

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

January 11, 2016
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (Dec. 14, 2015, Dec. 22, 2015, and Jan. 4, 2016)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Council approval of appointments.

Charter Review Commission: (All expiring 12/31/20)

Harvey Carter – Ward 1
Phebe Simpson – Ward 2
Mike Hughes – Ward 3
Shirley Larabee – Ward 4
Bruce Gold – At Large

Mayor's appointments.

Business Development Committee – Don Simmons, expiring 12/31/19

Utility Rate Review:

Jim Monhollen (Financial), expiring 12/31/18
John Ratkovich (Commercial), expiring 12/31/18
Dave Mueller (Industrial), expiring 12/31/18
Amy Higgins (Residential Property Renter), expiring 12/31/18

JEDD Board – John Coyne, expiring 12/31/19

Notices, communications and petitions.

Liquor Permit:

Not to object to the issuance of a New D-1 permit to Fred W. Albrecht Grocery Company dba ACME Fresh Market, NW Corner of High Point Drive and SR3.

Unfinished business.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Ord. 1-16

An Ordinance authorizing the Mayor to execute a License Agreement with PJ Marley's Restaurant for the use of public owned land on Parcel #028-19B-20136.

Res. 2-16

A Resolution authorizing an application for State assistance from the State Capital Fund to assist with construction of the Municipal Courthouse Expansion Parking Facility, supporting the Downtown Strategic Redevelopment Plan.
(emergency clause requested)

Res. 3-16

A Resolution requesting the County Auditor to make Tax Advances during the year 2016 pursuant to Ohio Revised Code Section 321.34.

Ord. 4-16

An Ordinance amending Ordinance No. 18-02, passed February 11, 2002, relative to Miscellaneous Processing Fees for the Medina Community Recreation Center.

Ord. 5-16

An Ordinance amending Chapter 111, Section 111.09, of the Rules of Council of the codified ordinances of the City of Medina, Ohio relative to Committees: Designations; Appointments.
(emergency clause requested)

Ord. 6-16

An Ordinance amending Ordinance No. 165-15, passed December 22, 2015.
(Amendments to 2016 Budget)

Council comments.

Adjournment.

Opening:

Medina City Council met in regular, open session on Monday, December 14th, 2015. The meeting was called to order at 7:30 p.m. by President of Council John Coyne who led the Pledge of Allegiance.

Roll Call:

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

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

Minutes:

Mr. Shields moved that the minutes from the regular meeting on November 23rd, 2015, as prepared and presented by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the minutes were approved by the yea votes J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. and J. Shields.

Reports of Standing Committees:

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

Health, Safety & Sanitation Committee: Mr. Rose had no report.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report.

Streets & Sidewalks Committee: Mr. Simpson was absent.

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

Requests for Council Action:

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

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported:

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

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

Greg Huber, Law Director, had no report.

Chief Berarducci, Police Department, had no report.

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

Jonathon Mendel, Planning Community Director, had no report.

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

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

Dan Gladish, Building Official, reported the following:

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

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

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

Confirmation of Mayoral appointments

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

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

Confirmation of Council appointments.

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

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

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

Notices, Communications and Petition:

Liquor Permit:

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

Liquor Permit:

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

Liquor Permit:

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

Unfinished Business: There was none.

Introduction of Visitors:

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

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

Introduction and Consideration of Ordinances and Resolutions:

Ord. 150-15:

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

Ord. 151-15:

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

Res. 152-15:

A Resolution of the Council of the City of Medina, Medina County, and State of Ohio, certifying that when a municipal obligation was incurred sums were lawfully appropriated in the funds to satisfy the obligation and sufficient sums currently exist to satisfy this obligation according to the attached sheet(s). Mr. Shields moved for the adoption of Ordinance/Resolution No. 152-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 152-15, seconded by Mr. Kolesar. Mr. Dirham stated these are parts for a concrete pour and the emergency clause is requested due to payment being owed. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose. The roll was called and Ordinance/Resolution No. 152-15 passed by the yea votes of P. Rose, J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Ord. 153-15:

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

Ord. 154-15:

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

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

Ord. 155-15:

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

Res. 156-15

A Resolution of the Council of the City of Medina, Medina County, and State of Ohio, certifying that when a municipal obligation was incurred sums were lawfully appropriated in the funds to satisfy the obligation and sufficient sums currently exist to satisfy this obligation according to the attached sheet(s). Mr. Shields moved for the adoption of Ordinance/Resolution No. 156-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 156-15, seconded by Mr. Kolesar. Mr. Dirham stated there had been a previous purchase order with a different vendor but Mr. Piccoli found a less expensive vendor and they were able to deliver on a Saturday. The emergency clause is necessary due to payment being due. Mr. Kolesar is abstaining from voting due to his employer doing business with this vendor. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, B. Hilberg, B. Lamb, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 156-15 passed by the yea votes of J. Shields, J. Coyne, B. Hilberg, B. Lamb and P. Rose. M. Kolesar abstained.

Res. 157-15

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

Ord. 158-15

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

Res. 159-15

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

Ord. 160-15

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

Ord. 161-15

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

Ord. 162-15

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

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

Ord. 163-15

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

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

Ord. 164-15

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

Medina City Council
December 14th, 2015

Council Comments:

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

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

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

Adjournment:

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

Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council

MEDINA CITY COUNCIL

**Tuesday, December 22, 2015, Special Council Meeting
Multi-Purpose Room, Medina City Hall**

Opening.

After due notice according to law, Medina City Council met in special, open session December 22, 2015. The meeting was called to order at 5:22 p.m. by President of Council John Coyne with the following members of Council present: J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Introduction of Ordinances and Resolutions.

