

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

April 13, 2015
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (March 23, 2015)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

Unfinished business.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Res. 39-15

A Resolution of the Council of the City of Medina, Medina County, and State of Ohio, certifying that when a municipal obligation was incurred sums were lawfully appropriated in the funds to satisfy the obligation and sufficient sums currently exist to satisfy this obligation according to the attached sheets(s).

(emergency clause requested)

Ord. 40-15

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the roof replacement at Fire Station #1.

Ord. 41-15

An Ordinance authorizing the Job Creation Grant Agreement for Allfasteners USA LLC.

Res. 42-15

A Resolution authorizing the Mayor to file an application for grant funding from the Ohio Department of Natural Resources, NatureWorks Grant.

(emergency clause requested)

Ord. 43-15

An Ordinance approving the Seventh Amendment to the City of Medina – Montville Township Joint Economic Development District and Annexation Contract.

Ord. 44-15

An Ordinance amending Ordinance No. 200-14, passed December 8, 2014. (Amendments to 2015 Budget)

Council comments.

Adjournment.

Opening:

Medina City Council met in regular, open session on Monday, March 23rd, 2015. The meeting was called to order at 7:30 p.m. by President of Council John Coyne who led the Pledge of Allegiance.

Roll Call:

The roll was called with the following members of Council present J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Also present were the following members of the Administration: Mayor Dennis Hanwell, Keith Dirham, Greg Huber, Dan Gladish, Nino Piccoli, Sgt. Kinney, Chief Painter, Jansen Wehrley, Jonathon Mendel, Mike Wright, Kimberly Rice, Commissioner Adam Friedrich, Amy Lyons-Galvin, and Beth Biggins-Reimer.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on March 9, 2015, as prepared and presented by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the minutes were approved by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated the Finance Committee met prior to Council, our next meeting will be in two weeks.

Health, Safety & Sanitation Committee: Mr. Rose has a meeting scheduled on March 31st at 5:30 p.m. to discuss the SPCA.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report, will schedule meeting late in April.

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

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

Requests for Council Action:

Finance Committee

15-047-3/23 – Budget Amendments

15-048-3/23 – Payment Over \$3,000 – Mitchell Communications

15-049-3/23 – Bids, Roof Replacement at Fire Station #1

15-050-3/23 – Job Creation Grant – Allfasteners USA LLC

15-051-3/23 – Sam Masi Park – NatureWorks Grant

15-052-3/23 – Proposed Amendment to Medina-Montville JEDD Contract

Public Properties Committee

15-053-3/23 – Gold Star Memorial Monument

Health, Safety & Sanitation

15-054-3/23 – Recycling Bin Locations

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported the following:

- 1) Tae Kwan Do State Tournament at MCRC Saturday, March 28, 2015, kicks off at 9:00 a.m. First time hosted outside of the greater Columbus area. Will be excellent draw of people in to see our community. This is a qualifier for National Championship. 250 to 300 participants and their families as well as those guests coming to watch the event. Thanks to Kurt Gehring from MCRC for promoting this event at our Recreation Center.
- 2) Brass Band of Western Reserve – Windows of the World concert at 7 p.m. on March 28, 2015 at the Performing Arts Center. Tickets at door are \$10, \$9 for seniors, \$5 for students.
- 3) Healthy Strides - Outdoor talk then walk in county parks will kick off on Saturday, April 11, 2015 at 9:00 a.m. at CL Musgrave Park, on Windfall just north of Hospice Care Center. Dr. Tulisniak and I will both do brief talk on the Healthy Medina initiative, then walk through the park. The walks will continue at various county parks with different health professional talks and walks on the second and fourth Saturday of each month from April 11 and concluding Oct. 24. Good exercise, good information, and good way to see the many county parks and the amenities they have to offer. Walks and talks are both done in an hour, 9 a.m. to 10 a.m. Park locations will be on healthy Medina Website – www.healthymedina.com or Medina County Park website www.medinacountyparks.com
- 4) Healthy Medina Kickoff was Saturday, January 10, 2015 - still time/room to sign up.

Keith Dirham, Finance Director reminded all residents they are required to file an income tax return for the city income tax filed with CCA. There are 3 more opportunities for assistance on Wednesday, March 25th 2 – 8 p.m., Wednesday, April 1st 2 – 8 p.m., and Saturday, April 11th 8:30 – 2 p.m. These sessions are being held at the Recreation Center on Weymouth Rd.

Greg Huber, Law Director, Had no report.

Sergeant Kinney, Police Dept., Updated us on the two fires here in Medina on March 20th. There was a structure fire at 235 Jackson St. which is a 6 unit multifamily apartment complex. 16 occupants at the time of the fire and all evacuated without any serious injuries. The fire originated in a lower unit and spread throughout. At 7:45 a.m. the same morning the Fire and Police Departments responded to a second fire at 5 Harmon Court in Lincoln Crossing Apartments. Thankfully that fire was small and was quickly extinguished by the residents' three occupants. Investigations were done on both fires and it was determined that both fires were designated as arson by the State Fire Marshal. The detectives quickly identified a likely suspect for both fires and immediately went to work to locate the suspect. By 8 p.m. that same evening the suspect, a 29

year old male from Cleveland Ohio was taken into custody. The suspect is currently charged with aggravated burglary, a first degree felony, and retaliation, a third degree felony. He is being held at the Medina County Jail on a \$500,000 bond. The investigation is ongoing and we anticipate additional charges. The collaborative efforts of the Police, Fire Department and State Fire Marshal resulted in the quick identification and apprehension of the suspect.

Kimberly Rice, Economic Development Director, Had no report.

Jonathon Mendel, Planning Community Director, Had no report.

Chief Painter, Fire Chief, reported they will be offering CPR and First Aid Classes at the Fire Station for any public organizations or Scout groups, or anyone that may need it. Call Station #1 330-725-1772 for further information.

Mike Wright, Recreation Center Director, Reported the Tae Kwan Do State Tournament at MCRC is Saturday, March 28, 2015, kicks off at 9 a.m. and cost is \$10 per adult, \$5 for children and seniors and under 5 yrs. old are free. To register online go to www.ohiotaekwando.org. Our new spring/summer brochure will be in the Post Paper on April 18th or just download it starting on April 15th from our website at www.medinarec.org. Our next scheduled Rec Advisory Board Meeting is Thursday, April 16th at the Rec. Center at 7:30 a.m.

Jansen Wehrley, Parks and Recreation Director, reported the Forestry Department recently completed tree removals on Brandywine Dr., Goldcrest Dr., Beechwood Dr., and Shagbark Trail due to the Emerald Ash Borer. We are currently grinding stumps and working on plans to replace those trees. Thank you for your patience and if you have any questions call the Forestry Dept. at 330-722-9031. We have received a lot of pavilion rentals for this year so far. If you are planning an event please call early to schedule your event. The Parks office number is 330-721-6950. The Memorial Pool discussion has been moved from Public Properties to the Finance Committee two weeks ago and our goal is to complete construction without a levy. Thanks to Mike Wright for his idea on having the pool under the Rec. Center Enterprise Fund to help us accomplish this project. Last week they interviewed three design consultants and will be selecting one in the near future.

Dan Gladish, Building Official, reported that with the snow melting here recently the Building Department has been addressing many property maintenance complaints, mostly of trash debris and old newspapers laying around. He asked residents to pick up anything they see uncovered from the snow.

Nino Piccoli, Service Director, gave an update on the Wadsworth Water Line Replacement Project which is about complete. The 8 inch water line has been installed. Depending on the weather the contractor can start restoration in a couple weeks. The Lake Rd. project is well underway, the water line portion is complete and the storm sewer installation is currently ongoing for the next week or so. Tentatively we would like to close Lake Rd. at Heritage for about 2 weeks to replace the box culvert by Fire Station #2, and we will notify the public, it is slated for Monday, March 30th.

We have been discussing sanitation, and recycling in the city as well as the county and tonight you

will hear very shortly a presentation from representatives of the Medina County Sanitary Engineers Office.

Confirmation of Mayor's appointment.

Records Commission – Justin Petrecca – Expiring 12/31/16
Mr. Shields moved to approve, seconded by Mr. Simpson. The roll was called and the Mayor's appointment was 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:

There were none.

Introduction and Consideration of Ordinances and Resolutions:

Ord. 35-15:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the annual purchase of general pavement services and equipment to be used by the Service Department. Mr. Piccoli stated this is a contract they have been using for about 7 years and they have served the city well specifically in emergencies and we would like to continue the same. Mr. Shields moved for the adoption of Ordinance/Resolution No. 35-15, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 35-15 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 36-15:

An Ordinance rezoning Parcel Nos. 028-19A-13-108, 028-19A-17-001, and 028-19A-16-047 located in the 600 block of N. Huntington Drive from R-3 High Density Urban Residential to SPD-2 Special Planning District. Mr. Shields moved for the adoption of Ordinance/Resolution No. 36-15, seconded by Mr. Simpson. Mr. Mendel stated this project started in December of 2014 to rezone for a 131 senior apartment complex three stories tall. Mr. Huber stated the deed changes were forwarded to the developer and there has not been any problems that he knows of but would like this passed subject to his final approval. The roll was called and Ordinance/Resolution No. 36-15 passed subject to the Law Directors final approval, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 36-15 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 37-15:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract for the construction of lights and gates at the City's State Railroad Crossing. Mr.

Shields moved for the adoption of Ordinance/Resolution No. 37-15, seconded by Mr. Simpson. Mr. Piccoli stated the city received an order from the Public Utilities Commission of Ohio to install rail crossing lights and gates on State Road that was previously entered into agreement with PUCO. This agreement speaks to the PUCO providing \$200,000 for this work. The engineer's estimate is \$248,000 and the recommendation from the City Engineer is for the city to provide the remaining \$48,000 for the project. Mr. Coyne states he will vote no on this as he feels the gates are not necessary at that location and paying for the ongoing maintenance required. The roll was called and Ordinance/Resolution No. 37-15 passed by the yeas of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Hilberg, and M. Kolesar. Mr. Coyne cast a nay vote.

Ord. 38-15:

An Ordinance amending Ordinance No. 200-14, passed December 8, 2014. (Amendments to the 2015 budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 038-15, seconded by Mr. Simpson. Mr. Dirham stated these are the budget amendments necessary to handle the project discussed in the last ordinance. The roll was called and Ordinance/Resolution No. 038-15 passed by the yeas of P. Rose, J. Shields, D. Simpson, B. Hilberg, M. Kolesar, and B. Lamb. J. Coyne cast a nay vote.

Mr. Coyne announced a presentation from Medina County Sanitation Engineer's Office for the solid waste plan update by the Medina County Solid Waste District. We have Sanitary Engineer Amy Lyon-Galvin, Beth Biggins-Ramier and Commissioner Adam Friedrick to discuss the new plan.

Please refer to attached handout for information on the presentation.

Comments from Medina City Councilmen:

Mark Kolesar questioned the decision to go Single stream, he has done research and finds there are still some issues with it and as a resident and local official he wants to see the recycle rates go a lot higher than previously. He realizes that costs money and agrees they need to find the happy medium that residents are willing to pay. Kolesar questioned the quality of recyclables, are there any concerns of contamination with paper and broken glass an all mixed into one? Mr. Kolesar feels that as residents of Medina we need to do more, take more initiative to help out in this process.

Mr. Lamb feels why would he and this community want to buy back into something that was operated by the County, the CPF, why pay those fees that we've been paying. 21 years ago this program was sold to city councils across the county that 25% of recyclables would be pulled out and recycled. Our residents have assumed with good conscience they have put everything in the trash and thought a huge percent was being recycled. Week after week, year after year for 20 some years! He stated that half of our trash that we have sent to the CPF goes right to a transfer truck headed to a landfill. There is 50% not recycled at all. The rest of it, if it goes on the belt is about 2%. If we look at this as a business proposition and we are, the past is predicate, nothing short of an absolutely dysfunctional service. We raised our sanitary rates to attempt to simply break even. Now our tipping fee has gone down but our residents that recycle have to take their recyclables to a bin someplace and if they do that they are putting less recyclables, less trash on

the curb but they are paying the same because our rate was based on barely breaking even. Mr. Lamb stated he feels it would not make sense for us to support any plan that came from the same jurisdiction that handed us the plan we've had. He hears from the community and they want to know what we are supposed to be doing with our trash. The history of our association with this CPF, the money we have spent for what in effect accounts for negligent recyclables to me is nothing short of fraud, and there is no way, no how that I would support any association with any plan that came out of that same egg.

Mr. Rose agreed with Mr. Lamb and Mr. Kolesar in that we do have to have our recycling at the lowest cost and at the highest rate of recycling. Mr. Rose is very concerned with the 15 year plan when they don't even know how the first year is going to go. To be setting something like this up and to lock yourself into something like that makes him hesitate to approve or agree with anything of that length of time. There are too many variables out there that we don't know about and with the history behind this all, one that is less than stellar and causes great concern with every member of council here and many on the staff. Mr. Rose stated he feels maybe this is a time for the EPA to come in and regulate even though he dislikes the EPA. Take this plan here and clean it up, bring in the type of recycling that the majority of the people and the rest of the country do. As he understands it, we are the only county in the nation that does this type of recycling and with the highest cost. We need something a little more wide spread, more acceptable involving everyone's efforts. Another concern of his is free market. In his world that means no government involvement. Government gets involved and costs go up and regulations start and nit picking people to death. We need to take this plan and let the cities run it, and be in control of what we are doing so we can control the costs for the people we are responsible for.

Mr. Coyne stated he feels there is a lot of misinformation out there just from the letters to the papers we read and the lack of communication regarding that. They don't understand why we wouldn't want the CPF to continue to recycle everything they do it all right now why would you want to stop that. The public needs to be educated in understanding what the real issues are and why we are not recycling. How is the recyclable revenue built into the cost per ton for the county wide single stream drop off recycling program, are the 5,000 tons you mention recyclable revenue off of those tonnage that you believe we will achieve come back to the county to offset the cost of the funding through the gate rate? What do you get per ton? I realize that can fluctuate depending on the commodities of glass, plastics and paper. Looking at the gate rates, it says \$1.22 per ton for retirement of debt for 500,000 in 2020, 2025 and 2030? Is there more debt going to be added?

The plan states the road map must be approved by a majority of the work group members. Must include two of the cities, the commissioners, the township and majority of the policy committee. This plan allows the CPF to continue, the debt to continue to be on the CPF, allows no free flow control, it ties us into an existing world that we live in today and we don't like it. Why would we vote for the plan that is causing us the aches that we continue to have over and over again. Mr. Coyne stated he will not support a plan that only provides us the things that we've always done.

Mr. Simpson thanked Amy, Beth and commissioner Friedrick for the time they have invested in this program. He hopes that throughout the negotiations between the all the political entities that we can arrive at a solution that will benefit everyone.

Mayor Hanwell stated it makes no sense that we have a comment period but the comments mean nothing because the plan is already written and nothing will be adjusted, we are out of time so it is what it is. The cities need to have some kind of control of our destiny because our residents are suffering as a result of decisions made out of our control. There is absolutely no enforcement of seeing what trash generated in this county is actually coming to your facility. The only action taken was when employees of the city of Medina a number of years ago actually followed a trash hauler out of the county and opened the bags of trash to report to the person in charge of the CPF as evidence of trash being hauled and not even taken to the CPF. Your plan talks about the dumpsters and the host of the dumpsters is responsible for the upkeep, care and cleanliness of it but yet in the agreement, it states that the contractor is responsible for it, those two things don't seem to be in agreement with one another. The Mayor stated his biggest concern is he repeatedly asked in several meetings with Commissioner Freidrick and a meeting with Commissioner Smith and in an email to Scott Miller, is there is a penalty to pay off this debt that exists and if not why would we spend almost \$170,000.00 in interest going from July payment of this year through 2022 and have yet to receive an answer from the county, so I asked our Finance Director Keith Dirham to contact the Ohio Water Development Authority today and give him the loan number and found out that because it's for equipment that the debt can be paid off with no penalty what so ever. My question remains, why would we have 1.4 million in reserve and refuse to pay off a \$700,000.00 debt and instead pay \$170,000.00 of our dollars in interest?

Mr. Huber questioned with respect to the proposed plan what are your consultants telling you would be the projected percent of recycling?

Mr. Coyne feels maybe we can have an exemption if we do go to curbside cause there is no way we can pay for curbside and continue to pay a gate rate for both programs because it would be cost prohibitive and somehow getting exempted out of the plan so we don't have to follow it if we can prove that we can do our own recycling at a higher rate and we show you numbers of that effect, not sure if that works for the EPA or not but maybe that's a way to settle some of the issues.

Mr. Piccoli stated that the county has worked with them, he has worked with Amy and Beth and there has been some movement, again, not to the satisfaction of the city in what we want to do. We are trying to implement some type of recyclable program and have been contacted by several companies offering to supply totes and things. We want to increase recycling and we want to do it at a lower cost.

Adjournment:

There being no further business before Council, the meeting adjourned at 9:26 p.m.

Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council

RESOLUTION NO. 39-15

A RESOLUTION OF THE COUNCIL OF THE CITY OF MEDINA, MEDINA COUNTY, AND STATE OF OHIO, CERTIFYING THAT WHEN A MUNICIPAL OBLIGATION WAS INCURRED SUMS WERE LAWFULLY APPROPRIATED IN THE FUNDS TO SATISFY THE OBLIGATION AND SUFFICIENT SUMS CURRENTLY EXIST TO SATISFY THIS OBLIGATION ACCORDING TO THE ATTACHED SHEET(S), AND DECLARING AN EMERGENCY.

WHEREAS: Certain certifications are necessary for the continued operations of Municipal Services; and

WHEREAS: This Resolution will provide for the efficient and lawful certifications to provide Municipal Services; and

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

SEC. 1: That the Finance Director is authorized to draw warrants for the payment of municipal expenses pursuant to the attached Exhibit "A" which is incorporated herein.

SEC. 2: 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. 3: 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 because of the immediate need for the authorization of expenditures, this Resolution 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

RECEIVED FEB 19 2015

INVOICE

Ord 39-15

MITCHELL COMMUNICATIONS INC.

3470 Manchester Rd.
AKRON, OHIO 44319

INVOICE NUMBER: 2903

INVOICE DATE: 2/13/15

(330) 644-0122 8:00-4:30 Monday-Friday

PAGE: 1

SOLD TO: MEDINA COUNTY CITY OF
P.O. BOX 703
ATTN: FINANCE DEPT
MEDINA, OH 44258-2407

SHIP TO: MEDINA COUNTY CITY OF
P.O. BOX 703
ATTN: FINANCE DEPT
MEDINA, OH 44258-2407

SHIP VIA:
SHIP DATE:
DUE DATE: 3/15/15
TERMS: Net 30 Days

CUST. I.D.: MEDINACITYFD
P.O. NUMBER:
P.O. DATE:
OUR ORDER NO.:
SALESPERSON:

ITEM I.D. / DESCRIPTION	ORDERED	SHIPPED	UNIT	PRICE	NET	TAX
MOTOROLA HT1250 PORTABLE RADIOS WITH ANTENNAS, BATTERIES, BELT CLIP AND CHARGERS			5.00	589.00	2,945.00	
PMM 4039A SPEAKER MICROPHONES			5.00	75.00	375.00	
WAUCG6D KIT CHARGER FOR HT1250 WITH WAUPOD9008 PODS			1.00	385.00	385.00	
					3,705.00	
SUBTOTAL						0.00
TAX						0.00
PAYMENTS						
TOTAL						\$3,705.00

PO#	Line #
Partial	Complete
Date: 2-24-15	
Approved: <i>BP</i>	

City of Medina

Board of Control/Finance Committee Approval

Administrative Code: 141

- Department Heads can authorize expenditures up to \$1,000.00 (requisition).
- Board of Control authorizes expenditures from \$1,000.01 to \$15,000.00 (BOC form).
- Finance Committee authorizes expenditures from \$15,000.01 to \$25,000.00 (BOC form).
- Council authorizes expenditures/bids over \$25,000.00 (RCA form). Board of Control awards all bids, unless otherwise specified in authorizing ordinance. (Ord. 101-05)

Date: 02/24/15

Department: Fire Department

Amount: \$3,705.00

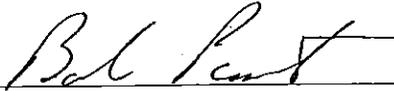
B.O.C. Number: 3/9/15

Account Number: 107-0110-53315

Vendor: Mitchell Communications, Inc.

Vendor #: M01245

Department Head/Authorized signature: _____



Item/Description: **INVOICE TO BE PAID: 5** – New Motorola HT1250 Radios w/chargers.

FINANCE COMMITTEE APPROVAL: (expenditures from \$15,000.01 to \$25,000.00)

Date Approved/Denied by Finance Committee: _____

Date to Finance: _____

Clerk of Council

Please have all BOC items for the agenda to the Mayor's Office before 5 p.m. on Friday before the scheduled BOC meeting.

Please have all Finance Committee items for the agenda to the Clerk of Council's Office before 5 p.m. on Tuesday before the scheduled Finance Committee meeting.

Thank you.

ORDINANCE NO. 40-15

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR COMPETITIVE BIDS AND TO AWARD A CONTRACT TO THE SUCCESSFUL BIDDER FOR THE ROOF REPLACEMENT AT FIRE STATION #1.

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

SEC. 1: That the Mayor is hereby authorized and directed to advertise for competitive bids and to award a contract to the successful bidder for the roof replacement at Fire Station #1.

SEC. 2: That the estimated cost of the project, in the amount not to exceed \$50,000 is available as follows in Account No. 301-0707-54412.

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

ORDINANCE NO. 41-15

AN ORDINANCE AUTHORIZING THE JOB CREATION GRANT AGREEMENT FOR ALLFASTENERS USA LLC.

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: Ordinance No. 194-14, passed November 24, 2014, adopted new guidelines effective December 24, 2014; 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 Medina Plating & Powder.

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

SEC. 1: That the Job Creation Grant Agreement #JCG11 for Allfasteners USA LLC 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 in full force and effect at the earliest period allowed by law.

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.

ORD. 41-15
EXH. A

EXHIBIT A

GRANT# JCG11

(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 Allfasteners USA LLC with its main offices located at 15401 Commerce Park Drive, Brook Park, Ohio 44142 (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, Allfasteners USA LLC is desirous of relocating in the city with the acquisition of a building located at 959 Lake Rd., Medina, Ohio 44256 for the purpose of manufacturing steel plates and structural fabrication and wholesale of fastener products for the cell communications industry and to create 25 new full time employment opportunities (hereinafter sometimes referred to as the "PROJECT") 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 Council of the City of Medina, Ohio by Ordinance No. 194-14 adopted November 24, 2014 new Guidelines and Application for 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 Allfasteners USA LLC with incentives available for the development of the PROJECT; and

WHEREAS, Allfasteners USA LLC 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, Allfasteners USA LLC 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 Allfasteners USA LLC and has recommended the same to Medina City Council on the basis that Allfasteners USA LLC 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. Allfasteners USA LLC shall acquire a building in Medina for the purpose of setting up a new CNC machine to fabricate and machine structural steel plates for the cell communications industry creating 25 new permanent full time positions.

2. Project Investment.

- A. The PROJECT will involve a total investment, plus or minus 10%, by the Property Owner of \$2,300,000(dollars) the PROJECT.
- B. The PROJECT will involve a total investment, plus or minus 10%, by Allfasteners USA LLC as follows:

1. New Machinery and Equipment	\$ 300,000
2. New Furniture & Fixtures	\$ 100,000
3. Land/Building Acquisition	\$1,450,000
4. Construction of facility / improvements	\$ 100,000
5. Inventory	\$ 350,000
TOTAL	\$2,300,000

- C. The project will begin approximately March 2015 and will be completed approximately 2017.

3. Job Creation and Retention.

- A. Allfasteners USA LLC shall create in the City of Medina within a time period not exceeding 36 months after the occupation of the aforesaid facility, the equivalent of 25 new full-time permanent job opportunities in the City of Medina.
- 1) Allfasteners USA LLC's schedule for hiring permanent full time employees is as follows:

<u>Year</u>	<u>Number of Jobs New to Medina</u>
1	17
2	5
3	3

- B. The job creation period begins approximately 2015 and all jobs will be in place by 2017.
- C. The Company currently has 0 employees at the project site. The Company currently has 0 employees in the City of Medina. In total, the Company currently has 14 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 \$ 1,540,000 of additional annual payroll in the City of Medina when the projected maximum employment level is achieved.
- E. The company will maintain its current annual payroll of \$ 1,070,000.

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>
4	\$7,700

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 grant amount in any year shall be \$9,625.00. (maximum NEW PAYROLL projection x 125% X 1.25% x 40% of grant)

C. To receive a grant in any given year, Allfasteners USA LLC must retain full time permanent jobs existing prior to the Agreement.

(1) If Allfasteners USA LLC does not achieve at least 90% of new payroll projections, Allfasteners USA LLC 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 Allfasteners USA LLC 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 Allfasteners USA LLC 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, Allfasteners USA LLC 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 3 projections must be met by December 31, 2017. The initial grant payment shall be made by approximately June 30th, 2018 (After year 3), provided that Allfasteners USA LLC 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 3 projections deadline adjusted accordingly, upon written request by Allfasteners USA LLC to the Economic Development Director, provided that the extension is approved by the Economic Development Director with notice to the Business Development Committee.

9. Certification as to Payment of Taxes. Allfasteners USA LLC certifies that at the time this Agreement is executed, Allfasteners USA LLC 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 Allfasteners USA LLC is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or, if such delinquent taxes are owed, Allfasteners USA LLC 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 Allfasteners USA LLC. 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, Allfasteners USA LLC 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 Allfasteners USA LLC 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 Allfasteners USA LLC in all pertinent respects.

12. Termination or Modification of Incentives.
 - A. If Allfasteners USA LLC 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 Allfasteners USA LLC 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 Allfasteners USA LLC 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 Allfasteners USA LLC'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 Allfasteners USA LLC 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 Allfasteners USA LLC 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 Allfasteners USA LLC 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

In the event that Allfasteners USA LLC vacates the Facility and/or moves the Project out of the City of Medina or terminates its operations at the Facility altogether during a 7 (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 Allfasteners USA LLC 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 Allfasteners USA LLC moves the Project out of the City of Medina or terminates its operations at the Facility altogether during the 7 year period beginning on the effective date of this Agreement; or within ten (10) days from the date Allfasteners USA LLC is notified by the City of Medina that any tax certification is fraudulent.

G. Allfasteners USA LLC or successor entity shall promptly notify the City of Medina if any of the following events occur:

(i) If control of Allfasteners USA LLC or substantially all of its assets located at the Project site is obtained by another entity or shareholders or

(ii) If Allfasteners USA LLC merges with another entity or

(iii) If Allfasteners USA LLC substantially restructures itself through an acquisition or divestiture or otherwise

and if any of these events affects the ability of Allfasteners USA LLC or its successor entity to perform substantially the obligations of Allfasteners USA LLC under this Agreement and to meet the employment and payroll projections anticipated herein. "Control of Allfasteners USA LLC " 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 Allfasteners USA LLC's board of directors.

- H. Each provision for modification or termination hereunder shall not affect Allfasteners USA LLC 's obligations or the City of Medina's rights under any other provision of this Agreement.
13. Fees. Allfasteners USA LLC shall pay an annual fee of \$ 500 (five hundred dollars) in each year that Allfasteners USA LLC maintains a grant agreement. 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 Allfasteners USA LLC to:

Mick Strange
Allfasteners USA LLC
15401 Commerce Park Drive
Brook Park, Ohio 44142

or such other address as may be noticed.

15. Condition Precedent. Allfasteners USA LLC 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 Allfasteners USA LLC , by Mick Strange its Owner, have caused this instrument to be executed on the _____ day of _____, 2015.

WITNESSED BY:

WITNESSED BY:

CITY OF MEDINA

By: _____

Title: Mayor

ALLFASTENERS USA LLC

By: _____

Title: _____

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

DIRECTOR OF LAW- CITY OF MEDINA

By: _____

Date: _____

Job Creation Grant
Allfasteners

	2015	2016	2017	2018	2019	2020	2021
Projected New Payroll	\$ 1,190,000.00	\$ 1,410,000.00	\$ 1,540,000.00	\$ 1,540,000.00	\$ 1,540,000.00	\$ 1,540,000.00	\$ 1,540,000.00
Actual new Payroll	\$ 1,190,000.00	\$ 1,410,000.00	\$ 1,540,000.00	\$ 1,540,000.00	\$ 1,540,000.00	\$ 1,540,000.00	\$ 1,540,000.00
Percentage	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Maximum basis	125.00%	125.00%	125.00%	125.00%	125.00%	125.00%	125.00%
Base Payroll	\$ 1,190,000.00	\$ 1,410,000.00	\$ 1,540,000.00	\$ 1,540,000.00	\$ 1,540,000.00	\$ 1,540,000.00	\$ 1,540,000.00
W/H Tax Rate	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%
Payroll W/H Tax*	\$ 14,875.00	\$ 17,625.00	\$ 19,250.00	\$ 19,250.00	\$ 19,250.00	\$ 19,250.00	\$ 19,250.00
Max Per Agreement	40.00%	40.00%	40.00%	40.00%	40.00%	40.00%	40.00%
Reduction	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Grant	40.00%	40.00%	40.00%	40.00%	40.00%	40.00%	40.00%
Amt of Grant	\$ 5,950.00	\$ 7,050.00	\$ 7,700.00	\$ 7,700.00	\$ 7,700.00	\$ 7,700.00	\$ 7,700.00
Maximum Grant	\$ 7,437.50	\$ 8,812.50	\$ 9,625.00	\$ 9,625.00	\$ 9,625.00	\$ 9,625.00	\$ 9,625.00

W/H Tax Rate
1.25%

Max Per Agreement
40.00%

Reduction
0.00%

Grant
40.00%

Amt of Grant
7,700.00

Maximum Grant
9,625.00



CITY OF MEDINA
JOB CREATION GRANT APPLICATION

The following is an application to the City of Medina located in the County of Medina by Allfasteners USA LLC, hereinafter referred to as the company, for Job Creation Grant Incentives.
(company name)

REVISED 3-9-2015

I. General Information

Applicant Company Name ~~Mick Strange~~ Allfasteners USA LLC

Home or Main Office Street Address 15401 Commerce Park Drive

City Brook Park **State** Ohio _____ **Zip code** 44142

Local Project Site Street Address 959 Lake Road

City Medina **State** Ohio **Zip code** 44256

Contact Person Name Mick Strange

Telephone 4402326060 **Fax** 4402326062

Email mick.strange@allfasteners.com

Nature of business (manufacturing, distribution, wholesale, retail, residential or other)

Manufacture of steel plate and structural fab, wholesale of fastener products

Standard Industrial Codes that apply to the products produced by the enterprise.

SIC Code # 3452

NAICS Code # 326199

SIC Code # 1623

NAICS Code # 237110

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

LLC



**CITY OF MEDINA
JOB CREATION GRANT APPLICATION**

Name of principal owner(s) or officers of the company (attach list if necessary).

Mick Strange & Allfasteners Australia

Does the company owe:

A. Any delinquent taxes to the State of Ohio or any County, City or Township within the State of Ohio?

Yes _____ No X (please check)

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 (please check)

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 (please check)

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 (attach additional sheets if needed).



II. Financial Information & Project Information

Estimate the amount to be invested by the company to establish, expand, renovate or occupy a facility:

	Total Amount
A Land	\$
B Acquisition of Buildings	\$1450000
C Additions/New Construction	\$
D Improvements to Existing Buildings	\$100000
E Machinery & Equipment	\$300000
F Furniture & Equipment	\$100000
G Inventory	\$350000
Total New Project Investment	\$

Project will begin March, 2015 and be completed _____, 2017.

Project Description: set up of new CNC machine in new Medina building to fabricate and machine structural steel plates for the cell communications industry

Business's reasons for requesting tax incentives (be quantitatively specific as possible)

Tax incentives will help drive our business forward by employing extra staff to get the job done in a more efficient manner, also allowing us to take advantage of local



employees that will benefit the community

III. Employment & Payroll Information

A. State the company's current employment level in the City of Medina (for all locations) and the total of any other Ohio locations as well as annual payroll for those jobs:

Current F/T Permanent Employees in Medina	Nil	Current Annual Payroll for F/T Permanent Employees in Medina	\$Nil
Current F/T Employees in Ohio at locations outside of City of Medina	14	Current Annual Payroll for F/T Employees in Ohio at locations outside City of Medina	\$1070000

B. List proposed schedule for new hiring as a result of this project:

	Year 1	Year 2	Year 3	Total
New F/T or F/T equivalent Permanent employees	3	5	3	11

C. Estimate the amount of Payroll such NEW employees will add as a result of this project:

	Year 1	Year 2	Year 3	Total
New F/T or F/T equivalent	\$120000	\$220000	\$130000	\$470000



CITY OF MEDINA
JOB CREATION GRANT APPLICATION

Permanent employees				
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IV. Certifications

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.

Mick Strange

2-10-2015

Name of Property/Business Owner

Date

Mick Strange/ MD

Signature

Typed Name and Title

Application Fee:

- **A non-refundable fee of \$500.00 is to be submitted with this application. A copy of the application will be attached to the final Job / Payroll Creation**



**CITY OF MEDINA
JOB CREATION GRANT APPLICATION**

Grant Program Agreement, which must be submitted to City Council for approval.

RESOLUTION NO. 42-15

A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR GRANT FUNDING FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES, NATUREWORKS GRANT, AND DECLARING AN EMERGENCY.

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

- SEC. 1:** That the Mayor is hereby authorized and directed to file an application for grant funding from the Ohio Department of Natural Resources, NatureWorks Grant.
- SEC. 2:** That if the Grant is awarded to the City, the Mayor is authorized to accept the grant and complete all documentation necessary for the implementation and administration of the grant.
- SEC. 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the application deadline is May 1, 2015; wherefore, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

Res. 42-15

NatureWorks Round 22			
County	Available Funding	County	Available Funding
Adams	\$43,663	Licking	\$49,147
Allen	\$79,756	Logan	\$51,763
Ashland	\$27,640	Lorain	\$89,250
Ashtabula	\$39,514	Lucas	\$121,239
Athens	\$42,207	Madison	\$49,076
Auglaize	\$51,737	Mahoning	\$98,891
Belmont	\$63,003	Marion	\$61,143
Brown	\$50,037	Medina	\$89,839
Butler	\$92,770	Meigs	\$20,638
Carroll	\$43,796	Mercer	\$49,406
Champaign	\$28,093	Miami	\$76,293
Clark	\$97,581	Monroe	\$37,460
Clermont	\$56,713	Montgomery	\$145,461
Clinton	\$26,932	Morgan	\$18,734
Columbiana	\$41,365	Morrow	\$45,092
Coshocton	\$47,425	Muskingum	\$36,151
Crawford	\$52,209	Noble	\$33,231
Cuyahoga	\$339,900	Ottawa	\$24,894
Darke	\$27,679	Paulding	\$39,833
Defiance	\$48,745	Perry	\$23,201
Delaware	\$81,454	Pickaway	\$43,183
Erie	\$33,791	Pike	\$21,714
Fairfield	\$43,853	Portage	\$50,838
Fayette	\$21,886	Preble	\$25,124
Franklin	\$264,212	Putnam	\$46,530
Fulton	\$25,944	Richland	\$80,896
Gallia	\$24,830	Ross	\$64,451
Geauga	\$36,594	Sandusky	\$59,089
Greene	\$49,705	Scioto	\$67,165
Guernsey	\$24,764	Seneca	\$50,897
Hamilton	\$212,122	Shelby	\$52,647
Hancock	\$31,868	Stark	\$103,318
Hardin	\$45,239	Summit	\$141,697
Harrison	\$23,493	Trumbull	\$67,691
Henry	\$22,067	Tuscarawas	\$36,437
Highland	\$49,383	Union	\$24,792
Hocking	\$43,521	Van Wert	\$22,172
Holmes	\$48,487	Vinton	\$36,358
Huron	\$29,118	Warren	\$80,611
Jackson	\$22,866	Washington	\$30,013
Jefferson	\$32,473	Wayne	\$62,385
Knox	\$55,706	Williams	\$24,391
Lake	\$114,198	Wood	\$47,632
Lawrence	\$59,334	Wyandot	\$20,754

ORDINANCE NO. 43-15**AN ORDINANCE APPROVING THE SEVENTH AMENDMENT TO THE CITY OF MEDINA – MONTVILLE TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT AND ANNEXATION CONTRACT.**

WHEREAS: As of December 14, 2009, the City of Medina and the Township of Montville, Medina County, Ohio (the “Contracting Parties”) entered into the City of Medina-Montville Township Joint Economic Development District and Annexation Contract (“JEDD Contract”), approved by Medina City Ordinance No. 182-09 and Resolution No. 120809.01 of the Montville Township Board of Trustees, creating the City of Medina – Montville Township Joint Economic Development District; and

WHEREAS: The JEDD Contract was entered into pursuant to Ohio Revised Code Sections 715.72 through 715.83; and

WHEREAS: The Contracting Parties now wish to amend the JEDD Contract for the following purposes:

To amend Section 10.4.5 to authorize the Board of Directors of the JEDD to establish, on an annual basis, an amount for long term maintenance (the “District Maintenance Amount”) in the District of not less than one percent (1%) nor more than twenty percent (20%) of Distributable Revenue.

WHEREAS: This Amendment is enacted pursuant to Section 14 of the JEDD Contract which states that the JEDD Contract may only be amended by the Contracting Parties through a writing approved by the legislative authorities of each of the Contracting Parties through legislation enacted within sixty (60) days of each other.

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

SEC. 1: That the Mayor be, and hereby is, authorized and directed to enter into the Seventh Amendment to the City of Medina – Montville Township Joint Economic Development District and Annexation Contract, a copy of which contract is attached hereto as Exhibit “A” and incorporated herein fully as if by reference.

SEC. 2: 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. 3: That this Ordinance shall be effective at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

SEVENTH AMENDMENT TO THE
CITY OF MEDINA – MONTVILLE TOWNSHIP
JOINT ECONOMIC DEVELOPMENT DISTRICT AND ANNEXATION CONTRACT

This Seventh Amendment to the City of Medina – Montville Township Joint Economic Development District and Annexation Contract (“Amendment”), is entered into by and between the City of Medina, Ohio and the Township of Montville, Medina County, Ohio, as of _____, 2015.

RECITALS

WHEREAS, as of December 14, 2009, the City of Medina, Ohio and the Township of Montville, Medina County, Ohio (the “Contracting Parties”) entered into the City of Medina – Montville Township Joint Economic Development District and Annexation Contract (“JEDD Contract”), approved by Medina City Ordinance No. 182-09 and Resolution No. 120809.01 of the Montville Township Board of Trustees, creating the City of Medina – Montville Township Joint Economic Development District.

WHEREAS, the JEDD Contract was entered into pursuant to Ohio Revised Code Sections 715.72 through 715.83.

WHEREAS, the Contracting Parties now wish to amend the JEDD Contract for the following purposes:

To amend Section 10.4.5 to authorize the Board of Directors of the JEDD to establish, on an annual basis, an amount for long term maintenance (the “District Maintenance Amount”) in the District of not less than one percent (1%) nor more than twenty percent (20%) of Distributable Revenue.

WHEREAS, this Amendment is enacted pursuant to Section 14 of the JEDD Contract which states that the JEDD Contract may only be amended by the Contracting Parties through a writing approved by the legislative authorities of each of the Contracting Parties through legislation enacted within sixty (60) days of each other.

WHEREAS, this Amendment shall become effective after the first fiscal year of the District.

WHEREAS, the legislative authorities of the City of Medina and Montville Township have each authorized and directed the City and the Township, respectively, to make and enter into the Amendment by and through their respective officers in accordance with Medina City Ordinance No. _____, passed on _____, 2015, and Resolution No. _____, adopted by the Montville Board of Trustees on _____, 2015.

NOW, THEREFORE, in consideration of mutual promises and covenants, the Contracting Parties agree to bind themselves, their agents, employees, and successors as follows:

1. That all terms defined in the JEDD Contract shall have the same meaning in this Amendment, unless such term is otherwise defined herein.

2. That subsection 10.4.5. of Section 10 of the JEDD Contract shall be amended to read as follows:

10.4.5. After payment of said start up and other costs, pursuant to Section 715.74(C)(3) of the Revised Code, the District shall annually set aside from the Distributable Revenue an amount not to exceed twenty percent (20%) for the first fiscal year of the District, and ~~up to five percent (5%) per year thereafter of the amount of the Income Tax collected (i.e., all amounts collected from the levy of the Income Tax each year) for long term maintenance of the District (the "District Maintenance Amount").~~ not less than one percent (1%) nor more than twenty percent (20%) per year thereafter of the amount of the Income Tax collected (i.e., all amounts collected from the levy of the Income Tax each year) for long term maintenance of the District (the "District Maintenance Amount"). The Commencing with the second fiscal year, the Board shall, annually, vote on the percentage of the said Distributable Revenue, up to said being not less than five percent (5%) one percent (1%) nor more than twenty percent (20%), which it shall receive for the following year. The said District Maintenance Amount may only be increased with the joint agreement of the Contracting Parties. Long-term maintenance of the District shall mean providing for the administration and collection of the District Payroll Income Tax. The Board shall use its revenues to meet the current obligations of the District, including but not limited to, obligations of the District to one or more of the Contracting Parties under this Contract (including but not limited to the Tax Agreement) or under separate agreements for the provision of money, services, facilities, capital improvements or other contributions to the District, in accordance with the terms under which such obligation, debts or liabilities were originally incurred. The Board shall not be permitted to enter into any agreement with a Contracting Party without the consent of the other Contracting Party. To the extent permitted by law, obligations of the District to a Contracting Party shall take precedence over other obligations, debts or liabilities of the District.

3. This amendment shall become effective commencing with the second fiscal year of the District.

SIGNATURES ARE ON THE NEXT PAGE

IN WITNESS WHEREOF, the Township and the City have caused this Contract to be duly signed in their respective names by their duly authorized officers as of the date hereinbefore written.

TOWNSHIP OF MONTVILLE

By: _____
Trustee – Chairman

By: _____
Trustee – Vice Chairman

By: _____
Trustee

CITY OF MEDINA

By: _____
Mayor

Approved as to legal form:

By: _____
Attorney
Township of Montville

By: _____
Law Director
City of Medina

ORDINANCE NO. 44-15

**AN ORDINANCE AMENDING ORDINANCE NO. 200-14,
PASSED DECEMBER 8, 2014. (Amendments to 2015 Budget)**

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

SEC. 1: That Ordinance No. 200-14, passed December 8, 2014, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
104-0309-54411 (Land and Improvements)	11,500.00 *

SEC. 2: 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. 3: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

* - new appropriation

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor