Furniture & Fixtures:	\$ 95,000.00
F. Inventory:	\$ n/a
TOTAL NEW PROJECT INVESTMENT	\$ 275,000.00

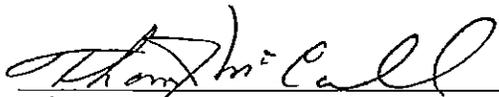
11. Business's reasons for requesting tax incentives (be quantitatively specific as possible)
The acquisition of a home health company is important to our business going forward. Continued growth in medical equipment and being better able to serve
our customers with durable medical equipment is essential to our operations.
The tax incentives associated with the project will allow us to better compete
with the national chain drug stores (e.g. Walgreens, Rite Aid). We are a local
family run business with headquarters and a warehouse in Medina. The Medina
location employs 276 people. We operate 71 store locations throughout Ohio
employing over 3,500 people.

Submission of the application expressly authorizes The City of Medina
(Name of Local Jurisdiction)

to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request. The applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Discount Drug Mart, Inc.
Name of Property/Business Owner


Signature

6/1/2014
Date

Tom McConnell
Chief Financial Officer
Typed Name and Title

ORDINANCE NO. 133-14

AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF THE PROPERTY AT 529 W. FRIENDSHIP STREET, MEDINA CITY LOT NOS. 297 & 298 TO THE MEDINA CITY DEVELOPMENT CORPORATION.

WHEREAS: In 2012, the City of Medina took possession of a residential property located at 529 W. Friendship Street due to delinquent taxes and the City had the house torn down utilizing Moving Ohio Forward dollars through the county; and

WHEREAS: The City Council of the City of Medina, Ohio, acting pursuant to the law, deems it advisable to convey the property at 529 W. Friendship Street, Medina City Lot Nos. 297 & 298 to the Medina City Development Corporation, and it is of the opinion that said Medina City Lot Nos. 297 & 298 are not needed for public use.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the property at 529 W. Friendship Street, Medina City Lot No. 297, Permanent Parcel No. 028-19A-20-033, and Medina City Lot No. 298, Permanent Parcel No. 028-19A-20-032 are hereby conveyed to the Medina City Development Corporation.

SEC. 2: That a copy of the Transfer Deed is marked Exhibit A, attached hereto and incorporated herein.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

Ord. 133-14
Exh. A

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that **CITY OF MEDINA**, an Ohio Municipal Corporation, for good consideration received to its full satisfaction of **MEDINA CITY DEVELOPMENT CORPORATION**, an Ohio Non-Profit Corporation, the Grantee, has Given, Granted, Remised, Released, and Forever Quitclaimed, and does by these presents absolutely give, grant, remise, release, and forever quitclaim unto the said Grantee, its successors and assigns, forever, all such right and title as it, the said Grantor, has or ought to have in and to the following described piece or parcel of land:

See "Exhibit A" attached hereto for legal descriptions of parcels.

Tax Mailing Address: 132 North Elmwood Avenue, Medina, Ohio 44256

To have and to hold the premises aforesaid, with the appurtenances thereunto belonging to the said Grantee, its successors and assigns, so that neither it, the said Grantor, nor its successors or assigns, nor any other persons claiming title through or under it, shall or will hereafter claim or demand any right to the premises, or any part thereof; but they and every one of them shall by these presents be excluded and forever barred.

IN WITNESS WHEREOF, I have hereunto set my hand, the _____ day of

_____, 2014, at Medina, Ohio.

**CITY OF MEDINA,
an Ohio Municipal Corporation**

By: _____
DENNIS HANWELL, Mayor

STATE OF OHIO)
COUNTY OF MEDINA)ss:

BEFORE ME, a Notary Public in and for the State and County aforesaid, personally appeared the above-named **City of Medina, by Dennis Hanwell, its Mayor**, who executed the foregoing instrument in my presence and acknowledged the same to be his voluntary act.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this
_____ day of _____, 2014, at Medina, Ohio.

NOTARY PUBLIC

This instrument prepared by:
Gregory A. Huber, Law Director
City of Medina
132 North Elmwood Avenue
Medina, OH 44256
(330) 722-9070

EXHIBIT A

Parcel 1:

Situated in the City of Medina, County of Medina, and State of Ohio:

And known as being the West part of City Lot No. 297 and bounded and described as follows: On the North, South, and West by the respective North, South, and West lines of said lot, and on the East by land formerly owned by C. Washburn and now owned by Brian R. and Nealy J. Walton, and having a frontage on West Friendship Street of about 55 feet, be the same more more less, but subject to all legal highways.

Permanent Parcel No.: 028-19A-20-033

Parcel 2:

Situated in the City of Medina, County of Medina, and State of Ohio:

And being known as the whole of City Lot No. 298, be the same more or less, but subject to all legal highways.

Permanent Parcel No.: 028-19A-20-032

ORD. 133-14
Exh. A

LEGAL DESCRIPTIONS

Situated in the City of Medina, County of Medina and State of Ohio:

And being known as the whole of City Lot No. 298, be the same more or less, but subject to all legal highways.

PPN No. : 028-19A-20-032

Situated in the City of Medina, County of Medina and State of Ohio:

And known as being the West part of City Lot No. 297 and bounded and described as follows:

On the North, South, and West by the respective North, South and West lines of said lot, and on the East by land formerly owned by C. Washburn and conveyed to Brian F. & Nealy J Walton on June 22, 2000 by Document No. 2000OR017316 and having a frontage on West Friendship Street of about 55 feet, be the same more or less, but subject to all legal highways.

PPN No. : 028-19A-20-033