Ord. 165-15

An Ordinance to make appropriations for current expenses and other expenditures of the City of Medina, Ohio for the fiscal year ending December 31, 2016, and repealing Ordinance No. 158-15, passed December 14, 2015. Mr. Shields moved for the adoption of Ordinance/Resolution No. 165-15, seconded by Mr. Simpson. Mr. Dirham stated that due to an error in the Finance Department, the Clerk was supplied the wrong figures to enter into the budget ordinance, requiring it to be redone, repealed and replaced with this ordinance. The roll was called and Ordinance/Resolution No. 165-15 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 166-15

An Ordinance authorizing the Mayor to execute a Memorandum of Understanding with Montville Township for Fire Services. Mr. Shields moved for the adoption of Ordinance/Resolution No. 166-15, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 166-15, seconded by Mr. Kolesar. Chief Painter added that there is a 5 day cancellation clause in the agreement by either party involved. The emergency clause is requested so the agreement can take effect January 1, 2016. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar. D. Simpson abstained. The roll was called and Ordinance/Resolution No. 166-15 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg. D. Simpson abstained.

Adjournment:

There being no further business before council, the meeting adjourned at 5:25 p.m.

Kathy Patton, Clerk of Council

John M. Coyne, III – President of Council

MEDINA CITY COUNCIL

January 4, 2016

Special Session - Organizational Meeting

Opening:

After due notice according to law, Medina City Council met in special, open session January 4, 2016. The meeting was called to order at 6:00 p.m. by President of Council John Coyne who also led the pledge of allegiance.

Invocation:

The invocation was offered by Father Tony Sejba of St. Francis Xavier Church.

Oaths of Office:

John M. Coyne, III, President of Council by Jennifer Coyne, Bible held by John Coyne IV

Dennie Simpson, Ward 2 Councilman by Phebe Simpson, Bible held by Ella, Ava & Leo Simpson (grandchildren)

James A. Shields, Ward 4 Councilman by Mayor Dennis Hanwell

William Clarke Lamb, At-Large Councilman by Jillian Morgenstern (granddaughter), Bible held by Ava Morgenstern & Elyse Chilton (granddaughters)

Roll Call:

President Coyne called for the roll call and the following members of Council were present: J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Confirmation of Council Appointments :

President of Council Pro -Tem:

James A. Shields (expiring 12/31/17)

Mr. Simpson moved to nominate Mr. Shields as President of Council Pro-Tem, seconded by Mr. Kolesar. The roll was called and the appointment was approved by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Confirmation of Other Council Appointments:

Archive Commission – Jim A. Shields (18)

Audit Committee – Jim A. Shields (19)

Board of Building Code Appeals (Health, Safety Chair) – Mark Kolesar (19)

Cable ACCESS – Bill Lamb (17)

CRA Housing Council – Brian Hilberg (18)

EMS Advisory Board (Health, Safety Chair) – Mark Kolesar

Joint Ambulance District (Health, Safety Chair) – Mark Kolesar

Pro QA Steering Committee (Health, Safety Chair) – Mark Kolesar

TID Representative – Patrick Patton (16)

TID Representative – (Alternate) – Nino Piccoli (16)

Mr. Coyne read the other Council appointments listed above. Mr. Shields moved to approve the Council appointments as presented, seconded by Mr. Simpson. The roll was called and the appointment was approved by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Confirmation of Mayoral Appointments:

Gregory A. Huber, Director of Law – Expiring 1/2/18
by Mayor Dennis Hanwell. Bible held by daughter Natalie

Mr. Shields moved to confirm the appointment of Gregory Huber as Director of Law, seconded by Mr. Simpson. The roll was called and the appointment the appointment was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

Confirmation of Other Mayoral Appointments:

Board of Building Code Appeals – Bill Stuchal (expiring 12/31/19)
Board of Zoning Appeals – Rob Henwood, alternate (12/31/19)
Board of Zoning Appeals – Paul Roszak, alternate (12/31/19)
Cemetery Commission – Linda Fenn (expiring 12/31/19)
Rec. Center Advisory Board – Mark Hensen, City representative (12/31/16)
Shade Tree Commission – Bill Vogelgesand (expiring 12/31/19)
NOACA – Patrick Patton, alternate (17)

President Coyne read the Mayor's appointment as presented above. Mr. Shields moved to confirm the Mayor's appointments, seconded by Mr. Simpson. The roll was called and the appointments were confirmed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Consideration of Council Rules:

Mr. Shields moved to amend Section 111.09(a), by adding #7 Emerging Technologies Committee to the Rules of Council, seconded by Mr. Simpson. Mr. Shields moved to amend Section 111.09(a). The role was called on the amendment and was approved by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Mr. Shields moved for the re-adoption of the Rules of Council as amended, seconded by Mr. Simpson. The role was called on the re-adoption of the Council Rules as amended and were approved by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Council Committee Appointments by President of Council

City Council Committees by President – see exhibit A

MEDINA CITY COUNCIL
Special Session, Organizational Meeting

January 4, 2016

Mr. Shields moved to approve the committee appointments by the council president as presented in Exhibit A, seconded by Mr. Shields. The role was called on the appointments were approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Adjournment:

There being no further business, the meeting was adjourned at 6:17 p.m.

Kathy Patton, Clerk of Council

John M. Coyne, President of Council

2016 MEDINA CITY COUNCIL COMMITTEES by President

FINANCE

John Coyne, Chairman (19)
Bill Lamb (19)
Brian Hilberg (17)
Jim Shields (19)
Paul Rose (17)
Dennie Simpson (19)
Mark Kolesar (17)

SPECIAL LEGISLATION

Bill Lamb, Chairman
Jim Shields
Paul Rose

HEALTH, SAFETY & SANITATION

Mark Kolesar, Chairman
John Coyne
Paul Rose

STREETS & SIDEWALKS

Dennie Simpson, Chairman
Paul Rose
Bill Lamb

PUBLIC PROPERTIES

Jim Shields, Chairman
Brian Hilberg
Dennie Simpson

WATER & UTILITIES

Brian Hilberg, Chairman
Mark Kolesar
Dennie Simpson

EMERGING TECHNOLOGIES

Paul Rose, Chairman
John Coyne
Jim Shields

Other Committee Appointments by President:

Business Development Committee – John Coyne (19)
Cemetery Commission – Dennie Simpson (19)
Economic Development Committee – John Coyne (19)
Rail Commission – John Coyne (19)
Shade Tree Commission – Bill Lamb (19)
Strategic Plan Advisory Committee – Jim Shields (18)

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

29017690321 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	FRED W ALBRECHT GROCERY COMPANY DBA ACME FRESH MARKET NW CORNER OF HIGH POINT DRIVE AND SR3 MEDINA OH 44256	
05 13 2015 <small>ISSUE DATE</small>				
05 13 2015 <small>FILING DATE</small>				
D1 <small>PERMIT CLASSES</small>				
52 <small>TAX DISTRICT</small>	077 <small>PERMIT CLASS</small>	C	A83646 <small>RECEIPT NO</small>	

FROM 12/22/2015

<small>PERMIT NUMBER</small>		<small>TYPE</small>		
<small>ISSUE DATE</small>				
<small>FILING DATE</small>				
<small>PERMIT CLASSES</small>				
<small>TAX DISTRICT</small>			<small>RECEIPT NO</small>	



MAILED 12/22/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/22/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL

WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C NEW 2901769-0321

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF MEDINA CITY COUNCIL
132 NORTH ELMWOOD AVENUE
MEDINA OHIO 44256

ORDINANCE NO. 1-16

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT WITH PJ MARLEY'S RESTAURANT FOR THE USE OF PUBLIC OWNED LAND ON PARCEL #028-19B-20136.

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

SEC. 1: That the Mayor is hereby authorized and directed to execute a License Agreement for PJ Marley's Restaurant, located at 119 E. Liberty Street, to use approximately 300 sq. ft. of City owned land (Parcel No. 028-19B-20136) for an outdoor dining deck.

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

SEC. 3: That the Clerk of Council is hereby directed to file the License Agreement with the Medina County Recorder.

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

Effective date –

Ord. 1-16
Exh. A

LICENSE AGREEMENT

This License Agreement is entered into this _____ day of _____, 2015, by and between the **City of Medina**, an Ohio municipal corporation, whose mailing address is 132 North Elmwood Avenue, Medina, Ohio 44256 (hereinafter "City"), and **Four Brothers Holding Company, LLC**, an Ohio limited liability company, whose mailing address is 4114 Beck Road, Medina, Ohio 44256 (hereinafter "Tenant" and/or "Owner," and collectively referred to as the "Licensee").

WITNESSETH:

WHEREAS, Tenant Licensee is an operator of a retail dining and beverage establishment in the downtown area of the City of Medina; and

WHEREAS, as used in this Agreement, the term "Licensee" shall also include the Owner of the premises upon which the Tenant Licensee occupies and operates its business, and the Owner is included as a party to this Agreement for enforcement and other purposes; and

WHEREAS, Licensee has requested permission from the City to construct and install an above-grade deck, built in accordance with plans provided by the Licensee and approved by the City Building Department, on that portion of property owned by the City and described more fully on "Exhibits A and B," attached hereto and incorporated herein, adjacent to the retail dining and beverage establishment at P.J. Marley's, 119 West Liberty Street, in the City in order to offer outdoor dining; and

WHEREAS, the City has determined by City Council Ordinance No. 1-16 that it would be in the best interest of the City and its residents to enter into such an agreement with the Licensee to provide the aforesaid outdoor area for dining and beverage seating and service.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties hereto agree as follows:

1. Dining and Beverage Area License. In consideration of the covenants and agreements hereinafter set forth, City does hereby grant to Licensee a license for the use and occupancy of the real property described more fully in "Exhibits A and B," attached hereto and incorporated herein, immediately adjacent to the building located at P.J. Marley's, 119 West Liberty Street, Medina, Ohio, for the purpose of providing space for outdoor seating for dining and beverage consumption for Licensee's retail dining and beverage establishment (the "Licensed Dining Area"). It is understood as between the parties that the Licensee shall construct and install an above-grade deck in accordance with plans approved by the City of Medina and the Medina City Building Department. The license for outdoor dining is supplemental to, and contingent upon, the operation of Licensee's retail dining establishment in the indoor premises located at the aforementioned address, and the outdoor dining shall not be allowed if the retail dining establishment ceases operation.

2. Area of Enclosure. Licensee shall configure the Licensed Dining Area in a manner approved by the Medina City Planning Director.
3. Term. The initial term of this Agreement shall be for a period of five (5) years commencing the date of signing this Agreement. This Agreement shall automatically renew for one (1) year terms during subsequent years unless the City terminates the Agreement pursuant to paragraph 4 below, or prior to the expiration of any of the one-year terms, the City proposes amendments to this Agreement that are to be effective in subsequent terms of the Agreement.
4. Termination.
 - a. The City may terminate this Agreement at any time for any reason upon six (6) months' written notice to the Licensee.
 - b. The City may terminate this Agreement at any time during the License Term, or any renewal term, for violation of the terms of this Agreement by giving Licensee thirty (30) days' written notice. Any cost of repairs to the Licensed Dining Area upon such termination shall be at the sole expense of Licensee.
 - c. The City may terminate this Agreement upon twenty-four (24) hours' notice to Licensee for good cause as determined by the City, which may include, but is not limited to: the sale of alcoholic beverages to minors or intoxicated persons (whether or not any criminal charges are ever brought or successfully prosecuted); failure to keep the tables, chairs, and surrounding area in a clean and neat condition; loud noise or other persistent misbehavior by patrons; impairment of pedestrian traffic; or the causing of a nuisance.
5. Insurance. Licensee shall maintain and keep in full force throughout the term of this Agreement comprehensive general liability insurance against all claims for personal injury, death, or property damage occurring on the Licensed Dining Area with minimum limits of liability of One Million Dollars (\$1,000,000) per person, Three Million Dollars (\$3,000,000) per occurrence and Five Hundred Thousand Dollars (\$500,000) for property damage. Licensee shall furnish certificates of insurance evidencing payment therefor to the City prior to the commencement of the License Term and at such additional times as may be requested by the City. Such policies shall name the City as an additional insured and shall be non-cancelable for any cause without first giving the City fifteen (15) days' prior written notice. Licensee may satisfy this insurance requirement by maintaining such coverage under chain-wide umbrella policies, provided that the City is named as an additional insured.
6. Indemnification. Licensee shall indemnify, defend, keep, and hold the City and its officers, agents, and employees free and harmless from liability for any and all

damages, loss, or penalties of any kind whatsoever incurred as a result of Licensee's conduct or performance under this Agreement or exercise of the Agreement. These damages and penalties shall include, but shall not be limited to, damages arising out of personal injury, property damage, copyright infringement, defamation, antitrust, errors and omission, theft, fire, and all other damages arising out of Licensee's exercise of this Agreement, whether or not any act or omission complained of is authorized, allowed, or prohibited by this Agreement; such indemnification shall include, but not be limited to, reasonable attorney's fees and costs.

7. Improvement and Equipment.

- a. Licensee shall not make any temporary or permanent improvements to the Licensed Dining Area other than the construction and installation of the above-grade deck, or block off sections of the Licensed Dining Area without the prior written consent of the City.
- b. After the conclusion of the License Term, Licensee shall remove the above-grade deck and remove any improvements it has made to the Licensed Dining Area or items of personal property it has placed on the Licensed Dining Area, and repair and restore any and all areas to their previous condition. The City may, however, consent in writing that an improvement may remain if it is approved by the City Council.
- c. Licensee shall provide all fencing, tables, chairs, and other necessary equipment for use in the Licensed Dining Area, which shall be approved by the City Planning Director. Licensee shall limit the equipment to a reasonable amount so as to ensure the safety of the public in the Licensed Dining Area.

8. Maintenance and Repair.

- a. Licensee shall be responsible for cleaning and routine maintenance of the above-grade deck and equipment in the Licensed Dining Area, including but not limited to: cleaning the tables and chairs; maintaining the above-grade deck; maintaining the equipment in good and reasonable repair; and immediately replacing any and all broken, cracked, bent, or otherwise defective equipment.
- b. Licensee shall be responsible for cleaning and routine maintenance of the above-grade deck and the Licensed Dining Area, including but not limited to: ensuring that the entire area is free of litter and refuse; sweeping the deck area as needed; removing debris from the tables and chairs immediately upon exit of patrons; washing down tables and chairs and the above-grade deck as needed.

9. Permits and Approvals. Licensee shall be responsible for obtaining all permits, licenses, and/or approvals pertaining to occupancy, zoning, environmental controls, and any other relevant governmental issues which are necessary to permit Licensee to operate outdoor dining on the Licensed Dining Area. In the event Licensee intends to serve liquor on the Licensed Dining Area, Licensee shall be required to obtain the necessary permits from the Ohio Department of Liquor Control.
10. Use and Occupancy.
- a. Licensee shall use and occupy the Licensed Dining Area in a careful, safe, and proper manner and in compliance with all relevant federal, state, and local ordinances, laws, rules, and regulations. In the event Licensee intends to serve alcohol in the Licensed Dining Area, Licensee shall use and occupy the Licensed Dining Area in compliance with all applicable liquor control statutes, regulations, and ordinances.
 - b. Licensee shall not occupy or use the Licensed Dining Area or permit the same to be occupied or used for any purpose or business which is unlawful, contrary to this Agreement, or in the City's reasonable judgment, is disreputable, immoral, or inappropriate.
 - c. Licensee shall not allow said Licensed Dining Area to be used for any purpose or in any way which will increase the rate of insurance on the Licensed Dining Area nor for any purpose other than that specified in this Agreement.
 - d. Licensee shall not permit the Licensed Dining Area to be occupied, in whole or in part, by any persons other than those specified in this Agreement.
 - e. Licensee shall not use any substance or force that will increase the hazard of fire in the Licensed Dining Area.
 - f. Licensee shall not allow the Licensed Dining Area to be used for any unlawful purpose or in any way that will injure the reputation of the downtown district or disturb the neighborhood.
 - g. No musical instruments, stereos, or other amplified sound shall be allowed in the Licensed Dining Area without the prior consent of the City.
 - h. Licensee shall make appropriate provision for disposal of all trash, garbage, or debris that is generated from Licensee's use of its premises and of the Licensed Dining Area, and the same shall not be disposed of in any receptacles owned and/or controlled by the City.

11. Seasonal Removal of Equipment. Licensee shall remove all furniture before November 1 of each year of this Agreement or renewal term. Licensee may begin installing furniture and equipment on March 31 of each year of this Agreement or renewal term. Between November 1 and March 31, Licensee may install the furniture and fencing for special occasions such as holiday shopping or sidewalk sales, if the weather is permitting. During special occasions, all furniture and fencing in the Licensed Dining Area must be removed from the Licensed Dining Area at the close of the business day, and all furniture and fencing must be immediately removed from the Licensed Dining Area when the weather no longer permits outdoor dining.
12. Times of Operation. Outdoor dining will be permitted only between the hours of 6:30 a.m. through 11:00 p.m., Sunday through Thursday, and 7:30 a.m. through 1:00 a.m., Friday and Saturday.
13. Signs. No signs shall be permitted in the described area.
14. Public Property. Licensee acknowledges that the Licensed Dining Area is public property, and the area immediately adjacent to the Licensed Dining Area will continue to be used as a publicly accessible property.
15. Assignment. Licensee's interest hereunder is a personal interest which may not be assigned to any other party without the written consent of the City. Neither the license interest, nor any interest of Licensee in the Licensed Dining Area or any implements or personal property thereon, shall be subject to involuntary assignment, transfer, or sale by operation of law in any manner whatsoever, and any such attempted involuntary assignment, transfer, or sale shall be void and of no effect, and shall, at the option of the City, terminate this Agreement.
16. Non-waiver. The failure of the City to enforce any of the rights given to it under this Agreement by reason of a violation by Licensee of any of the terms of this Agreement shall not be construed as a waiver of the power of the City to exercise any such rights as to any subsequent or different violation.
17. Severability. In the event any term of this Agreement shall be held invalid, illegal, or unenforceable, in whole or in part, neither the validity of the remaining part of such term nor the validity of any other term of this Agreement shall in any way be affected thereby.
18. Survival of Covenants. All promises made in this Agreement, including but not limited to indemnification and insurance provisions, shall survive the termination or expiration of this Agreement.
19. Entire Agreement. This written License Agreement constitutes the entire understanding between the parties, superseding all previous negotiations and

discussions, and no modification or alteration of this Agreement shall be binding unless it is in writing and signed by both parties.

- 20. Service. Service of any communication required or permitted in this Agreement shall be made by personal service or certified mail, return receipt requested, at the addresses listed in the heading or at such other addresses as either party may provide in writing from time to time.
- 21. Authorization. Each person executing this Agreement warrants and represent that he or she is authorized to execute this Agreement on behalf of his or her legal entity.

CITY OF MEDINA, OHIO
An Ohio Municipal Corporation

By: _____
Dennis Hanwell, Mayor

TENANT, OWNER & LICENSEE
FOUR BROTHERS HOLDING
COMPANY, LLC,
An Ohio Limited Liability Company

By: _____

(Printed Name)

Its: _____

Approved as to legal form:

GREGORY A. HUBER, Law Director
City of Medina



Engineering and Surveying
257 S. Court St. • Suite 6
Medina, Ohio 44256
Phone: 330-723-1828 • 800-723-1870
Fax: 330-723-6637
E-mail: info@rh-inc.com

Legal Description for a 14.87' x 21.00' Revocable Use Area
Project No. 31,524
September 17, 2015

Situated in the City of Medina, County of Medina and State of Ohio, known as being part of lands conveyed to the City of Medina by deed recorded on January 24, 2014 as recorded in Document No. 2014OR001515 of Medina County Recorders Records, also being a part of Medina City Lot No. 9147 as shown by the plat recorded in Plat Document No. 2013PL000045 of Medina County Recorders Records further bound and described as follows:

Commencing at the Northwest corner of lands conveyed to Four Brothers Holding Company LLC by deed recorded on April 1, 2014 as recorded in Document No. 2014OR006030 of Medina County Recorders Records, also being the Northwest corner of Medina City Lot No. 9148 as shown by the plat recorded in Plat Document No. 2013PL000045 of Medina County Recorders Records;

Thence along the Western line of said lands conveyed to Four Brothers Holding Company Inc. and the Western line of Medina City Lot No. 9148, bearing South 00°09'30" East, a distance of 19.00 feet to a point thereon and the TRUE PLACE OF BEGINNING of the Revocable Use Area herein described;

Thence continuing along the Western line of said lands conveyed to Four Brothers Holding Company Inc. and the Western line of Medina City Lot No. 9148, bearing South 00°09'30" East, a distance of 21.00 feet to an angle point;

Thence at a right angle along an Interior line of said lands conveyed to Four Brothers Holding Company Inc. and an Interior line of Medina City Lot No. 9148, bearing South 89°50'30" West, a distance of 14.87 feet to an angle point;

Thence at a right angle, bearing North 00°09'30" West, a distance of 21.00 feet to an angle point;

Thence at a right angle, bearing North 89°50'30" East, a distance of 14.87 feet to the TRUE PLACE OF BEGINNING, intending to be a 14.87' x 21.00' Revocable Use Area, containing 0.0072 acres (312 square feet) of land, more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey under the supervision of Andrew G. Planet, P.S. No. S-7802 by Rolling & Hocevar, Inc. in September 2015.

EXHIBIT A

NORTH COURT STREET (U.S. 42) 66'

MCL 9149
CITY OF MEDINA
Doc. No. 2014OR001515
01/24/2014

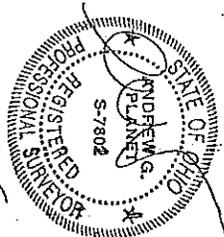
MCL 9147
CITY OF MEDINA
Doc. No. 2014OR001515
01/24/2014

14.87' X 21.00' REVOCABLE USE
AREA FOR A DECK AREA
(312 S.F. -- 0.0072 ACRES)

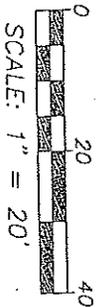
Part of M.C.L. 85
Gowe Leasing Limited
Doc. No. 2012OR019108
08/07/2012

MCL 9148
FOUR BROTHERS HOLDING, CO. INC.
Doc. No. 2014OR006030
04/01/2014

SKETCH OF SURVEY
REVOCABLE USE AREA FOR
A DECK AREA
SITUATED IN THE CITY OF MEDINA, COUNTY OF
MEDINA AND STATE OF OHIO, BEING A PART OF
MEDINA CITY LOT NO. 9147
AS RECORDED IN PLAT DOC. NO. 2013PL0000045



NOTE: BEARINGS ARE BASED ON AN
ASSUMED MERIDIAN AND ARE USED
TO DENOTE ANGLES ONLY.

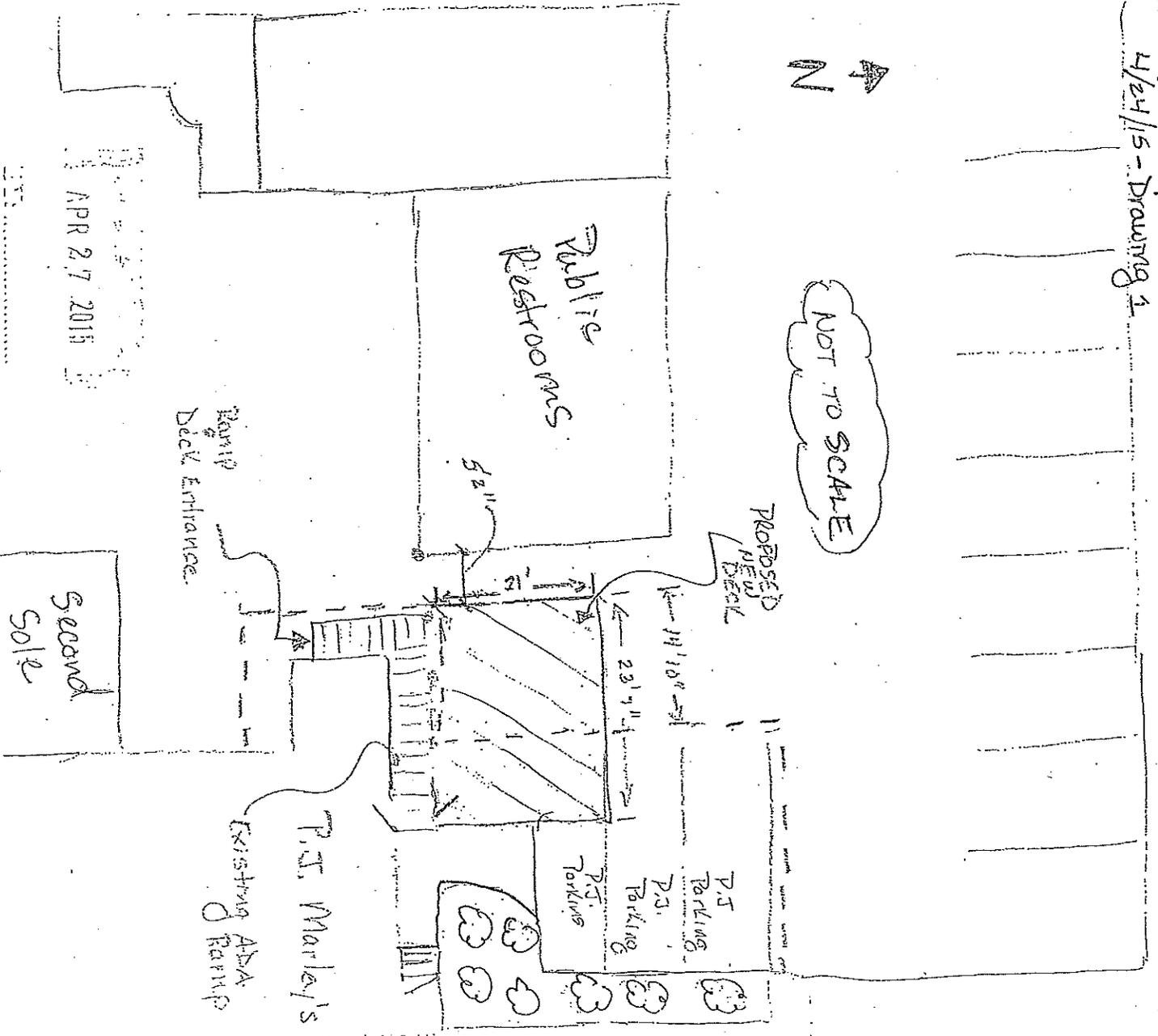


WALLACE ENGINEERING, INC.
CIVIL ENGINEERING & SURVEYING
257 SOUTH COURT STREET
SUITE 6 940 4450
MEDINA, OHIO 44028
PHONE (419) 723-1829
FAX (419) 723-6337
PROJECT NO. 11-324
11/13/2014

EXHIBIT B

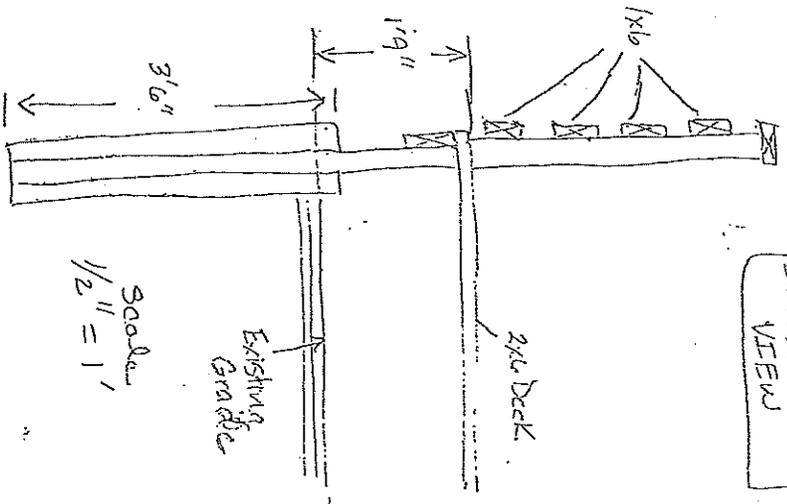
NORTH COURT STREET

Proposed Outdoor Seating
for P.T. Marley's Restaurant & Pub
4/24/15 - Drawing 1



APR 27 2015

ELEVATION VIEW



NOTES

- ① The proposed deck will be 493 sq ft
 - ② The location of the deck will require the use of city owned property.
 - ③ One entrance to deck via ADA Ramp for safety.
 - ④ All other property on drawing is City owned
- Existing P.T.'s Property Existing P.T.'s Property
Proposed Deck Proposed Deck

RESOLUTION NO. 2-16

A RESOLUTION AUTHORIZING AN APPLICATION FOR STATE ASSISTANCE FROM THE STATE CAPITAL FUND TO ASSIST WITH CONSTRUCTION OF THE MUNICIPAL COURTHOUSE EXPANSION PARKING FACILITY, SUPPORTING THE DOWNTOWN STRATEGIC REDEVELOPMENT PLAN, 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 State funding assistance from the State Capital Fund in the amount of \$1,000,000.00 to assist with construction of the Municipal Courthouse Expansion Parking Facility, supporting the Downtown Strategic Redevelopment Plan.

SEC. 2: That if the assistance is awarded to the City, the Mayor is authorized to accept the assistance and complete all documentation necessary for the implementation and administration of the funding.

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 a response is due January 15, 2016 and Council approval is necessary; 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: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORD 2-16
Exh. A

State Capital Budget Project

Follow – Up Questionnaire
December 2015



The Greater Akron Chamber is currently reviewing questionnaires that have been submitted for consideration of state funding in the capital bill. Additional information has been requested to assist in the review process.

Please submit electronic responses to the below questions by Thursday, December 31, 2015. Please direct questions to Megann Eberhart at eberhart@greaterakronchamber.org or (330) 237-1262

Project Name: Medina City Historic District Parking Facility

Project Sponsor: City of Medina

Funding & Project Viability

Due to an overwhelming response of projects seeking state capital bill funding there has been more money than what is anticipated in being available for the region.

- 1.) Could your project still move forward with less state funding? If yes, at what level?
Yes, but the project would be modified and not have as big of impact.

- 2.) Please detail how your project would go forward if no state money was awarded to your organization.
We would still do the project but it would take longer as we would need to save additional money and the project would be modified and not have as many parking spaces and/or amenities. It would not be as impactful without the state assistance.

- 3.) What percentage of the project has been completed as of today?
25%

- 4.) What is the estimated date of project completion?
Fall 2017

- 5.) Please note local economic development or community improvement projects that are not agents of the state must enter into a joint use agreement with a state institution or agency. The agreement will include an arrangement for the representative state institution/agency to derive value over a term from the project. Are you willing to enter an agreement?
Yes, if we are awarded the funding, we are willing to enter into an agreement.

- 6.) Is the city planning on developing the parking deck as a mixed use structure that embraces design principles which integrate retail, residential, restaurants and parking?
Yes, this project serves multiple purposes and is a key piece to implementing our downtown strategic redevelopment plan. This will solve current parking needs and future parking needs. As

of now, the city has 100% occupancy of businesses around the square with the most recent space being leased and undergoing a renovation to bring a new retail business called Polish Pottery. The parking facility will support our downtown businesses as well as the many arts and cultural events that take place throughout the year. Additionally, the parking facility will incorporate other development into the project and support a downtown housing and boutique hotel project. It will also support the municipal courthouse expansion and provide parking for administration at city hall.

FY 17-18 State Capital Budget Project Questionnaire
November 2015



The Greater Akron Chamber will be presenting a list of community projects in Medina, Portage and Summit Counties to the Governor and the tri-county state legislative delegation for consideration in the FY 2017-2018 state capital budget.

To enter a project in the Greater Akron Chamber's process, please complete this questionnaire and provide attachments in pdf format electrically by 12:00 p.m. Tuesday, December 8, 2015 to Megann Eberhart at eberhart@greaterakronchamber.org

1. **Project Name**
Medina City Historic District Parking Facility

2. **Organization Requesting Funding**
The City of Medina

3. **Contact information for the project sponsor**
Name: Kimberly Marshall
Title: Economic Development Director
Organization: City of Medina
Phone: 330-764-3319
Email: kmarshall@medinaoh.org

4. **Brief description of the scope of the project**
In 2014, the City of Medina initiated a process to create a Downtown Strategic Redevelopment Plan. In June 2014, the downtown strategic plan was submitted to council and adopted by formal resolution. The project evaluated the current and future development potential for various market segments in the downtown area, identified target development areas that are currently vacant or underutilized, and developed a vision and strategy for these areas that will respond to opportunities in the regional market place. The downtown strategic plan consists of market analysis (housing, retail and office) development concepts and implementation strategies. Part of the implementation strategy consists of existing economic development tools. As an effort to support this downtown redevelopment plan, the city desires to construct a parking facility on city land located on Liberty and Elmwood Streets. This parking facility will support a municipal courthouse expansion project, parking in our historic district, and enhance the redevelopment of underutilized parcels across the street on Liberty. The historic district parking facility will increase capacity by 80% at this site.

5. **Location of the project (city and county)**
The location of the project would be in the City of Medina Historic District, Medina County.

6. Who will own the facility or asset during construction and once the work is completed? The City of Medina would own the parking facility during and after construction.

7. Projected economic impact (Taxes, jobs, etc...)
The projected new development is \$10MM plus with projections of 150 new jobs

8. Total Project Cost
\$3.9MM

9. Amount Requesting from state capital bill
\$1 MM

10. Project funds committed to Date / Sources / Gap:
We are anticipating \$2.5MM in projected funding from the City of Medina Capital Project fund.

11. Specific proportion of the project the State funds would support / would this award complete the project? State funds would be used to construct the parking facility and the award would complete this project.

12. Will the State funding leverage additional support? If yes, how so?
State funding will leverage additional support for the construction of a new municipal courthouse adjacent to the parking facility. The courthouse project is estimated to cost \$7.5MM and is being paid for by bonds and the court capital project fund. Additionally, the state funding will leverage private sector investment for a significant downtown redevelopment project.

13. How quickly will the project sponsor draw down the State funds?
18-24 months

14. How quickly can the region expect to receive impact from the investment?
Immediate impact from the investment.

15. How will the project impact the Greater Akron Region?

This project will be an enhancement to the community and the region by supporting the ongoing arts and cultural events that take place in our historic district all year round ie: Ice Festival, International Festival, Jazz Under the Stars, Affair on the Square, Medina County Arts Week, Falloween, Medina County Farmer's Market, Rally in the Alley, Medina Community Band Concerts and the Candlelight Walk weekend just to name a few.

16. How would you classify this project? This project is classified as an economic development project as it will spur new growth to the downtown area supporting our ongoing events in the historic district where arts and culture are enjoyed by many local residents and people that travel from across NE Ohio and the Midwest to shop, dine, and visit the historic district as well as the Castle Noel MovieLand Museum and Alien Vacation Mini Golf attractions. The parking facility will improve the community as the city will eliminate a blighted building to make way for the parking facility. The parking facility will reduce the need for surface parking and enable new businesses to construct buildings with a multipurpose use.

X Economic Development

X Arts & Culture

X Community Improvement

17. Project timeline and key milestones

18 – 24 months

18. List of project supporters and/or partners

City of Medina, Economic Development Committee
Medina County Economic Development Corporation
Medina Chamber of Commerce
Main Street Medina, Business Development Committee
Medina Municipal Court
Community Design Committee
Medina County Commissioners

19. Future sustainability (Operational costs going forward)

Ongoing operational costs the city will endure will be for maintenance at \$25K per year.

20. Any additional relevant information that the organization believes would be of assistance in evaluating the project's value and eligibility

The City of Medina Historic District was placed on the National Register of Historic Place on June 11th, 1975. Since the 1970's the city's population has more than doubled in size. Additionally, in 2015, Main Street Medina events and promotions brought 127,600+ visitors to the District and City. The City investment of \$30,000 to the Main Street Medina organization has leveraged a conservative estimate of \$1,276,000 of economic impact on the community through purchases at events and fundraisers, resulting in a 42.53:1 return on investment (calculated at an avg. purchase of \$10 per head). The Medina Farmer's Market that is held every Saturday in the historic district on the square, from the end of May through October brings another 3,000 – 4,000 people into town. With the increase in our population and the success of so many cultural events, the historic district becomes a bigger draw of people every year. A City of Medina Historic District Parking facility will provide much needed parking to support the many events and activities that occur here throughout the year.

RESOLUTION NO. 3-16

**A RESOLUTION REQUESTING THE COUNTY AUDITOR
TO MAKE TAX ADVANCES DURING THE YEAR 2016
PURSUANT TO OHIO REVISED CODE SECTION 321.34.**

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

- SEC. 1:** That the County Auditor is hereby requested to draw and the County Treasurer to pay on such draft, to the Director of Finance of the City of Medina, Ohio such money as may be in the county treasury from time to time during the year 2016, to the account of the City of Medina, Ohio and lawfully applicable to the purpose of the current fiscal year in which such request is made. Such payments are to be made from time to time as the Director of Finance may request.
- SEC. 2:** That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Medina County Auditor.
- 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 in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

Res. 3-16
Exh. A

REQUEST FOR ADVANCE OF TAXES COLLECTED
MUNICIPALITIES, SCHOOL DISTRICTS, TOWNSHIPS

Rev. Code Sec. 321.34

To the Auditor of Medina County, Ohio:

Medina, Ohio, January 11, 20 16.

YOU ARE HEREBY REQUESTED to issue your warrant upon the County Treasurer of said County in favor of Keith Dirham as Finance Director of The City of Medina in said County for all available Dollars, of the current collection of taxes assessed and collected for and in behalf of said City which shall be held and treated as an advance payment on the current collection of taxes due said City at the ensuing settlement, 20 16, as provided by law.

Pursuant to a Resolution adopted by the Medina City Council, adopted January 11, 20 16. Resolution No. 3-16.

(President of Board - City - Village Treasurer)

Fiscal Officer/Treasurer

1. Fiscal Officer or Treasurer
2. School District
3. Township or Municipality
4. Board of Education of said School District, Board of Trustees of said Township, or Council of said Municipality.

ORDINANCE NO. 4-16

AN ORDINANCE AMENDING ORDINANCE NO. 18-02, PASSED FEBRUARY 11, 2002, RELATIVE TO MISCELLANEOUS PROCESSING FEES FOR THE MEDINA COMMUNITY RECREATION CENTER.

WHEREAS: Ordinance No. 18-02, passed February 11, 2002 established Miscellaneous Processing Fees for the Medina Community Recreation Center; and

WHEREAS: Ordinance No. 55-05, passed February 28, 2005, amended the Returned Check Fees for Insufficient Funds to Dishonored Payment Fee – refer to Sec. 125.05 of Medina City Code.

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

SEC. 1: That the Miscellaneous Processing Fees for the Medina Community Recreation Center shall be amended to read as follows:

Sanctioned Employee Permit Fee	\$ 25.00
Dishonored Payment Fee	Refer to Sec. 125.05 of City Code.
Administrative Fee for Refund Requests	\$ 5.00
Rascal Room Late Fee (assessed for every 1-15 minute period over scheduled pick-up time)	\$ 5.00
ID Card Replacement Fee	\$ 5.00
Membership Withdrawal Fee	\$ 20.00

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. 5-16

AN ORDINANCE AMENDING CHAPTER 111, SECTION 111.09 OF THE RULES OF COUNCIL, OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO RELATIVE COMMITTEES: DESIGNATIONS; APPOINTMENTS, AND DECLARING AN EMERGENCY.

WHEREAS: That Section 111.09 (a) of the codified ordinances of the City of Medina, Ohio presently reads as follows:

111.09 COMMITTEES: DESIGNATIONS; APPOINTMENTS

(a) The members of Council shall be organized and appointed to form standing committees of three or more members each. The President of Council shall designate the number of committee members and shall appoint members to the following standing committees at the annual organizational meeting of Council:

- (1) Streets and Sidewalks Committee;
- (2) Water and Utilities Committee;
- (3) Finance Committee;
- (4) Public Property Committee;
- (5) Special Legislation Committee;
- (6) Health, Safety and Sanitation Committee.

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

SEC. 1: That Section 111.09 (a) of the codified ordinances of the City of Medina, Ohio shall be amended to read as follows:

(a) The members of Council shall be organized and appointed to form standing committees of three or more members each. The President of Council shall designate the number of committee members and shall appoint members to the following standing committees at the annual organizational meeting of Council:

- (1) Streets and Sidewalks Committee;
- (2) Water and Utilities Committee;
- (3) Finance Committee;
- (4) Public Property Committee;
- (5) Special Legislation Committee;
- (6) Health, Safety and Sanitation Committee
- (7) **Emerging Technologies Committee**

(Ord. 5-16, passed 1-11-16)

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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that this committee is to be in effect as of January 1, 2016; 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

Effective date: January 1, 2016

ORDINANCE NO. 6-16

**AN ORDINANCE AMENDING ORDINANCE NO. 165-15,
PASSED DECEMBER 22, 2015. (Amendments to 2016 Budget)**

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

SEC. 1: That Ordinance No. 165-15, passed December 22, 2015, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
104-0305-53313 (Flower Urn Donation)	250.00

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.

* - new appropriation

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor