

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

November 28, 2016
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (November 14, 2016)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

Liquor Permit:

Not to object to the transfer of a D1, D2, and D3 permit from Marios Beauty Salon Inc. dba Marios International Spa & Salon, 740 N. Court St. to Marios Beauty Salon Inc., dba Marios International Spa & Salon, 716 N. Court Street.

Unfinished business.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Res. 158-16

A Resolution modifying the Drug-Free Workplace Policy and Procedures for the City of Medina.

Ord. 159-16

An Ordinance authorizing the payment of \$32,625.00 to Solid Ground Construction for the Private Home Rehabilitation Project at 771 Hadcock Road, Brunswick as part of the PY14 CHIP Grant Program.

(emergency clause requested)

Ord. 160-16

An Ordinance authorizing the payment of \$31,000.00 to Solid Ground Construction for the Private Home Rehabilitation Project at 1100 Concord Drive, Medina as part of the PY14 CHIP Grant Program.

(emergency clause requested)

Medina City Council
November 28, 2016

Ord. 161-16

An Ordinance of the Council of the City of Medina, 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).
(emergency clause requested)

Ord. 162-16

An Ordinance authorizing the Mayor to enter into Amendment No. 7 to the Agreement with Delta Airport Consultants, Inc. for the administration services for the Rehabilitation of the Transient Apron at the Medina Municipal Airport.

Ord. 163-16

An Ordinance rezoning Parcel No. 028-19D-09-087 located at 1011 Wadsworth Road, from R-2 Medium Density Residential to R-4, Multi-Family Residential.

Ord. 164-16

An Ordinance amending the Special Planning District No. 1 "SPD-1" Development Guidelines.

Res. 165-16

A Resolution commending Gary Linden for his dedicated years of service to the City of Medina Fire Department.

Ord. 166-16

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

Council comments.

Adjournment.

MEDINA CITY COUNCIL
Monday, November 14th, 2016

Public Hearing (7:30 p.m.)

1) To consider the Planning Commission Recommendation to amend the Special Planning District 1 (SPD-1) Design Guidelines for the South Court Senior Village development.

For: Mr. Mendel stated this is a proposal made by Miller Valentine for amending the Special Planning District #1 Design Guidelines and Conceptual Development Plan for the South Court Village Senior development that they are proposing. The Special Planning District Specific Guidelines act as the Zoning Code for the Special Planning District. The applicant requested amending two portions to the Planning Commission to accommodate their development specifically section C.2C1A of the Development Guidelines outline the specific building types, building forms that are allowed within the residential portion of the Special Planning District which is Subdistrict C. The applicant also requested amending the guidelines to allow two driveway access points. At the September 8th, 2016 meeting, the Planning Commission reviewed these requests and recommended they be amended. Pete Schwiegeraht from Cincinnati, Ohio spoke of the project and 48 units of senior housing development. Amending this will allow them to provide a variety of housing types for the seniors. Mayor Hanwell stated one of the most frequent comments he receives from seniors is the need in the city for independent senior housing. Mayor Hanwell said he feels this would be an ideal location for it and he respectfully asks Council to grant this.

Against: None

Public Hearing was closed at 7:36 p.m.

Public Hearing:

2) To consider the Planning Commission Recommendation to rezone 1011 Wadsworth Road from R-2, Medium Density Residential to R-4, Multi-Family Residential.

For: Mr. Mendel stated that on July 14th, 2016 the applicant requested a rezone from R-2 to CS Commercial Service. After reviewing, the Planning Commission recommended denial. August 11th, 2016 the applicant returned to the Planning Commission to reconsider, on September 8th, 2016 at the Planning Commission meeting the applicant presented an amended argument for rezoning to either CS or R-4 Multi Family Residential. After reviewing the Planning Commission recommended rezoning of the property from R-2 Medium Density to R-4 Multi-Family Residential was approved. Stan Scheetz from East Liberty Street in Medina is the attorney representing the applicant. He stated this is in accordance with your Comprehensive Plan and we respectfully request this be allowed. Mayor Hanwell stated that this property has been vacant for some time. Mayor Hanwell said he feels this is a reasonable request and would fit in with the neighborhood. Mr. Kolesar stated the property owner has been trying their best to utilize this property the best way possible and pass it on to someone that is willing to develop it and he feels the R-4 zoning will fit right into the neighborhood in Ward 3.

Against: None

Public Hearing was closed at 7:40 p.m.

Opening:

Medina City Council met in regular, open session on Monday, November 14, 2016. The meeting was called to order at 7:36 p.m. by President of Council John Coyne who led the Pledge of Allegiance.

Roll Call:

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

Also present were the following members of the Administration: Mayor Dennis Hanwell, Keith Dirham, Patrick Patton, Chief Painter, Jonathan Mendel, Dan Gladish and Kimberly Marshal.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on October 24th, 2016, and October 27th, 2016 special meeting as prepared and presented by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the minutes were approved by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated they met prior to council meeting and had discussions on updates on the pool project and of the hanger issue at the airport.

Health, Safety & Sanitation Committee: Mr. Kolesar stated no meeting scheduled, but at Finance meeting they discussed some items that affect the Fire Department and Montville Fire contracts.

Public Properties Committee: Mr. Shields reported no meeting scheduled or update but added they had a nice presentation about the progress on the city pool and he thanked Mike and Jansen.

Special Legislation Committee: Mr. Lamb had no report.

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

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

Emerging Technologies Committee: Mr. Rose had no report.

Requests for Council Action:

Finance Committee

- 16-176-11/14 – Budget Amendments
- 16-177-11/14 – Amend City of Medina’s Drug-Free Workplace Policy
- 16-178-11/14 – Expenditure PY14 CHIP – 771 Hadcock Rd., Brunswick
- 16-179-11/14 – Expenditure PY14 CHIP – 1100 Concord Drive, Medina
- 16-180-11/14 – Expenditure Over \$15,000 – PY14 CHIP – 3359 Revere Ct., Brunswick
- 16-181-11/14 – Amend Cod. Ord. 143.03 Distribution of Interest Earned – Muni Court
- 16-182-11/14 – Payment Over \$3,000 – South of the Square Collision
- 16-183-11/14 – Amend Zoning Code – Transitional Housing Use Definition
- 16-184-11/14 – MOU w/ Montville Township Fire Department
- 16-185-11/14 – Amendment #7 w/Delta Airport Consultants – Apron Resurfacing

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported the following:

- 1) City Wellness - Zero increase in 2017 for health insurance, dental insurance or life insurance. SERB avg. is 4.5% increase overall which includes self-funded plans. Fully insured plans are more in 8-10% increase range. 2016 rate was about \$2.6 m so 10% savings equals about \$260,000. Wellness program helpful in same.
- 2) Veterans Day Concert - Wednesday, November 16, 2016. November 9, 2016 7pm at St. Francis Church went well and well attended. Thanks to Medina Community Band for performing at this event.
- 3) Candlelight Walk events sponsored by Root Candles - Friday, November 18th at 7 p.m. the City & Main Street Medina will light the Christmas tree in the Gazebo and light the downtown. Saturday, November 19th, 5:30 p.m. we will have the annual parade of lights from Medina High School to the Square to deliver Santa and Mrs. Claus to house on Broadway in front of Common Pleas Courts. Streets and safe area will then be cleared for fireworks over the Square, synchronized to Christmas music to start at about 7 p.m. Fireworks are sponsored by Bill Doraty Kia. The activities will continue throughout the weekend. This event draws many visitors to Medina to get photos with Gazebo tree and our downtown. It is another reason there is "Something special about Medina."
- 4) Howard "Bud" Haynes, Parking attendant for city 2006-2016, passed away yesterday. Thoughts and prayers with his family. Visitation at Waite's Medina Wednesday, November 16, 5 p.m. -- 7 p.m.

Keith Dirham, Finance Director, reported the Finance Department is eagerly anticipating what we expect to be the last budget meeting later this week. The healthcare premiums did not go up, we did budget for a 2% increase.

Greg Huber, Law Director, had no report.

Kimberly Marshall, Economic Development Director, had no report.

Jonathon Mendel, Planning Community Director, had no report.

Chief Painter, Fire Chief, had no report.

Mike Wright, Recreation Center Director, reported the Rec Advisory meeting is Thursday, November 17th at 7:30 a.m. The Medina Rec. 55 and better guest lecture series will be presented by Ed Zachary Friday, November 18th at 10:30 a.m., to discuss the Vietnam War and lunch will be served after by Seville Meadows. Friday, December 2nd the Rec will have a family fun night with a Polar Express theme from 6:30 to 9 p.m.

Jansen Wehrley, Parks and Recreation Director, stated they implemented a 3-step deer management process earlier this year, part of that process is to monitor trend data that has been collected throughout the year, including a visual deer survey. That survey is conducted in the fall at several predetermined locations in all 4 the wards using spot lights between the hours of 5 a.m. and 7 a.m. The first round was completed in October and the second round is scheduled for Tuesday, November 15th and Thursday, November 17th. The data will be collected, averaged and recorded annually to help us monitor any changes in the deer population throughout town and help us make an informed decision moving forward.

Dan Gladish, Building Official, had no report.

Patrick Patton, City Engineer, reported that two very significant projects are underway, the US 42 North Court Street Corridor Project started two weeks ago. The initial phase of that project is installing a water line. At the moment there will be no road closures but there will be a moving work zone as that work progresses. Our West Smith Reconstruction Project also started about 2 weeks ago. Currently it's the most intrusive part of the project in that West Smith is closed just west of Fair Road because large culverts are being installed. West Smith should be back open no later than the end of this month.

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. 151-16:

An Ordinance authorizing the Mayor to enter into a renewal contract with United Healthcare for healthcare insurance for the employees of the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 151-16, seconded by Mr. Simpson. Mayor Hanwell stated this was well covered in his opening comments. If there are any questions he would be happy to answer those. Mayor Hanwell said they are continuing with United Healthcare with no increase. Mr. Shields thanked everyone for their dedicated efforts in achieving the no increase through Healthy Medina. The roll was called and Ordinance/Resolution No. 151-16 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 152-16:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for a one year supply of the various kinds of maintenance materials needed for the streets and water lines, including but not limited to salt, the chemicals for use in the treatment of water, and water meters to be used by the various

departments of the City of Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 152-16, seconded by Mr. Simpson. Mayor Hanwell spoke on behalf of Nino Piccoli stating this is an annual bid to get the materials that we need with the best price. The roll was called and Ordinance/Resolution No. 152-16 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 153-16:

An Ordinance authorizing the increase of the expenditure to Your Construction for the Private Owner Rehabilitation Project at 3881 Claythorne Place, Brunswick as part of the PY14 CHIP Grant. Mr. Shields moved for the adoption of Ordinance/Resolution No. 153-16, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 153-16, seconded by Mr. Simpson. Mr. Mendel stated this is to allow for the increase of the purchase order for a change order. Emergency is to have it executed and paid by the end of the month. 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, D. Simpson, J. Coyne, and B. Hilberg. The roll was called and Ordinance/Resolution No. 153-16 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 154-16:

An Ordinance authorizing the Mayor to solicit Requests for Proposals (RFP's) for liability and property insurance for the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 154-16, seconded by Mr. Simpson. Mr. Huber stated that every 5 to 6 years the City of Medina will accept requests for proposals for liability and property insurance carriers to make proposals so that we can be as competitive as we can be. We typically get 4 to 5 proposals, sometimes more. The roll was called and Ordinance/Resolution No. 154-16 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

Ord. 155-16:

An Ordinance of the Council of the City of Medina, 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. 155-16, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 155-16, seconded by Mr. Simpson. Mr. Dirham stated this is for the SR 3 Reagan Park Way intersection improvement. It is money we owe to ODOT and we need to get them paid. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose. The roll was called and Ordinance/Resolution No. 155-16 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Ord. 156-16:

An Ordinance authorizing the expenditure of \$56,000.00 to CT Consultants for the soft costs related to the implementation and administration of the 2014 Downtown Revitalization Grant. Mr. Shields moved for the adoption of Ordinance/Resolution No. 156-16, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No.

156-16, seconded by Mr. Simpson. Mr. Mendel explained this is to pay CT Consultants under our contract with them. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 156-16 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 157-16:

An Ordinance amending Ordinance No. 165-15, passed December 22, 2015. (Amendments to 2016 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 157-16, seconded by Mr. Simpson. Mr. Dirham explained there are 3 items here. The first is for the Fire Department in need of the appropriation to get through the end of the year. The second is a pass through of a donation for selling books for the Bicentennial Celebration. The third is a pass through of a donation for Kiosks at the Park. The roll was called and Ordinance/Resolution No. 157-16 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Council Comments:

Mr. Simpson expressed deepest sympathy to Bud's family. He congratulated Mark Kolesar, he did not win his election for the County Commissioner seat but he commends Mark for a very positive campaign, the nation voted republican this time. Mr. Simpson states he had the opportunity to attend a retirement party for Darrell and Harold Waite from Waite's funeral home after 44 years there and being the fourth generation.

Mr. Lamb stated the Community Design Committee is having its' annual Holiday Home Tour on December 4th from 12 p.m. to 5 p.m. There are 6 exceptional homes on the tour. The money raised by the CDC for this house tour will go toward the funding of the restoration of the second floor of the Firehouse. Tickets are available on line at www.Medinacommunitydesigncommitte.org Boyerts, AI Root Company, Miss Molly's Tea Room, Antiquation and Cool Beans, tickets are \$15.00. He commended everyone on moving the pool project forward.

Mr. Coyne reminded everyone that Wednesday, November 16th at 5:30 p.m. is the final budget meeting, covering the revenue projections in each of the accounts and any concerns.

Mr. Simpson complimented Miles Reed on the cable presentation with the 3D. The public is going to be very appreciative.

Adjournment:

There being no further business before Council, the meeting adjourned at 8:08 p.m.

Medina City Council
November 14th, 2016

John M. Coyne, President of Council

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

55449160023			TRFL	MARIOS BEAUTY SALON INC DBA MARIOS INTERNATIONAL SPA & SALON 716 N COURT ST MEDINA OH 44256
PERMIT NUMBER			TYPE	
10	01	2015		
ISSUE DATE				
11	15	2016		
FILING DATE				
D1	D2	D3		
PERMIT CLASSES				
52	077	C	F17395	
TAX DISTRICT			RECEIPT NO.	

FROM 11/17/2016 SAFEKEEPING

55449160021				MARIOS BEAUTY SALON INC DBA MARIOS INTERNATIONAL SPA & SALON 740 N COURT ST & PATIO MEDINA OHIO 44256
PERMIT NUMBER			TYPE	
10	01	2015		
ISSUE DATE				
11	15	2016		
FILING DATE				
D1	D2	D3		
PERMIT CLASSES				
52	077			
TAX DISTRICT			RECEIPT NO.	



MAILED 11/17/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN.

12/19/2016

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 TRFL 5544916-0023

(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

RESOLUTION NO. 158-16

**A RESOLUTION MODIFYING THE DRUG-FREE
WORKPLACE POLICY AND PROCEDURES FOR THE
CITY OF MEDINA.**

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

- SEC. 1:** That the Drug-Free Workplace Policy and Procedures for the City of Medina is hereby modified as set forth in Exhibit A, attached hereto and incorporated hereto.
- 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.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

Effective date:

City of Medina
Drug-Free Workplace
Policy and Procedures

Policy Summary

Contacts:	Questions about this policy should be directed to: Administrative Office Manager or Civil Service Secretary
Who will be tested?	All employees and qualified applicants
What will be tested?	Employees will be tested for the presence of illicit or illegally used drugs and alcohol. Drugs to be tested may include: amphetamines, cocaine, marijuana, opiates, and PCP.
Where will testing be conducted?	Only DHHS/SAMHSA certified laboratories and qualified service professionals shall conduct urine specimen analysis under this policy. Alcohol testing shall be done at a qualified health care facility using federally approved testing equipment.
When will tests be performed?	Employees will be tested on five specified occasions: <ol style="list-style-type: none"> 1. Pre-employment (drug test for “qualified applicants” only). 2. New Hires (within 90 days) 3. Where there is reasonable suspicion of prohibited substance use. 4. Following an accident or injury. 5. On a random basis (safety-sensitive employees only).
How will tests be conducted?	Unless otherwise required or permitted by law, all tests will be conducted in accordance with federal guidelines (49 CFR Part 40 as amended), which conform to the Ohio Bureau of Workers’ Compensation drug-free testing requirements.
Employee Assistance Program:	The City encourages all those in need of assistance with a substance abuse issue to seek help. The Administrative Office Manager or the Civil Service Secretary shall maintain information regarding local service providers.
Consequences:	Any violation of this policy will result in termination. Any <u>refusal</u> to submit to testing or any attempt to adulterate a sample <u>will</u> result in termination.

Drug and Alcohol use at work *are prohibited.*
You Will Be Fired!

WARNING: ANY POSITIVE RESULT OR ANY REFUSAL TO TEST MAY AFFECT YOUR ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER THE WORKERS COMPENSATION LAWS OF THIS STATE.

POLICY

The employees of **City of Medina** ("the City") are our most valuable resource, and for that reason, their health and safety are of paramount concern. The City takes considerable pride in the work performed by its employees. While the City has the greatest respect for the privacy of its employees, it must be understood that the City will not tolerate any alcohol and/or drug abuse. Such negligence threatens the ability of our employees to maintain a safe, healthful, and efficient environment, which enhances the welfare of our employees.

The City believes that it is very important to provide a safe workplace for all of its employees. In certain aspects of operations the City is required to comply with the rules of the Ohio Bureau of Workers' Compensation (BWC) Drug-Free Workplace Program (DFWP). In so doing, the City is taking steps to address the problem of substance use that negatively affects every workplace, including ours. The City is concerned with the health and well being of all employees. We can not condone and will not tolerate behaviors on the part of employees that relate to substance use, such as:

- the use of illegal drugs;
- the misuse of alcohol;
- the sale, purchase, transfer, manufacture, use or possession of any illegal drugs;
- Arrival or return to work after having used any drug or alcohol or being under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected.

Management is fully committed to the City's *Drug-Free Workplace Program*, which establishes clear guidelines for acceptable and unacceptable employee behavior for everyone in the workplace. We will not tolerate substance use in violation of this policy and intend to hold everyone responsible for supporting the policy.

The consequences stated in this *Drug-Free Workplace Policy* will apply to anyone who violates the policy.

The City will hold all employees accountable in terms of substance use but also supports getting help for employees in need. Employees who come forward *voluntarily* to identify that they have a substance problem will receive information about local professionals who offer such help. However, if an employee has a substance problem and does not come forward, and the employee then tests positive for drug or alcohol use in violation of this policy, the City reserves the right to impose discipline for the violation of these work rules as set forth in this policy.

WARNING: ANY POSITIVE RESULT OR ANY REFUSAL TO TEST MAY AFFECT YOUR ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER THE WORKERS COMPENSATION LAWS OF THIS STATE.

Other consequences that apply to all employees who violate this policy are clearly spelled out within this document. **PLEASE READ THIS POLICY CAREFULLY.**

This program will go into effect within 30 days of the announcement of our *Drug-Free Workplace Program* and this new policy that describes the *Drug-Free Workplace Program*. This policy covers the five key parts of the City's *Drug-Free Workplace Program*. The five parts consist of:

1. A written policy that clearly spells out the program and how everyone benefits.
2. Annual substance awareness education for all employees.
3. Training for supervisors regarding their responsibilities.
4. Drug and alcohol testing, the most effective way to change harmful substance use behaviors.
5. Employee assistance.

Employees will have the opportunity to receive information about substance use as a workplace problem, signs and symptoms, dangers of use, and how and where to get help for themselves and their families. **The Administrative Office Manager or Civil Service Secretary** will be the Drug-Free Workplace Program Administrators (herein referred to as the Program Administrators) so everyone knows who to go to for information or help. For information please call **(330) 725-8861**.

The Program Administrators will be responsible for coordinating drug and alcohol testing, identifying resources that employees can turn to for help for themselves and/or their families, and arranging for qualified people to help with employee awareness education and with supervisor training.

Conditions of Employment

Compliance with the Alcohol and Drug Free Workplace Policy is a condition of employment with the City. Failure to cooperate fully, sign any required documents, submit to any inspection or test, or follow any prescribed course of substance or alcohol abuse treatment will result in termination of employment.

Nothing in this policy or in any oral representation by any City representative related to any aspect of this policy is intended to alter the existing relationship between the City and any employee and is not intended to create an express or implied contract of employment, or any promise of job security upon which an employee can rely.

Unless otherwise specified, all employment relations with the City remain "at will."

Those employees represented by a collective bargaining agent shall enjoy their rights as specified in the current collective bargaining agreement. To the extent that the current collective bargaining agreement is in conflict with the requirements of the BWC the collective bargaining agreement shall govern.

Program Protection

This program is designed to protect employees' rights and to protect all who come in contact with this workplace from the behaviors of substance users. Some of the protections built into the program are:

- Employee records such as testing results and referrals for help will be kept confidential. Information will be on a need-to-know basis. Any violation of confidentiality rights is subject to disciplinary action up to and including termination of employment.
- We are committed to employees who have a substance problem to get help. Each situation will be reviewed individually. Employee assistance information is available for employees and their families, including a list of resources available through the Program Administrators and distributed to all employees.
- All supervisors will be trained in their duties related to testing before this program begins.

Employees will receive substance awareness education from a qualified person to help identify problems and learn where to turn to for help. This will be done annually.

Test Procedures

Testing will be done through a qualified collection provider and through a federally certified laboratory that uses the highest level of care in ensuring that results are accurate. When properly conducted, this process is considered scientifically accurate in detecting that the substances that the City is concerned about are present in the employee's "system" in sufficient quantity to lead to behaviors that may endanger the person or other employees. The certified lab will work closely with our local collection provider to ensure fairness and accuracy, and we also have retained the services of a Medical Review Officer (MRO), who is a qualified, trained physician responsible for checking whether there is a valid medical reason for the presence of the substance in the employee's system. The MRO is experienced in dealing with substance use. When the MRO receives positive test results, the MRO will contact the employee and, with the employee's permission, any appropriate health care provider to determine whether there is a valid reason for the presence of the drug in the person's system.

- The testing program consists of an initial screening test whenever a test is determined to be appropriate. If the initial results are positive, then a second test is used. Cut-off levels for each drug and for alcohol are established based on federal guidelines.

An employee's violation of this policy will not be reported to law enforcement unless required by a regulatory body or by criminal statute, such as related to drug trafficking. However, in protection of the workforce, law enforcement may be requested to come onto City property in conjunction with a referral for criminal prosecution.

Employee Awareness Education

Every current employee will be required to attend a session in which this program is discussed. There will be an opportunity to ask questions. This written policy will be shared, and everyone will be expected to sign an acknowledgement of receipt. We will have a qualified person explain why and how substance use is a workplace problem, the effects, signs/symptoms of use, effects of commonly used drugs in the workplace, and how to get help. We will also cover how an employee can get a referral for employee assistance, the importance of determining how much of a substance problem the employee has, and what type of help is needed. There will be educational awareness annually for all employees. New employees will hear about the program during orientation and will receive substance education as soon as possible thereafter.

Bureau of Workers' Compensation 10-Step Business Plan

As part of its Drug-Free Workplace Program, the City will be putting into place a safety plan sponsored by the Bureau of Workers' Compensation known as the 10-Step Business Plan. This plan is aimed at creating an overall safer workplace. More information about this 10-Step Plan will be communicated to all employees.

Supervisory Training

As required by the rules set by the *Bureau of Workers Compensation* (BWC) Drug-Free Workplace Program, supervisors will be trained to recognize substance problems that may endanger the employee and others as well as violate this policy. This training is in addition to annual employee education. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help.

Testing

Testing is intended to detect problems, deter usage and allow appropriate corrective and/or disciplinary action. In addition to alcohol, the drugs that we may test for are:

- Amphetamines (speed, uppers)
- Cocaine (including Crack)
- Marijuana
- Opiates (Codeine, Heroin, Morphine)
- Phencyclidine (PCP, "angel dust")
- Barbiturates
- Benzodiazepines
- Propoxyphene/Metabolite
- Methadone

(Ord. 56-08)

Prescriptions and OTC

The City does not prohibit employees from using prescription or over-the-counter drugs when used as prescribed, provided:

- the prescription drugs are prescribed to the employees for medical reasons by a licensed medical practitioner, with dosage and frequency of use prescribed on the label or accompanying documentation, and
- the employee's use of the prescription or over-the-counter drugs does not affect the employee's job performance or conduct; threaten the safety, productivity, public image or property of the City or its employees; or result in criminal behavior.

No employee is to perform any function or duty on behalf of the City if the drugs being taken under this provision adversely affect his or her ability to perform any such function or duty safely.

Employee Assistance

The City believes in offering useful information to assist employees with a substance problem. We are supportive of employees taking action on their own behalf to address a substance problem. The City will make information regarding local substance abuse resources available to any employee in need of assistance. Please contact your supervisor for such information.

BE FOREWARNED, however that any employee found to be in violation of this policy will be terminated.

The implementation of discipline or of sanctions shall be at the sole discretion of the City and/or in accordance with the authority provided in the current collective bargaining agreement.

WHEN TESTING WILL OCCUR

Pre-Employment

As a condition of employment, all candidates being considered for employment with the City must satisfactorily complete a pre-employment drug screen prior to reporting to duty. Any offer of employment is contingent upon, among other things, satisfactory completion of this screening, and the determination by the City that the applicant is capable of performing the responsibilities of the position that has been offered. Persons who have been separated from City employment for more than 180 days must undergo pre-employment testing (Ord. 165-02). (Ord. 53-11).

New Hires

All newly hired employees serve a 90-day probationary period during which time an *unannounced* drug test **may** take place. Anyone failing or refusing to submit to such test will be considered to have failed a pre-requisite of their probation and be terminated for cause. (Ord. 56-08)

Newly hired employees will attend orientation; during this session they will receive a current copy of the City's *Drug- Free Workplace Policy*, and sign the form entitled, *Acknowledgement of Receipt*

Reasonable Suspicion

Reasonable suspicion testing will occur when City management and/or supervision have reason to suspect that an employee may be in violation of this policy. The suspicion must be documented in writing within 24 hours of the event or prior to the release of the test findings. Reasonable suspicion testing may be based upon, among other things:

1. Observed behavior, such as direct observation of drug/alcohol use or possession and/or the physical symptoms of drug and/or alcohol use;
2. A pattern of abnormal conduct or erratic behavior;
3. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking. The employee is responsible for notification to the City, within five (5) working days, of any drug-related conviction;
4. Information provided either by a reliable and/or credible sources or independently corroborated, regarding an employee's substance use; or
5. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty, but mere "hunches" are not sufficient to justify testing. To prevent this, all supervisors will be trained in the recognition of drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both.

Prior to testing and provided consent is given by the employee, those individuals represented by a collective bargaining agent shall be allowed an opportunity to contact their representative and to consult with that representative in private. No more than one hour shall be allowed for this process. In all respects not in conflict with the requirements of the BWC rules, THE TERMS OF THE CURRENT COLLECTIVE BARGAINING AGREEMENT shall be abided by.

Post-Accident Testing

Post-accident testing will be conducted whenever an accident occurs as defined below. For purposes of this policy, an accident is considered an unplanned, unexpected or unintended event that occurs on City property, during the conduct of the City's business, during working hours, or which involves City-supplied equipment, motor vehicles or motor vehicles that are used in conducting City business, or is within the scope of employment, and which results in any of the following:

1. A fatality of anyone involved in the accident;
2. Vehicular/equipment damage in apparent excess of \$500; or
3. Non-vehicular/equipment damage in apparent excess of \$500;
4. Bodily injury to the employee and/or another person that requires off-site medical attention away from the City's place of employment.

When such an accident results in one of the situations above, any employee who may have contributed to the accident will be tested for drugs and/or alcohol use.

WARNING: IF AT THE TIME OF ANY POST-ACCIDENT/INJURY TEST THERE WAS REASONABLE CAUSE TO BELIEVE THE EMPLOYEE USED A PROHIBITED SUBSTANCE OR WAS UNDER THE INFLUENCE OF SUCH SUBSTANCES, AND THE TEST RESULT IS POSITIVE OR THE EMPLOYEE REFUSED TO TEST, ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER THE WORKERS COMPENSATION LAWS OF THIS STATE MAY BE AFFECTED.

Post-Accident Test Timing

Urine specimen collection (for a drug test) or breath/saliva (for an alcohol test) is to occur immediately after a need has been determined. At no time shall a drug specimen be collected after 32 hours from the time of an employment-related incident. Breath or saliva alcohol testing will be performed within two (2) hours of the incident whenever possible, but within eight (8) hours, or it won't be performed but the reason for the delay will be documented. If the employee responsible for an employment-related accident is injured, it is a condition of employment that the employee herein expressly grants to the City, its officers and management, the right to request that attending medical personnel obtain appropriate specimens (breath, blood and/or urine) for the purpose of conducting alcohol and/or drug testing. Further, all employees herein expressly grant to the City, its officers and management, access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the employment-related accident, to include, but not be limited to, a full medical report from the examining physician(s) or other health care providers.

Random Testing

Random testing may be conducted as required by contract and at the sole discretion of management. If conducted, random testing will include all safety sensitive employees performing work under any state contract and is conducted on an unannounced basis. An independent, non-City testing organization will utilize objective computer software that ensures a truly random selection process in which all employees in the testing pool have an equal statistical likelihood of

being selected for testing. When the next random draw is conducted, all employees are again included in the pool with an equal chance of selection, regardless of whether an employee was previously selected.

Random selection shall be at the annual rate of 15% of those subject to testing. (Ord. 139-16)

The City will provide employee identification numbers to be used in the random selection drawing. The contractor will, in turn, furnish the City with a list of individuals to be tested at the beginning of each selection period. It shall be the responsibility of the City to notify each employee who was selected with the date, time and location for that random test. Once the employee is notified of the selection to submit to random testing, it shall be the responsibility of the employee to appear for testing immediately and to provide a urine specimen for drug testing and or submit to breath-alcohol testing.

An employee's failure to timely comply with the request for a specimen for random testing will be considered a refusal to submit to testing and may result in termination of employment.

Searches for Controlled Substance and Alcohol

In order to maintain a safe, healthy, and productive workplace environment, the City may conduct searches for controlled substances or alcohol on City property or in City vehicles and equipment at any time. The City is "owned by" and operated for the residents of the City of Medina; therefore, everything about the City is public. All employees shall have no expectation of privacy in any public property while at work. The City may search an employee's desk, locker, file cabinet, and a City owned or operated vehicle. Due to the safety sensitive nature of some employee's jobs, the City may search private items brought to work.* Searches of these employees' private items may include such items as lunch boxes, coolers, purses, packages, briefcases and similar items. Should the City have reasonable suspicion that an employee is in violation of this Substance Abuse Policy, the suspect employee's private property may also be searched, regardless whether the employee performs a safety sensitive job.

To avoid unintentional violation of this policy it is suggested that City employees NOT BRING ANYTHING TO WORK that they do not want SEARCHED.

** This category of personnel includes police personnel, fire department personnel, motor equipment operators (MEO's) and all other City employees who operate City vehicles or motorized equipment.*

SUBSTANCES TESTED AND METHOD OF TESTING

Drug Test Methods

"Systems presence testing" is the procedure that is used to identify the presence of the following controlled substances or alcohol that may be present: (A negative initial screening test is considered a negative test.) For each of the tested drugs (amphetamines, cocaine, marijuana, opiates, PCP, barbiturates, benzodiazepines, propoxyphene/metabolite, and methadone), there is an initial test used to screen the urine specimen. (Ord. 56-08)

If the initial screen is positive [at or higher than a cut-off level in accordance with federal Department of Health & Human Services (DHHS)], a second or confirmatory test is done. This is a different test

and is considered scientifically accurate. Detection thresholds (or cut-off levels) are standards that have been established by the DHHS for each of the above drugs after years of research. These levels will be used to interpret all drug screens/tests, whether for a pre-employment examination, reasonable suspicion test, post-accident test, random or follow up test.

Alcohol Test Methods

A testing contractor that uses only federally qualified equipment and personnel will conduct breath alcohol and/or saliva testing. Breath alcohol concentrations exceeding 0.02 will be considered a verified positive result. In the event of an accident where an employee has a "whole blood" alcohol drawn at a medical treatment facility, a result equal to or greater than 0.02 shall be considered to be a verified positive result. An Evidentiary Breath Test (EBT) is used to confirm any initial positive test result. Any employee testing at or above 0.02, but less than 0.04, will be removed from any safety-sensitive position and will be subject to the discipline specified below. (See, CONSEQUENCES).

WARNING: ANY POSITIVE ALCOHOL TEST RESULT AT OR ABOVE 0.08 OR ANY REFUSAL TO TEST MAY AFFECT YOUR ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER THE WORKERS COMPENSATION LAWS OF THIS STATE.

The City also expressly reserves the right to add or delete substances on the list above, especially if mandated by changes in existing Federal, State or local regulations or legislation.

If or where the City specifically authorizes the use of alcohol at a City sponsored event(s) NO ONE may consume to excess.

Specimen Collection Procedure

Trained collection personnel, who meet quality assurance and chain-of-custody requirements for urine collection and breath-alcohol testing, shall conduct testing. Confidentiality is required from all service providers. Any individual subject to testing under this policy shall be permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any adulteration or substitution of the specimen to be provided.

Breath alcohol testing will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. Failure to appear for testing when scheduled shall be considered refusal to participate in testing, and will result in termination. (For an applicant, failure to appear will result in withdrawal of any offer of employment).

Review of Test Results

To ensure that every employee who is subjected to drug and alcohol testing by the City is treated in a fair and impartial manner, the City has hired a Medical Review Officer ("MRO"). The MRO is a medical doctor or doctor of osteopathic medicine with a specialized knowledge of substance abuse disorders. The MRO will be able to determine whether there are any valid reasons for the presence in the employee's system of the substance that was tested positive.

Consequences

WARNING: ANY POSITIVE RESULT OR ANY REFUSAL TO TEST MAY AFFECT YOUR ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER THE WORKERS COMPENSATION LAWS OF THIS STATE.

ALCOHOL USE: Alcohol positive at or above 0.02: Termination.

Any alcohol positive in excess of 0.08 could affect your eligibility and/or result in a loss of compensation and benefits under this state's workers compensation laws.

DRUG USE: Any reported, confirmed result for the presence of any prohibited controlled substance **WILL, THE FIRST TIME, RESULT IN TERMINATION.**

Refusal: Any refusal to submit to testing, failure to cooperate with the test process or any attempt to adulterate a sample may result in termination of employment and may affect eligibility for compensation and benefits under the state's workers compensation laws. (Ord. 140-11)

Rights of Employees with Initial Positive Test Result

An employee who tests positive under this policy will be given an opportunity to explain, in confidence, the findings to the MRO prior to the issuance of a positive test result to the City. Upon receipt of a confirmed positive finding, the MRO will attempt to contact the employee by telephone or in person. If contact is made by the MRO, the employee will be informed of the positive finding and given an opportunity to rebut or explain the findings. The MRO can request information on recent medical history and on medications taken within the last thirty days by the employee. If the MRO finds support in the explanation offered by the employee, the employee may be asked to provide documentary evidence to support the employee's position (for example, the names of treating physicians, pharmacies where prescriptions have been filled, etc.). A failure on the part of the employee to provide such documentary evidence will result in the issuance of a positive report by the MRO with no attendant medical explanation.

If the employee fails to contact the MRO as instructed, the employee will be considered to have waived the right to do so and/or to have failed to cooperate in the test process. The MRO will issue an appropriate (positive/confirmed adulteration, etc.) report to the City.

Requirements for Notification of Drug or Alcohol Arrest and/or Conviction

Employees are required to notify their Supervisor or the Law Director of any criminal drug and/or alcohol arrest or conviction within five (5) days after such incident. Employees who are convicted are subject to immediate termination, but first time offenders who are full-time employees convicted of drug or alcohol offenses for acts which did not occur on City time, on City premises or in City vehicles or equipment may be eligible for reinstatement after successful completion of an approved substance abuse evaluation/rehabilitation program. Reinstatement will require, at a minimum, that the employee 1) undergo a return-to-duty test for controlled substances, 2) agree to continue in any after-care program recommended by the employee's treating professionals and 3) be subject to periodic unannounced follow-up testing for a period of twenty-four (24) months following the return to work.

Employees who fail to comply with the notice requirements of this policy are subject to discipline, including but not limited to, termination.

Reporting Results

All test results (positive, negative, adulterated) will be reported directly to the MRO by the laboratory prior to the results being issued to the City. Each substance tested for will be listed along with the results of the testing. The City will receive a summary report, and this report will indicate that the employee passed or failed the test. All of these procedures are intended to be consistent with the most current guidelines for Medical Review Officers, published by the federal DHHS.

Storage of Test Results and Right to Review Test Results

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents. These records shall be maintained under lock and key at all times. Access is limited to designated City officials on a "need to know" basis. The information contained in these files shall be utilized only to properly administer this policy and provided to certifying agencies for review as required by Law. Those designated City officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of

confidentiality with regard to these records may be an offense resulting in termination of employment. Any employees tested under this policy have the right to review and/or receive a copy of their respective test results. An employee may request from the Drug-Free Workplace Program Administrators, in writing, with a duly notarized Employee Request for Release of Drug Tests Results form, that a copy of the test be provided. The City will use its best efforts to promptly comply with this request and will issue to the employee a copy of the results personally or by U.S. Certified Mail, Return Receipt Requested.

Positive Test Results

Employees who are found to have a confirmed positive drug or alcohol test will be immediately taken off safety-sensitive duties and are subject to the consequences as set forth in this policy.

Termination Notices

In those cases where testing results in the termination of employment, all termination notices will list "misconduct" as the reason. Termination shall be deemed "for cause."

RESERVATION OF RIGHTS

City of Medina reserves the right to interpret, change or rescind this policy in whole or in part at any time with or without notice. In addition, changes to applicable federal, state or local laws or regulations are deemed to be adopted whether specifically stated in this policy or not. As noted above, this policy and any oral representation related to it do not create a binding employment contract of any kind or any promise of job security upon which an employee should rely other than as currently provided in an existing city-employee relationship.

APPENDIX

Appendix 1:	Definitions
Appendix 2:	Drug and Alcohol Terminology
Appendix 3:	Notification of Testing
Appendix 4:	Acknowledgement of Receipt
Appendix 5:	Drug and Alcohol Testing Procedure for Commercial Drivers

APPENDIX 1 Definitions

The following definitions shall apply to the interpretation and enforcement of this policy. Where any conflict occurs between this policy and state law, state law shall govern.

Glossary of Acronyms

ADA Americans with Disabilities Act
ADAMH Alcohol, Drug Addiction and Mental Health Services Board (Ohio)
ADAS Alcohol and Drug Addiction Services Board (Ohio)
AOD Alcohol and Other Drugs
BAC Blood Alcohol Content
BWC (Ohio) Bureau of Workers 'Compensation
CADCA Community Anti-Drug Coalition of America
CAP College of American Pathologists
CCDCIII Certified Chemical Dependency Counselor
CEAP Certified Employee Assistance Professional
DHHS U.S.Department of Health and Human Services
DOT U.S.Department of Transportation
EAP Employee Assistance Program
FMCSA Federal Motor Carrier Safety Administration
5-Panel A drug test covering five drugs (required by DOT/FMCSA)
GC Gas Chromatography (part of confirmatory drug test)
MCO Managed Care Organization
MRO Medical Review Officer
MS Mass Spectrometry (part of confirmatory drug test)
NCADI National Clearinghouse of Alcohol and Drug Information
NHTSA National Highway Traffic Safety Administration
NIDA National Institute on Drug Abuse (now SAMHSA)
OBWC Ohio Bureau of Workers 'Compensation
OCPS 1 and Ohio Certified Prevention Specialist
ODADAS Ohio Department of Alcohol and Drug Addiction Services
OTC Over-The-Counter medications
SAMHSA Substance Abuse and Mental Health Services Administration
SAP Substance Abuse Professional
9-Panel A drug test covering nine drugs
TPA Third Party Administrator

APPENDIX 2
Drug and Alcohol Testing Terminology

Accident - an incident or injury which occurs on City property, on City business, or during working hours, or which involves City-supplied motor vehicles/equipment or motor vehicle/equipment being used for City purposes and which results in any of the following:

1. a fatality;
2. bodily injury requiring medical attention beyond first aid and administered within 32 hours of the incident;
3. vehicular and/or equipment damage in apparent excess of \$500.00, or non-vehicular property damage in apparent excess of \$500.00.

NOTE: A post-accident drug and/or alcohol test should be administered as soon as possible after necessary medical attention is administered; preferably within 2 hours for alcohol and 24 hours for drug.

Air blanks -A quality assurance test administered on an EBT to ensure that the machine is testing accurately.

Alcohol concentration -The amount of alcohol in an individual's breath, measured in grams per 210 liters of breath.

Alcohol test – a test used to detect the content level of alcohol in the blood (BAC). This may be performed by using federally authorized testing equipment such as breath or saliva test with an evidentiary breath testing device (EBT) applied for confirmation, or this level can be determined through a blood test.

Breath alcohol technician (BAT) -The only technician who can conduct a breath alcohol test for the Bureau's DFWP Program. To be classified a BAT, an individual is required to complete training and proficiency requirements outlined by the federal government.

Chain of custody -The protocol followed when submitting specimens for drug testing. It assures that there is no opportunity for contamination or switching of samples. Elements include signed and witnessed forms, sealed and initialed containers, and couriers requiring a receipt.

Collection site -A place where individuals provide specimens of their urine to be analyzed for the presence of drugs, or breath, saliva or (on rare occasion) blood to be analyzed for the presence of alcohol. This site may or may not be owned and/or operated by the laboratory that actually analyzes the specimen.

Collection site person - Only those individuals qualified in accordance with federal guidelines (49 CFR Part 40) shall be permitted to administer a drug test collection under this policy unless otherwise specified.

City property or premises – including buildings, offices, warehouses, plants, facilities, land, equipment, vehicles which are owned/leased/used for City business and parking lots owned/utilized by the City or any customers or supplier of the City. It also includes any other site at which the City business is transacted whether on or away from the City's property.

Confirmatory test -When testing for drugs, this is the second analytical procedure to confirm the presence of a specific drug/metabolite in a urine specimen. This procedure uses a more sophisticated technique (e.g., GC/MS, EBT) to ensure reliability and accuracy. With breath testing for alcohol, the confirmatory test is conducted on an EBT which has the capability to print out the results, date and time, a sequential test number, and the name and serial number of the testing device.

Cut-off level -A pre-determined amount of drug metabolite, measured in nanograms (ng) per milliliter (ml) of urine, which constitutes whether a tested specimen is negative or positive. For example, a test would be declared positive if the amount of drug/metabolite were equal to or above the cut-off level. Employers typically choose levels that have been adopted and tested by a recognized authority such as the Department of Health and Human Services (DHHS) or, for drugs other than the "DOT 5," are recommended by their DHHS-certified laboratory.

DHHS (also referred to as NIDA or SAMHSA) -certified laboratory -A drug testing facility, which is certified and closely monitored by the DHHS. To obtain and maintain certification, a laboratory must undergo extensive performance testing and on-site inspections.

Drug metabolite -The specific substance produced when the body breaks down a given drug as it passes through the body and is excreted in the urine.

Drug test – Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS) as being certified to meet 29 CFR Part 40 requirements. The test will analyze the amount of drug/metabolite present compared to the established guidelines adopted by the Department of Health and Human Services (DHHS). Thresholds shall be established by the chosen laboratory in accordance with appropriate scientific standards. Both a screening test and a confirmation must be used to establish a positive test result. (Ord. 156-10)

Evidentiary breath testing devices (EBT) -Instruments used to measure the amount of alcohol in an individual's system. In DOT/FMCSA-mandated alcohol testing, these instruments are approved by the federal government and operated by trained and certified technicians. The DFWP Program is modeled on the federal programs in terms of procedures.

Enzyme multiplied immunoassay technique (EMIT) -A preliminary screening test performed on a urine specimen to identify the presence of a drug/metabolite in an individual's system. If this test is positive, while accurate, a second and more sophisticated analysis is conducted to confirm which drug/metabolites are present and in what quantity.

Gas Chromatography/Mass Spectrometry (GC/MS) -A state-of-the-art test used to confirm the presence and amount of an identified drug/metabolite in a urine specimen.

Laboratory -Facility where a urine specimen is analyzed for the presence of drugs/metabolites. The specimen is typically not collected at this facility, but rather at a designated collection site that then ensures timely transport of the specimen to the laboratory.

Medical Review Officer (MRO) -A licensed physician responsible for receiving laboratory results and determining if there is a medical explanation for the presence of drugs/metabolites in the donor's urine. This physician must be qualified in accordance with federal guidelines (49 CFR Part 40) and have knowledge of substance use disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history and any other relevant medical information.

On the job – during working hours, while performing work duties, while acting within the scope of employment, and/or while on, in or using City premises or property. Subject to the alcohol exception this also includes breaks, meal periods, and time between split shifts regardless of whether the employee is actually on City premises.

Prohibited or illegal drugs – chemical substances which:

- a. are not legally obtainable
- b. are legally obtainable but have been obtained or are used illegally; or
- c. are not for the purpose for which they are prescribed or manufactured; and
- d. may include, but not limited to the following:
marijuana, cocaine, opiates (morphine, heroin, codeine), alcohol, amphetamines, benzodiazepines, barbiturates, phencyclidine (PCP), **methadone, and propoxyphene.**
(Ord. 56-08)

Reasonable suspicion – a belief that illegal drug and/or alcohol involvement and/or use is influencing employee's behavior, appearance, job performance, or fitness for duty, and/or that employee is under the influence of or is possessing, selling, purchasing, receiving, manufacturing or distributing illegal drugs or alcohol while on the job or while on City premises.

- a. Observed behavior, such as direct observation of drug/alcohol use or possession and/or the physical symptoms of drug and/or alcohol use;
- b. A pattern of abnormal conduct or erratic behavior;
- c. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking. The employee is responsible for notification to the City, within five (5) working days, of any drug-related conviction;
- d. Information provided either by reliable and credible sources or independently corroborated regarding an employee's substance use; or
- e. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty, but mere "hunches" are not sufficient to justify testing. To prevent this, all supervisors will be trained in the recognition of drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both.

Re-test -A second-opinion analysis of a urine specimen originally deemed positive for drugs/metabolites. This test is usually requested by the donor and performed at a laboratory meeting the same standards as the lab conducting the first analysis.

Safety sensitive – any job or function, identified by the City, which by the nature of the work activity, could be dangerous and/or unsafe to the employee, co-workers, customers or the general public due to any momentary lapse in attention or judgment.

Screening Test Technician (STT) -A technician who is qualified under federal guidelines (49 CFR Part 40 as may be amended) to use the saliva testing mechanism to screen for alcohol.

Substance Abuse Professional (SAP) -A professional who is qualified under federal guidelines (49 CFR Part 40) to perform alcohol/drug assessments. Such qualified professionals include licensed physicians, licensed/certified psychologists, social workers, employee assistance professionals and certified addiction counselors with knowledge of and clinical experience in the diagnosis and treatment of alcohol/drug-related disorders.

APPENDIX 4
Acknowledgement of Receipt

DRUG-FREE WORKPLACE POLICY

By signing this form in the space provided below you are acknowledging that you have received a copy of **City of Medina**. Drug-Free Workplace Policy, that you speak and understand English, has had the opportunity to discuss the policy and have questions answered.

Your signature below acknowledges your agreement to abide by the provisions of this policy and you recognize that any violation **will lead to termination** of your employment.

WARNING: ANY POSITIVE RESULT OR ANY REFUSAL TO TEST MAY AFFECT YOUR ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER THE WORKERS COMPENSATION LAWS OF THIS STATE.

Date Signed

Employee's Signature

Witness Signature

Printed Name of Employee

APPENDIX 5
Drug and Alcohol Testing Procedure for Commercial Drivers

The following provisions shall be applied to any employee that is required to hold a commercial drivers license (CDL) to perform assigned tasks. Where appropriate, those employees holding a CDL may also be tested under the general company testing provisions, such as in post injury situations where there is no DOT-reportable accident but there is an injury requiring medical attention away from the site of the injury, provided it has been determined that reasonable suspicion of prohibited substance use exists.

Applies to: Any employee required to hold a commercial drivers license to perform assigned tasks and/or who operates any vehicle in excess of 26,001 pounds gross vehicular weight.

Definitions: See the general company policy. If there is a conflict between the general company policy and this APPENDIX, this APPENDIX shall apply. The following definitions shall govern any interpretation involving a commercial driver:

"Actual knowledge" applies only to federally regulated workers and means actual knowledge by an employer that a has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided elsewhere in this policy. Direct observation as used in this definition means observation of alcohol or controlled substance use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under this policy.

"Adulterated specimen" means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

"Air blank" means, in evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol.

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

"Alcohol concentration" (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy.

"Alcohol confirmation test" means a subsequent test using an EBT, following a screening test with a result of 0.02 or greater that provides quantitative data about the alcohol concentration.

"Alcohol screening device (ASD)" means a breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

"Alcohol screening test" means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen

"Alcohol testing site" means a place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.

"Alcohol use" means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

"Blind specimen or blind performance test specimen" means a specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from an employee specimen.

"Breath Alcohol Technician (BAT)" means a person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

"Cancelled test" means a drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this policy otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

"Chain of custody" means the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

"Collection container" means a container into which the employee urinates to provide the specimen for a drug test. Collection site. A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

"Collector". A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the CCF.

"Commerce" means: (1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and (2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (1) of this definition.

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle-- (1) Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or (2) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or (3) Is designed to transport 16 or more passengers, including the driver; or (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

"Confirmation (or confirmatory) drug test" means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

"Confirmation (or confirmatory) validity test" means a second test performed on a urine specimen to further support a validity test result.

"Confirmed drug test" means a confirmation test result received by an MRO from a laboratory.

"Consortium/Third party administrator (C/TPA)" means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and

perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not "employers" for purposes of this policy.

"Controlled substances" mean those substances to be tested including the following: (a) Marijuana metabolites. (b) Cocaine metabolites. (c) Amphetamines. (d) Opiate metabolites. (e) Phencyclidine (PCP).

"Designated employer representative (DER)" shall be a company designee who shall receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes.

"Dilute specimen" means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

"Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. (1) Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven. (2) Exclusions. (i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts. (ii) Tire disablement without other damage even if no spare tire is available. (iii) Headlight or taillight damage. (iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

"DOT Agency" means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, and 655), in accordance with 49 CFR part 40

"Driver" means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

"Drugs" mean the substances for which tests are required under this policy and include marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.

"Evidential Breath Testing Device" (EBT). A device approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

"HHS" means the Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

"Initial drug test" means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

"Initial validity test" means the first test used to determine if a specimen is adulterated, diluted, or substituted.

"Invalid drug test" means the result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

Laboratory. means any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs

"Licensed medical practitioner" means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

"Medical Review Officer (MRO)" means a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results

"Performing (a safety-sensitive function) means" a driver of any vehicle or operator of any equipment and applies to any employee considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

"Positive rate" applies only to federally regulated workers and means the number of positive results for random controlled substances tests conducted under this policy plus the number of refusals of random controlled substances tests required by this policy, divided by the total of random controlled substances tests conducted under this policy plus the number of refusals of random tests required by this policy.

Primary specimen in drug testing means the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

"Refuse to submit" (to an alcohol or controlled substances test) means that an employee:

(1) Fails(ed) to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA;

(2) Fails(ed) to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;

(3) Fails(ed) to provide a urine specimen for any drug test required by this policy or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

(4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the employee's provision of a specimen;

(5) Fails(ed) to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

(6) Fails(ed) or declines to take a second test the employer or collector has directed the employee to take;

(7) Fails(ed) to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

(8) Fails(ed) to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process, or failing to complete all documents); or

(9) Is reported by the MRO as having a verified adulterated or substituted test result.

"Safety/Environmentally-sensitive function" ("S/ES") means all time from the time an employee begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. S/ES functions shall include:

- (1) All time at an employer plant, terminal, facility, or other property, or on any public property, unless the employee has been relieved from duty by the employer;*
- (2) All time inspecting equipment as required by company procedure or federal rule or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;*
- (3) All time spent at the controls of any vehicle/equipment in operation;*
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;*
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and*
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.*

Screening test (or initial test) means: (1) In drug testing, a test to eliminate "negative" urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs. (2) In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

"Screening Test Technician" (STT). A person who instructs and assists employees in the alcohol testing process and operates an ASD.

"Secretary" means the Secretary of Transportation or the Secretary's designee.

"Service agent" means any person or entity, other than an employee of the employer, who provides services specified under this. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet the qualifications set forth in applicable law. Service agents are not employers for purposes of this policy.

"Shipping container" means a container that is used for transporting and protecting urine specimen bottles and associated documents from the collection site to the laboratory.

"Specimen bottle" means the bottle that, after being sealed and labeled according to the procedures in this policy, is used to hold the urine specimen during transportation to the laboratory.

"Split specimen", in drug testing, means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

"Stand-down" means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

"Substance Abuse Professional (SAP)". A person who evaluates employees who have violated this policy and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

"Substituted specimen" A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine. Verified test. A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

"Violation rate" applies only to federally regulated workers and means the number of drivers found during random tests given under this policy to have an alcohol concentration of 0.04 or greater, plus the number of drivers who refuse a random test required by this policy, divided by the total reported number of drivers in the industry given random alcohol tests under this policy plus the total reported number of drivers in the industry who refuse a random test required by this policy

Test events:

Pre-employment tests: No individual shall be allowed to serve in a safety-sensitive capacity until a verified negative test result. Before any individual performs any safety-sensitive duties the first time after being hired by the Company you must obtain that individual's written consent to contact any commercial employer where that individual worked during the previous two (2) years to obtain the following information:

- (1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
- (2) Verified positive drug tests;
- (3) Refusals to be tested (including verified adulterated or substituted drug test results);
- (4) Other violations of DOT agency drug and alcohol testing regulations; and
- (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee.

If feasible, we must obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, we must obtain and review the information as soon as possible. However, we must not permit the employee to perform safety-sensitive functions *after 30 days* from the date on which the employee first performed safety-sensitive functions, unless we have obtained or made and documented a good faith effort to obtain this information.

If we obtain information that the employee has violated a DOT agency drug and alcohol regulation, we must not use the employee to perform safety-sensitive functions unless we also obtain information that the employee has subsequently complied with the return-to-duty requirements of this policy.

We must provide to each of the employers from whom you request information under paragraph (b) of this section written consent for the release of the information cited in paragraph (a) of this section.

The release of information under this section must be in any written form (e.g., fax, e-mail, and letter) that ensures confidentiality. As the previous employer, we must maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information provided.

When information is requested from us we must, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry.

As the employer requesting the information required under this section, we must maintain a written, confidential record of the information you obtain or of the good faith efforts you made to obtain the information. We must retain this information for three (3) years from the date of the employee's first performance of safety-sensitive duties for us.

As the employer, we must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, we must not use the employee to perform safety-sensitive functions for us, until and unless the employee documents successful completion of the return-to-duty.

Post-accident tests: Any employee performing safety-sensitive commercial driver tasks who is involved in the following incidents shall undergo drug and alcohol testing:

(a) As soon as practicable following an accident involving a commercial motor vehicle operating on a public road in commerce, tests for the use of alcohol and drugs shall be required for:

(1) Any driver who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Any driver who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

- (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

All required post-accident alcohol tests should be performed within two (2) hours following the accident and in all cases must be performed within eight (8) hours. If the test cannot be performed within 2 hours a note shall be maintained explaining why it could not be conducted. If the test cannot be performed within 8 hours there shall be no further attempt to conduct the test and a note shall be maintained in the driver's file.

If a test required by this section is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to any government agency upon request. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to

require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. The Company shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

Random Testing: All commercial drivers shall be testing on a random basis from a separate random selection pool at the rate of **10% for alcohol** and **50% for drugs**. If selected, a driver shall cease any duties and proceed immediately to an approved facility for collection of samples. A driver shall only be tested for alcohol on as random basis just before, during and just after performing a safety sensitive function.

Confidentiality of records:

In accordance with general company policy, all records related to drug and alcohol testing shall be maintained in a confidential manner and only disclosed with the written consent of the driver or in accordance with law.

ORDINANCE NO. 159-16

AN ORDINANCE AUTHORIZING THE PAYMENT OF \$32,625.00.00 TO SOLID GROUND CONSTRUCTION FOR THE PRIVATE HOME REHABILITATION PROJECT AT 771 HADCOCK ROAD, BRUNSWICK AS PART OF THE PY14 CHIP GRANT PROGRAM, AND DECLARING AN EMERGENCY.

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

SEC. 1: That the payment of \$32,625.00 is hereby authorized to Solid Ground Construction for the rehabilitation of 771 Hadcock Road, Brunswick as part of the PY14 CHIP Grant Program, Project #AC-14-02.

SEC. 2: That the funds to cover this payment in the amount of \$32,625.00 are available in Account No. 139-0404-52215.

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 to not delay payment to the contractor; 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: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 160-16

AN ORDINANCE AUTHORIZING THE PAYMENT OF \$31,000.00 TO SOLID GROUND CONSTRUCTION FOR THE PRIVATE HOME REHABILITATION PROJECT AT 1100 CONCORD DRIVE, MEDINA AS PART OF THE PY14 CHIP GRANT PROGRAM, AND DECLARING AN EMERGENCY.

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

- SEC. 1:** That the payment of \$31,000.00 is hereby authorized to Solid Ground Construction for the rehabilitation of 1100 Concord Drive, Medina as part of the PY14 CHIP Grant Program, Activity #AC-14-13.
- SEC. 2:** That the funds to cover this payment in the amount of \$31,000.00 are available in Account No. 139-0404-52215.
- 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 to not delay payment to the contractor; 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: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 161-16

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MEDINA, 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 Ordinance will provide for the efficient and lawful certifications to provide Municipal Services as required by Ohio Revised Code Section 5705.41(D); 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: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor



South of the Square Collision

Medina
118 Mill St
Medina, Ohio 44256

Ohio Collision Board Registration: 44256034

Repair Invoice

RO #160892

Supplement #2

Arriv Date: 05/02/2016

Finished: 05/13/2016

ORD 161-16
Exh. A

Owner Info:
MEDINA CITY POLICE
150 W FRIENDSHIP ST
MEDINA, OH 44256
Phone (work): (330)725-7777
Phone (home): (330)350-6111

Vehicle Info:
2016 FORD EXPLORER 4X4 POLI
Style: 4D UTV Color: black
VIN: 1FM5K8AR7GGA28810
License: MEDINA
Odometer: 8923
Estimator: Parkins, Dayton

Insurance Info:
TRIDENT INSURANCE SERVIC
Phone:
Fax:
Claimant: No
Claim #TNT-135488
Deductible: \$500.00

Operation	Description		Labor		Paint Hours	Parts / Miscellaneous			
			Hours	Type		Qty	Type	Each	Ext.
	FRONT BUMPER								
Remove&Install	O/H bumper assy		3.8	Body					
Remove&Replace	Bumper cover w/o park sensor, w/ tow hoo	S1			2.3	1	OEM	\$518.97	\$518.97
	Add for Clear Coat	S1			0.9				
Remove&Replace	LT Side support			Included		1	OEM	\$15.18	\$15.18
Remove&Install	Push Bar		2.0	Body					
	FRONT LAMPS								
Remove&Replace	LT Headlamp housing level 4 lamps			Included		1	OEM	\$1,008.43	\$1,008.43
	Aim headlamps		0.5	Body					
	FENDER								
Remove&Replace	LT Fender		3.3	Body	2.4	1	OEM	\$395.22	\$395.22
	Overlap Major Non-Adj. Panel	S1			-0.2				
	Add for Clear Coat			Included					
	Add for Edging				0.5				
Remove&Replace	LT Front bracket		0.1	Body	0.5	1	OEM	\$49.57	\$49.57
	Add for Clear Coat			Other					
Remove&Replace	LT Fender liner			Included		1	OEM	\$135.12	\$135.12
Remove&Replace	LT Wheel flare			Included		1	OEM	\$96.55	\$96.55
Remove&Replace	LT Fender liner rivet					4	OEM	\$1.31	\$5.24
Repair	LT Apron/rail assy (HSS)		2.0	Body	0.4				
Remove&Replace	LT Wheel flare pin					4	OEM	\$2.50	\$10.00
	WHEELS								
Remove&Replace	LT/Front Wheel cap w/o alloy wheel		0.2	Body		1	OEM	\$69.30	\$69.30
	STEERING GEAR & LINKAGE	S1							
Remove&Replace	LT Inner tie rod	S1	1.8	Mechanical		1	OEM	\$63.82	\$63.82
Remove&Replace	LT Outer tie rod	S1		Included		1	OEM	\$45.17	\$45.17
	WINDSHIELD	S1							
Remove&Replace	LT Outer w/s pillar molding	S1	0.2	Body		1	OEM	\$119.58	\$119.58
Remove&Replace	Clip Kit	S2				1	OEM	\$15.66	\$15.66
Repair	drill for spot light	S1	0.5	Body					
Remove&Install	Spot Light	S1	0.5	Body					
	FRONT DOOR								
Repair	LT Outer panel		3.5	Body	2.4				
	Overlap Major Adj. Panel				-0.4				
	Add for Clear Coat			Included					
	blend within				-0.1				
Remove&Install	LT Belt w/strip		0.3	Body					
Remove&Install	LT Mirror outside		0.3	Body					
Remove&Install	LT Lower molding POLICE INTERCEPTOR		0.4	Body					
Remove&Install	LT Handle, outside primed w/o ID card		0.3	Body					
Remove&Install	LT R&I trim panel		0.4	Body					
	REAR DOOR								
Repair	LT Outer panel		2.0	Body	2.5				
	Overlap Major Adj. Panel				-0.4				
	Add for Clear Coat			Included					



South of the Square Collision

Medina
118 Mill St
Medina, Ohio 44256

Ohio Collision Board Registration: 44256034

Repair Invoice

RO #160892

Supplement #2

Arriv Date: 05/02/2016

Finished: 05/13/2016

Operation	Description	Labor Hours	Type	Paint Hours	Qty	Parts / Miscellaneous Type	Each	Ext.
	blend within			-0.4				
Remove&Install	LT Belt w'strip	0.3	Body					
Remove&Install	LT Lower molding POLICE INTERCEPTOR	0.4	Body					
Remove&Install	LT R&I trim panel	0.4	Body					
Remove&Install	LT Handle, outside primed	0.3	Body					
Remove&Install	LT Front w'strip	0.2	Body					
	FLEX ADDITIVE				1	Paint Matl	\$6.00	\$6.00
Refinish	Clear Coat			2.5				
Remove&Replace	Restore Corrosion Protection				1	Paint Matl	\$10.00	\$10.00
Remove&Replace	COVER CAR				1	Paint Matl	\$5.00	\$5.00
Sublet	TWO WHEEL ALIGNMENT				1	Sublet	\$74.95	\$74.95
Sublet	Balance Lt Front				1	Sublet	\$15.00	\$15.00
	EPA CHARGE				1	Paint Matl	\$6.47	\$6.47
Remove&Install	LT Run channel dark gray tint glass	SI 0.6	Body					
Sublet	Replace "POLICE" decal on fender	SI			1	Sublet	\$75.00	\$75.00

Totals per Category	Hours	Rate	Ext
Body (no tax)	22.5	46.00	\$1,035.00
Paint	12.9	46.00	\$593.40
Mechanical	1.8	65.00	\$117.00
Paint Materials	12.9	28.00	\$388.67
OEM Parts			\$2,547.81
Sublet No Tax			\$164.95
Sales Tax			\$0.00
Grand Total			\$4,846.83

Customer Pays:	
Deductible	\$500.00
Total	\$500.00
Insurance Pays:	
Repair Work	\$4,346.83
Total	\$4,346.83

Payments:					
Date	Type	From	Amount	Check #	Recd by
05/13/2016	Check	Insurance Co	\$964.84	TRIDENT INS CK 37511895	
06/27/2016	Check	Customer	\$500.00	0000119239	sstickland
Total Amount Due:			\$3,382.19		

PO # _____ Line # _____
 Partial _____ Complete **X**
 Date: 11-7-16
 Approved: Daron Emwille

Argonaut Great Central Insurance Company
On Behalf Of Trident
Handled By:
Contact Number: 1-877-474-8808

JPMorgan Chase Bank, N.A.
Dallas, TX

Check Number: 3754239

Source: FH:TROC

Claim Number: TNT-0135488
Date of Loss: 04/21/2016
Claimant: City of Medina

Policy/Certificate: BA 4623729-05
Insured: City of Medina
Period Covered: 2016-05-02 to 2016-05-02
Adjuster: ebarbera

88-88
TITA

Date: 05/02/2016
Void After 180 Days

Amount: \$3,382.19

PAY Three Thousand Three Hundred Eighty-Two Dollars And Nineteen Cents^{00/100}
PAY TO THE ORDER OF City of Medina

PAYEE ADDRESS 132 N. Elmwood Ave
Medina, OH 44256

FOR FULL-FINAL SETTLEMENT AUTO REPAIRS 2016 FORD EXPLORER VIN 8810

[Signature]
AUTHORIZED REPRESENTATIVE

⑈0003754239⑈ ⑆11300880⑆ 707700316⑈

DETACH BEFORE CASHING (Retain stub for your records.)

Pay To: City of Medina

Payer: Argonaut Great Central Insurance Company

For: FULL-FINAL SETTLEMENT AUTO REPAIRS 2016 FORD EXPLORER VIN 8810
Check Number: 3754239
Issued: 05/02/2016

Contact Number: 1-877-474-8808

Claim Number	Claimant Name	Adjuster	Invoice	Paid Amt	Filed Amt FCN/SSNO	Policy/Certificate Insured Name	Date of Loss	Period Covered Treaty Name
TNT-0135488	City of Medina	ebarbera		3,382.19	3,382.19	BA 4623729-05 City of Medina	04/21/2016	2016-05-02 to 2016-05-02
	Collision	Total		3,382.19	3,382.19			

*Bob - South of the Square
440-327-9810*

3382.19

106-0101-53321 [REIM - POLICE CRUISER]

RECEIVED
MAY 05 2016
BY: _____

Mail To: City of Medina
132 N. Elmwood Ave
Medina OH 44256

SOUTH OF THE SQUARE COLLISION CENTER

INV NUMBER	INV DATE	PO NUMBER	DESCRIPTION	ACCOUNT	AMOUNT
160775	05/13/16	2016001232	'16 EXPL COLLISN	REPR106-0101-53321	500.00

SOUTH OF THE SQUARE COLLISION CENTER

INV NUMBER	INV DATE	PO NUMBER	DESCRIPTION	ACCOUNT	AMOUNT
160775	05/13/16	2016001232	'16 EXPL COLLISN	REPR106-0101-53321	500.00

THE FACE OF THIS CHECK IS PRINTED IN BLUE. THE BACK CONTAINS A SIMULATED WATERMARK.



Keith H. Dirham, Director of Finance
132 North Elmwood Ave P.O. Box 703
Medina, OH 44258

First Merit Bank, N.A.
Medina, Ohio 44258

66-55
412

NO. 0000119239

DATE

06/15/16

AMOUNT

\$*****500.00

PAY:

PAY 500 dols 00 cts

VOID AFTER 60 DAYS

TO THE ORDER OF: SOUTH OF THE SQUARE COLLISION CENTER
118 MILL STREET
MEDINA OH 44256

Keith H. Dirham
DIRECTOR OF FINANCE

KEITH H. DIRHAM, DIRECTOR OF FINANCE

ORDINANCE NO. 162-16

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AMENDMENT NO. 7 TO THE AGREEMENT WITH DELTA AIRPORT CONSULTANTS, INC. FOR THE ADMINISTRATION SERVICES FOR THE REHABILITATION OF THE TRANSIENT APRON AT THE MEDINA MUNICIPAL AIRPORT.

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

SEC. 1: That the Mayor is hereby authorized and directed to enter into Amendment No. 7 to the Agreement with Delta Airport Consultants, Inc. for the Administration Services for the Rehabilitation of the Transient Apron (City Job #1013) at the Medina Municipal Airport.

SEC. 2: That that a copy of Amendment No. 7 is marked Exhibit A, attached hereto and incorporated herein.

SEC. 3: That the funds to cover this amendment, in the estimated amount of \$86,952.00 are available as follows: \$82,604.00 in Account No. 109-0670-54411, and \$4,348.00 in Account No. 547-0670-54411.

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: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor



October 11, 2016

Mr. Greg Huber
City of Medina
P.O. Box 703
Medina, Ohio 44258-0703

Subject: Amendment No. Seven (7) (Construction Administration Phase Services)
Rehabilitate Transient Apron
Medina Municipal Airport
State Project No. 16-28 (Construction)
Delta Project No. 13005

Dear Mr. Huber:

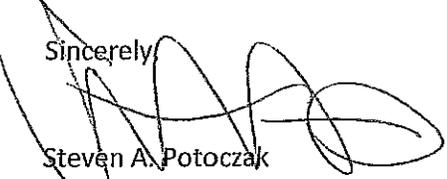
Please find enclosed four (4) originals of proposed Amendment No. Seven (7) between the City of Medina, Ohio and Delta Airport Consultants, Inc. to provide construction administration phase services for the referenced project at the Medina Municipal Airport.

If Amendment No. Seven (7) is acceptable, please sign each original copy, keep one (1) for your files, send one (1) to the ODOT Office of Aviation, one (1) to the FAA for their files, and return one (1) for our files.

Per the ODOT Office of Aviation Grant Number 16-28, up to 95 percent of the costs associated with these services is eligible for reimbursement. Delta is to assist with the administrative services necessary to apply for and receive reimbursement for those costs as well as the construction costs associated to the project/grant.

We appreciate this opportunity to serve the City of Medina and the Medina Municipal Airport and look forward to continuing our work with you in the near future. If you have any questions, comments or need any clarifications, please don't hesitate to contact me anytime. Thank you.

Sincerely,


Steven A. Potoczak
Project Manager

SAP:cnh

Enclosure: Amendment No. Seven (7) - 4 originals

ORD 162-16
Exh. A

AMENDMENT NO. SEVEN (7)

PROFESSIONAL SERVICES AGREEMENT

PROJECT: Rehabilitate Transient Apron (AP "B"); Rehabilitate Taxiway (TW "B")

DELTA PROJECT NO: 13005

DATE OF ISSUANCE: October 11, 2016

ATTACHMENTS: "7-1" Task Narrative
"7-2" Fee Summary
"7-3" Subconsultant RFP and Proposal

METHOD OF PAYMENT: Lump Sum

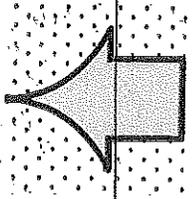
AMENDMENT NO. Seven (7)

AMOUNT: \$86,952 (Article 7.12)

CONTRACT TIME: Construction Administration Phase Services – 15 Calendar Days

PROJECT DESCRIPTION: See Attachment "7-1"

<p><i>The original Agreement for Professional Engineering Services between the City of Medina (SPONSOR) and Delta Airport Consultants, Inc., (CONSULTANT) for Professional Services at the Medina Municipal Airport dated July 15, 2008, shall govern all AMENDMENTS executed under this Agreement unless modified in writing and agreed to by CONSULTANT and SPONSOR.</i></p>	
<p>ACCEPTED:</p> <p>by <u> 10-11-16</u></p> <p>David W. Jones, P.E., C.M. Vice President</p> <p>CONSULTANT Delta Airport Consultants, Inc. 20545 Center Ridge Road #450 Cleveland, OH 44116</p>	<p>APPROVED:</p> <p>by _____</p> <p>Dennis Hanwell Mayor</p> <p>SPONSOR City of Medina 132 N. Elmwood Ave. Medina, OH 44256</p>



ATTACHMENT "7-1"
TASK NARRATIVE

**REHABILITATE TRANSIENT APRON (AP "B");
REHABILITATE TAXIWAY (TW "B")**

MEDINA MUNICIPAL AIRPORT

October 11, 2016

This project is to provide Construction Administration and Resident Project Representative services for the Rehabilitate Transient Apron "B" and Taxiway "B" project at the Medina Municipal Airport in Medina, Ohio. This Amendment is to include the following services:

1. **Construction Administration Services:** Construction Administration Services are to include grant application preparation, funding agency pay request preparation, conducting a preconstruction meeting, shop drawing review, up to eight (8) on-site construction visits, final inspection, and preparing a final project report. The 'as bid' contract time for construction is fifteen (15) calendar days.
2. **Resident Project Representative (RPR):** Provide construction RPR services for fifteen (15) calendar days.
3. **Quality Acceptance (QA) Testing:** Provide subcontracted QA Testing in accordance with FAA and ODOT, Office of Aviation guidelines.

Items excluded from the scope of services include:

1. AGIS and/or as-constructed record drawing survey for the project is not included in this scope of work but may be added by a separate Amendment.
2. **Overrun in contract time.** For any calendar days that the Contractor overruns the 'as bid' contract time of fifteen (15) calendar days, by more than two (2) calendar days, the Engineer will receive additional compensation amounting to \$1,500 or actual cost, whichever is less, per calendar day, subject to the Owners review and approval. A liquidated damage clause will be included in the Contractors contract to defer a portion of the direct and indirect cost incurred by the Owner as a result of an unexcused overrun in construction time allotted.

END TASK NARRATIVE

ATTACHMENT "7-2"
FEE SUMMARY

**ATTACHMENT 7-2
FEE SUMMARY**

Construction Administration Phase Services

Project Title: Rehabilitate Transient Apron (AP "B"); Rehabilitate Taxiway (TW "B")
 Airport Name: Medina Municipal Airport (1G5)
 Airport Location: Medina, Ohio

Delta Airport Consultants, Inc.

AIP Project No. N/A
 State Project No. 16-28 (Construction)
 Delta Project No. 13005

Date: October 11, 2016

Delta Costs - Construction Administration	
Rehabilitate Transient Apron (AP "B"); Rehabilitate Taxiway (TW "B")	\$86,952
Subtotal:	\$86,952
Construction Administration Lump Sum:	\$86,952

Lump Sum:	\$86,952
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ATTACHMENT "7-3"
SUBCONSULTANT RFP AND PROPOSAL



TRANSMITTED BY EMAIL ONLY

February 22, 2016

Ms. Julie A. Boyce
Hall's Construction Materials Testing, Inc.
P.O. Box 537
Lucas, Ohio 44843
Emails: hallstesting@aol.com; gboyce@aol.com; bhall74911@aol.com

RE: Request for Proposal for Quality Acceptance Testing, Laboratory Materials Testing and Job Mix Formula Review Services.

Project: Rehabilitate Transient Apron (AP "B"); Rehabilitate Taxiway (TW "B")
(FAA Specifications: P-401 Bituminous Asphalt Pavement for Aircraft Weighing Less Than 12,500 lbs.).

Airport: Medina Municipal Airport (1G5)
Location: Medina, Ohio
AIP Project: 3-39-0053-Pending
ODOT, OA Project: xx-2016
Delta Project: 13005

Dear Ms. Boyce:

Delta Airport Consultants, Inc. is preparing a contract for construction phase services for the above referenced project. Also, see the attached sketch for the general project area. Delta requests that your firm submit a proposal for quality and materials acceptance testing and JMF review services based on the following scope of work:

SCOPE OF WORK:

1. The Quality Acceptance Testing, Laboratory Materials Testing and Job Mix Formula Review Services requested will be for the following materials and approximate quantities:
 - a. Approximately 1,200 tons of P-401 Bituminous Asphalt Pavement Surface Course (Marshall Mix— for less than 12,500 lbs. aircraft weight).
2. Laboratory and Quality Acceptance Testing of the above items shall be completed in accordance with the most current Federal Aviation Administration (FAA), Item P-401, P-209 and P-152 Specifications.
3. Review of job mix formulas (JMFs) and material submittals for the above items shall be conducted as part of the requested services.
4. Provide daily reports of P-401 production and field acceptance test results for FAA Item P-401 shall be conducted as part of the requested services.

20545 CENTER RIDGE ROAD, SUITE 450, CLEVELAND, OH 44116

P. (440) 895-0465 F. (440) 895-0466 WWW.DELTAIRPORT.COM



5. Provide a weekly updated summary of all acceptance test results with failing tests highlighted and cross referenced to the subsequent passing retest(s) for the above items shall be conducted as part of the requested services.
6. Provide for at least seven (7) days of on-call site visits by a qualified asphalt technician to review and monitor construction paving progress, if necessary, investigate unexpected site conditions; and provide technical assistance with the Engineer and/or on-site Delta Project Representative (RPR).
7. If necessary, provide report(s) and recommendation(s) for procedures to repair deficient or unexpected site conditions during paving construction.
8. The anticipated total contract time for your services is seven (7) calendar days. Extended hours or double shift work is anticipated during the construction paving portion (14 days). It is anticipated that construction will begin in late August 2016 but may begin as early as June 2016. The construction is dependent upon the timing of receipt of ODOT, Office of Aviation and/or FAA construction funding.
9. The Contractor or Delta will not be providing an on-site trailer for use by your firm. Any on-site space required by your firm for general office use and/or testing shall be included in your fee.
10. Provide a final report per FAA quality acceptance reporting requirements, summarizing all testing accomplished for the project within 14 days after construction completion.
11. The project specifications and FAA require that testing organizations meet ASTM requirements for testing of some FAA specification materials, as noted below. Additionally, a Construction Management Program Report that contains certifications from the testing organizations is required to be submitted to the FAA for their files. As part of your services, Delta will require that you submit to us the necessary certification(s) for us to include in the Construction Management Program Report. This may require subcontracting to a certified firm if your firm is not certified. Please provide certification that your firm or your subconsultant firm meets the applicable requirements.
 - a. P-401 & P-403 Bituminous Concrete - ASTM D3666

GENERAL:

1. If accepted, your proposal shall serve as a basis for a not-to-exceed contract directly with Delta Airport Consultants, Inc. The proposal should include a fee schedule, estimated workhours, anticipated non-salary cost and a "not-to-exceed" ceiling figure. A copy of Delta's subconsultant contract has been attached for your review.
2. As soon as your services are complete, your firm should invoice Delta Airport Consultants, Inc. Your invoice will then be included with the next Delta invoice. Payment for your services will be forwarded within fourteen (14) days upon receipt of payment from the Owner. In order to be included with the next Delta invoice, your invoice should be received no later than the 25th of the month.
3. The invoice shall, at a minimum, include the following:
 - a. Project name
20545 CENTER RIDGE ROAD, SUITE 450, CLEVELAND, OH 44116
P. (440) 895-0465 F. (440) 895-0466 WWW.DELTAAIRPORT.COM



- b. Airport name
- c. Delta project number
- d. Invoice number
- e. Workhour cost, with breakdown of hours and fees
- f. Non-salary costs

- 4. The Engineer and RPR shall be contacted prior to beginning any testing.
- 5. Security badges are not expected to be required by the airport. If security badging is required by the airport, at least one member of the testing team must attend a safety and security training class at the airport.
- 6. If your firm is a disadvantaged business enterprise (DBE), please provide Delta with a copy of your current DBE certification by the State or Federal agency(s), preferably where the project is located.

In advance, thank you so much for your prompt response to this request. Delta is requesting at least an email copy of your proposal be emailed to us by February 29, 2016 and then the original proposal followed by mail.

If you should have any questions, please do not hesitate to contact our office.

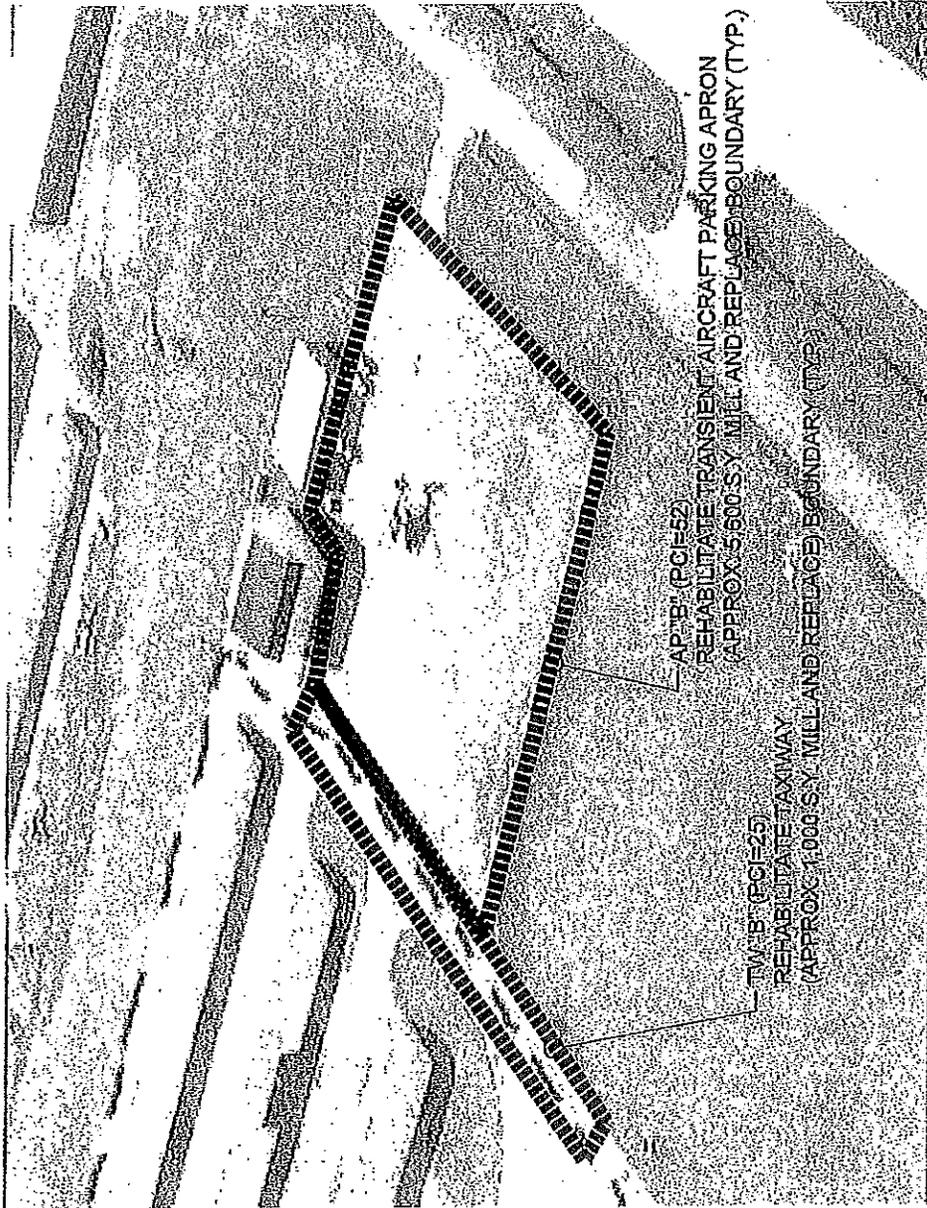
Sincerely,

Steven A. Potoczak
Project Manager

Enclosures

cc: 13005 file

DRAWING: 1G5 15005 General Project Area for RFP and LAYOUT L1



REHABILITATE TRANSIENT APRON (AP "B") AND REHABILITATE TAXIWAY (TW "B") GENERAL PROJECT AREA

MEDINA MUNICIPAL AIRPORT (1G5)
Medina, Ohio

EXHIBIT
1



www.dallacairport.com

DATE: FEBRUARY 2016

SCALE:

CHECKED BY:

DATE:

NOSE:

HALL'S CONSTRUCTION MATERIALS TESTING, INC.
MEDINA CO AIRPORT
Rehabilitate Transient Aircraft Parking Apron
 HCMT PROPOSAL NO. 2016-05 MARCH 14, 2016

SCHEDULE OF FEES

INSPECTION SERVICES

Engineering Technician, Asphalt

7 Days@ \$850.00/Day 10hr day.....\$ 5950.00

Estimated Project miles 1400@ \$.65/Mile\$ 910.00

18 Hrs .Administrative, Supervision and Reporting @\$65.00/Hr \$ 1170.00

3 days per dlem @ \$150.00..... \$ 450.00

LABORATORY SERVICES

1 Mix Design Review & Approval P401.....\$ 600.00

8 Asphalt Core for PWI. @ \$15.00/Each.....\$ 120.00

TOTAL FIELD AND LABORATORY SERVICES \$9,200.00

AGREEMENT OF SERVICES

Delta Airport Consultants wishes to employ Hall's Construction Materials Testing, Inc. at the rate specified. Should additional services be necessary, notification will be given to Delta for approval prior to commencement of any additional work.

Signed _____ Title _____ Date _____

Witnessed _____ Title _____ Date _____

Respectfully submitted,

Julie A. Boyce

Julie A. Boyce

Construction Materials, Design Testing, & Assurance P.O. Box 537 Lucas, OH 44803	PHONE (419) 589-7907 FAX (330) 279-2635 Cell (419) 343-6569 E-mail BHALL@9110.COM
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ORDINANCE NO. 163-16

**AN ORDINANCE REZONING PARCEL NO. 028-19D-09-087
LOCATED AT 1011 WADSWORTH ROAD, FROM R-2,
MEDIUM DENSITY RESIDENTIAL TO R-4, MULTI-FAMILY
RESIDENTIAL.**

WHEREAS: An application for rezoning was received by the property owner of Parcel No. 028-19D-09-087, requesting the rezoning of this property, also being known as the whole of City Lot 5019, from R-2, Medium Density Residential to R-4, Multi-Family Residential; and

WHEREAS: The Planning Commission recommended at its regular meeting held September 8, 2016 that Parcel No. 028-19D-9-087 be rezoned from R-2, Medium Density Residential to R-4, Multi-Family Residential; and

WHEREAS: The notice of public hearing by Medina City Council was duly published and the hearing was duly held November 14, 2016.

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

SEC. 1: That Parcel No. 028-19D-09-087, located at 1011 Wadsworth Road be rezoned from R-2, Medium Density Residential to R-4, Multi-Family Residential.

SEC. 2: That the City Engineer is hereby directed to amend the zoning map as necessary to correctly reflect this change in zoning.

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

Effective date --

ORDINANCE NO. 164-16

AN ORDINANCE AMENDING THE SPECIAL PLANNING DISTRICT NO. 1 "SPD-1" DEVELOPMENT GUIDELINES.

WHEREAS: Ordinance No. 249-98, passed January 11, 1999, in addition to various amendments to the Zoning Code of the Codified Ordinances of the City of Medina, Ohio, established Special Planning District No. 1 (SPD-1) and adopted a Conceptual Development Plan and associated Development Guidelines; and

WHEREAS: Ord. 207-06, passed October 23, 2006, amended the Special Planning District No. 1 "SPD-1" Development Guidelines; and

WHEREAS: The Planning Commission recommended at its meeting held September 8, 2016 that the City Council approve to amend the Design Guidelines for the Special Planning District as proposed below:

1. Section C.2(C)(1): Request to add "apartment building" to Principal Permitted uses.
2. Section C.5(6): Request to allow two access points from High Point Drive for Subdistrict "C" Medium Density Residential; and

WHEREAS: The notice of public hearing by Medina City Council was duly published and the hearing was duly held on November 14, 2016.

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

SEC. 1: That the Special Planning District No. 1 "SPD-1" Development Guidelines are hereby amended as reflected on Exhibits A and B, attached hereto and incorporated herein.

SEC. 2: That this Ordinance and the various parts, sentences, paragraphs, sections, and clauses thereof are hereby declared to be severable. Should any part, sentence, paragraph, section, or clause be declared unconstitutional, null, or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining parts, sentences, paragraphs, sections, and clauses of this Ordinance.

SEC. 3: That this Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Revised Code.

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: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

Effective date -

SPECIAL PLANNING DISTRICT NO. 1

"SPD-1"

DEVELOPMENT GUIDELINES

C.1 PURPOSE

The purpose of this District is to implement the South Court Village Concept Plan as outlined in the Comprehensive Plan Update (1996) for the City of Medina. In the Comprehensive Plan the South Court Village area was identified as needing special zoning in order to protect the integrity of South Court Street and residential neighborhoods while still providing an appropriate neighborhood scale of commercial development to meet the needs of the residents in this area.

C.2 STATUS OF USES

Uses within each of the SPD-1 Subdistricts as depicted on the South Court Village Conceptual Development Plan (Exhibit "C-1") shall be governed by this section. The location of these uses shall be based on the South Court Village Conceptual Development Plan, see Figure 1.

- (A) SPD-1 Subdistrict "A". No building, structure or land shall be used for any purpose except as indicated below.
 - (1) Principal Permitted Uses
 - (a) Neighborhood Scale Retail: General retail uses including but not limited to: retail clothing stores, barber/beauty salons, drug stores, dry cleaners, non-fast food restaurants, video stores, card shops, book stores, florists, butchers, grocery stores and banks.
 - (2) Lot and Yard Requirements
 - (a) None: However, spacing of proposed buildings will be reviewed during site plan review based on standards found in Chapter 1109 (Site Plan Review), Chapter 1114 (Special Planning Districts) and Appendix C.
 - (3) Building Requirements
 - (a) Building height shall not exceed 35 feet.
 - (b) The building footprint shall not exceed 78,000 square feet for the one large "Grocery Anchor" retail building. The rest of the buildings will have smaller building footprints and should consist of compact, small scale retail buildings.
 - (c) The total square footage in Subdistrict "A" shall not exceed a floor area ratio (FAR) of .25.
 - (d) The impervious surface ratio in Subdistrict "A" shall not exceed .75 ISR.
- (B) SPD-1 Subdistrict "B". No building, structure or land shall be used for any purpose except as indicated below.
 - (1) Principal Permitted Uses
 - (a) Offices and Services: General office uses including but not limited to: dentists, doctors, architects, lawyers, accountants, real estate, insurance, travel agents, copy centers.
 - (2) Lot and Yard Requirements

- (a) None: However, spacing of proposed buildings will be reviewed during plan review based on standards found in Chapter 1109 (Site Plan Review), Chapter 1114 (Special Planning Districts) and Appendix C.
- (3) Building Requirements
 - (a) Building height shall not exceed 35 feet.
 - (b) Buildings shall be compact and small scale.
 - (c) Each building footprint shall not exceed 20,000 square feet.
 - (d) The total square footage in Subdistrict "B" shall not exceed a floor area ratio (FAR) of .20.
 - (e) The impervious surface ratio in Subdistrict "B" shall not exceed .60 ISR.
- (C) SPD-1 Subdistrict "C". No building, structure or land shall be used for any purpose except as indicated below.
- (1) Principal Permitted Uses
 - (a) Medium Density Residential: row houses, townhouses, duplexes, single family homes, apartment building.
- (2) Accessory Uses
 - (a) Accessory uses, buildings, and structures customarily incidental to any of the aforesaid principal permitted uses on the same lot therewith.
- (3) Lot Requirements
 - (a) Minimum lot width (feet) at building line per dwelling shall be 40 feet.
- (4) Yard Requirements
 - (a) Minimum front yard depth: twenty-five feet.
 - (b) Minimum rear yard depth: thirty feet.
 - (c) Minimum side yard width: five feet.
- (5) Building Height
 - (a) Maximum building height shall be thirty-five feet.
- (6) Land Use Intensity
 - (a) The number of dwelling units per acre shall not exceed 6.

C.3 LANDSCAPING STANDARDS

- (1) Each landscape plan shall address the functional aspects of landscaping such as drainage, provisions for shade, energy conservation, sound absorption, dust abatement, reduction of glare and screening.
- (2) Landscaping shall be used to screen Subdistricts "A" and "B" site from adjacent properties to the sides and rear of the property. At least a seventy-five (75) foot minimum is required for the sides of the property and a seventy-five (75) foot buffer minimum is required for the rear of Subdistricts "A" and "B", that will be adjacent to Subdistrict "C".
- (3) Large, unbroken parking areas shall be avoided. Traffic or directional islands in combination with trees and plantings shall be used to divide large parking areas into smaller segments, (i.e.) 16 to 18 parking spaces between planting areas. The foregoing shall apply except for the Grocery Anchor parking area where traffic or directional islands in combination with trees and planting shall be used to divide large parking areas into smaller segments, (i.e.) 25 to 30 parking spaces between planting area.
- (4) In locations where plants will be susceptible to injury by pedestrians or motor traffic, they shall be protected by appropriate curbs, parking blocks or other devices.

- (5) Where landscaping is used as screening it shall be opaque year round.
- (6) Landscape screening shall be of a height and density so that it provides the full desired effect within three years growing time.
- (7) All plants are to be living. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.
- (8) The Owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.
- (9) Once the open space buffer area between the residential and commercial/ office areas has been approved and established as indicated on the Final Site Development Plan, it may not be used, disturbed or altered for any other purpose.

C.4 SIGNAGE

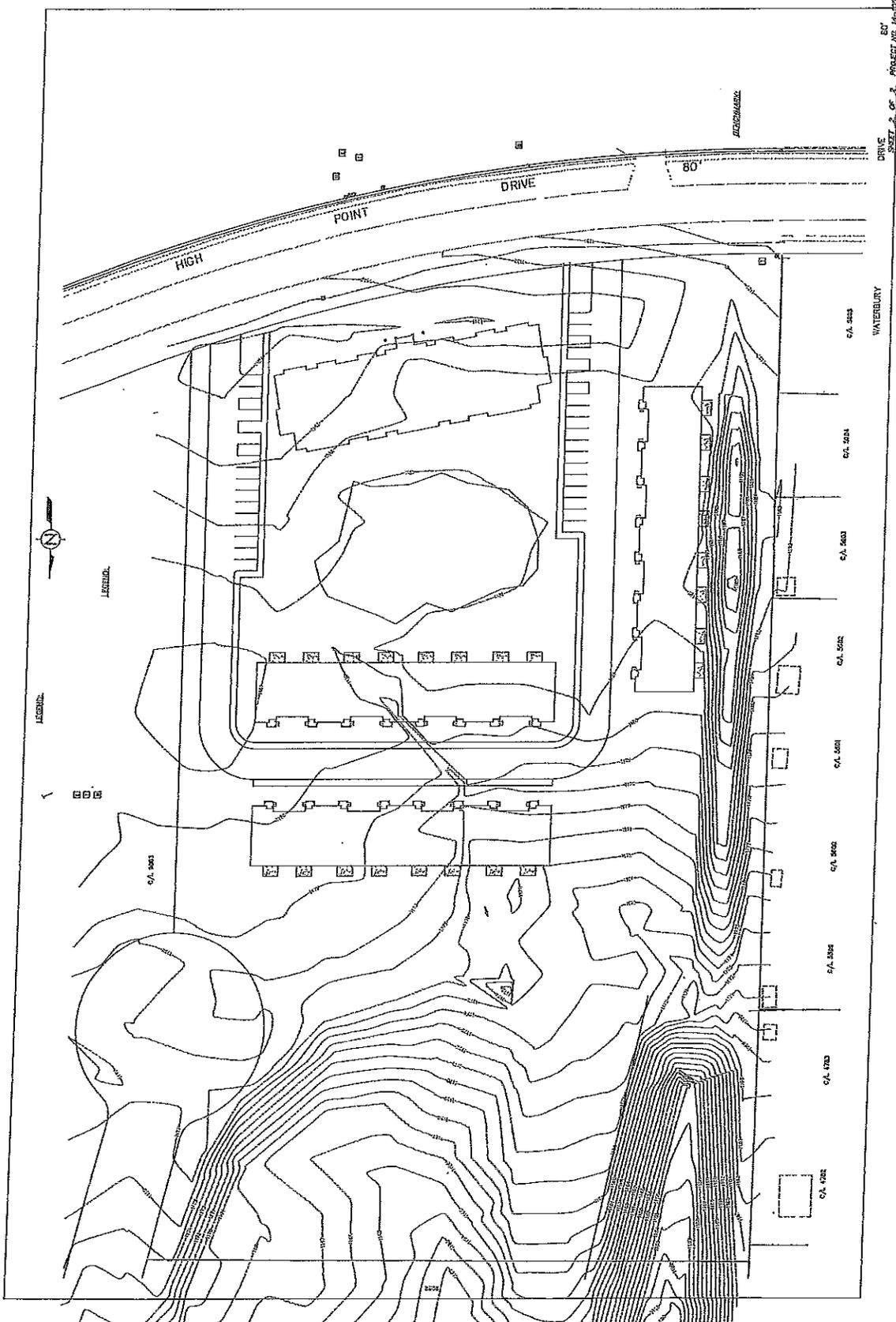
- (1) Signage in SPD-1 Subdistrict "C" shall conform to the Sign Code of Medina Section 1147.11 Residential and Public Facility Districts.
- (2) Signage in SPD-1 Subdistricts "A" and "B" shall conform to general and administrative requirements found in Chapter 1147, and all signs in Subdistricts "A" and "B" shall conform to the following requirements:
 - (a) That all signs be externally illuminated.
 - (b) That one exterior wall sign may be erected which advertises a business or service conducted upon the premises, with sign area determined by §1147.17.
 - (c) That all internal streets shall be considered streets for the purposes of determining frontage and eligibility for additional sign area, in accordance with § 1147.17(b).
 - (d) That one sign be permitted at the primary entrance to the development on S. Court Street, with a sign area not to exceed 60 SF per side, a height not to exceed 8 F, and a setback from the right-of-way not less than 20 F.
 - (e) That one sign be permitted at the primary entrance to Subdistrict "A" on High Point Drive, with a sign area not to exceed 60 SF per side, a height not to exceed 8 F, and a setback from the right-of-way not less than 20 F.
 - (f) That one sign be permitted near the intersection of S. Court Street and High Point Drive, with a sign area not to exceed 150 SF per side, a height not to exceed 20 F, and a setback from S. Court Street and High Point Drive rights-of-way not less than 20 F.
 - (g) That no additional ground signs shall be permitted in Subdistrict "A".

C.5 GENERAL DESIGN STANDARDS

- (1) Consistency with the goals, policies and recommendations as set forth in the City of Medina Comprehensive Plan for the South Court Village.
- (2) Pedestrian access is important and sidewalks must be provided along streets. Walkways and bike paths are also encouraged.
- (3) The site should be developed with a compact combination of land uses, to maximize the amount of open space on the site.
- (4) Curb cuts, internal drives, parking areas and pedestrian walkways shall be arranged to promote safe and efficient movement within the site, between adjacent sites, and between the site and the adjacent thoroughfare system.

- (5) The interior circulation pattern and entrance onto S. Court Street should be designed to minimize impact on the S. Court St. traffic flow. There shall be one primary access point onto S. Court Street. for Subdistrict "B" Office and Services.
- (6) There shall be one primary access point onto High Point Drive. for the Subdistrict "A" Neighborhood Scale Retail and up to two (2) access points onto High Point Drive for Subdistrict "C" Medium Density Residential.
- (7) Large parking lots highly visible from the street are discouraged. Customer parking areas shall be conveniently accessible to building entrances and well screened and landscaped from the street and include islands and planting areas.
- (8) Service areas, refuse storage areas and other such areas shall be fully screened from view within the commercial/office developments and from adjacent development. Development plans shall indicate a separation of service traffic from customer traffic.
- (9) Refuse storage areas shall be screened from public view by at least a six foot high solid fence/ wall.
- (10) The scale of new development should be compatible with surrounding architecture in relation to building materials and scale of buildings.
- (11) Once an architectural theme is initially established for the South Court Village site, later phases of buildings constructed should reflect the same architectural theme.
- (12) Roof pitch should appear to be slanted through the use of architecturally acceptable façade treatments.
- (13) All on-site utilities shall be located underground unless required by the utility to be otherwise located.
- (14) A front facade shall be architecturally emphasized, although all sides of a building should be architecturally consistent with the front facade.
- (15) For commercial or office uses, a single or multiple building project must provide a design that emphasizes an activity level from the street. Blank walls are discouraged, walls with doors and windows are encouraged.
- (16) Windows with multiple window panes are preferred, total shutter size should be equal to window size.

[Replace this page with proposed South Court Village Conceptual Development Plan, provided by Albrecht, Incorporated.]



DRIVE
SHEET 2 OF 3 PROJECT NO. 14-200

WATERBURY

80'

DRIVE

POINT

HIGH

LEGEND

LEGEND

888

C/A 5001

C/L 5000

C/L 5001

C/L 5002

C/A 5003

C/A 5004

C/L 5005

C/L 5006

C/L 5007

C/L 5008

C/L 5009

C/L 5010

C/L 5011

C/L 5012

C/L 5013

C/L 5014

C/L 5015

C/L 5016

C/L 5017

C/L 5018

C/L 5019

C/L 5020

C/L 5021

C/L 5022

Site Aerial Photo

P16-24
Miller Valentine
SPD-1 guidelines amendment
September 8, 2016

Proposed
Development

Special Planning
District No. 1

ROCKPORT DR

FOXBOROUGH DR

BRISTOL LN

GLOUCESTER DR

WATERBURY DR

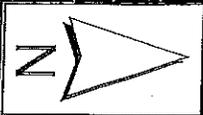
NANTUCKET COLONY CIR

BAR HARBOR CONE

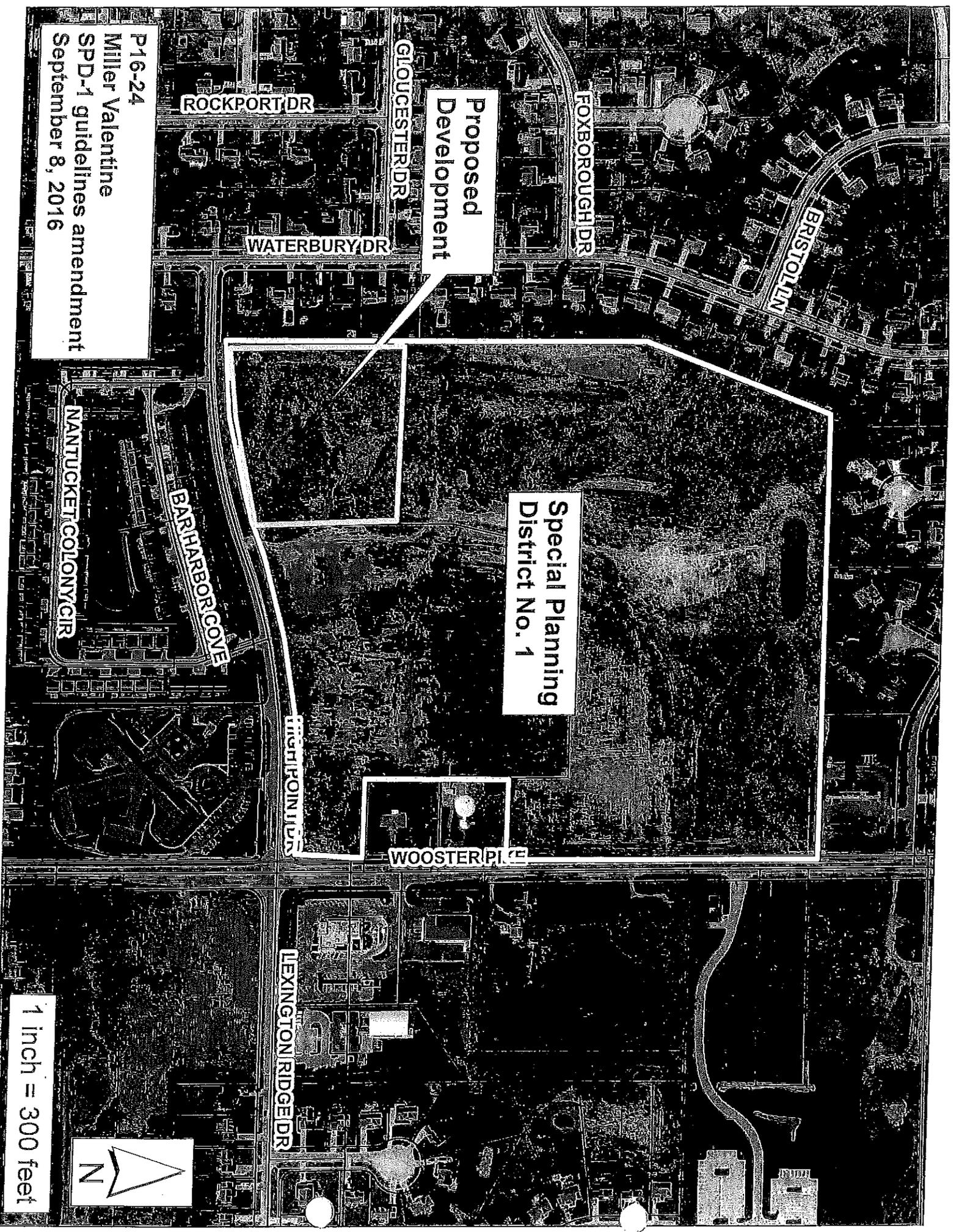
HIGHPOINT DR

WOOSTER PLCE

LEXINGTON RIDGE DR



1 inch = 300 feet



ORD 144-16
Exh. B

Ord. 207-06
Exhibit C
(clean/new)

OLD

SPECIAL PLANNING DISTRICT NO. 1

"SPD-1"

DEVELOPMENT GUIDELINES

C.1 PURPOSE

The purpose of this District is to implement the South Court Village Concept Plan as outlined in the Comprehensive Plan Update (1996) for the City of Medina. In the Comprehensive Plan the South Court Village area was identified as needing special zoning in order to protect the integrity of South Court Street and residential neighborhoods while still providing an appropriate neighborhood scale of commercial development to meet the needs of the residents in this area.

C.2 STATUS OF USES

Uses within each of the SPD-1 Subdistricts as depicted on the South Court Village Conceptual Development Plan (Exhibit "C-1") shall be governed by this section. The location of these uses shall be based on the South Court Village Conceptual Development Plan, see Figure 1.

- (A) SPD-1 Subdistrict "A". No building, structure or land shall be used for any purpose except as indicated below.
 - (1) Principal Permitted Uses
 - (a) Neighborhood Scale Retail: General retail uses including but not limited to: retail clothing stores, barber/beauty salons, drug stores, dry cleaners, non-fast food restaurants, video stores, card shops, book stores, florists, butchers, grocery stores and banks.
 - (2) Lot and Yard Requirements
 - (a) None: However, spacing of proposed buildings will be reviewed during site plan review based on standards found in Chapter 1109 (Site Plan Review), Chapter 1114 (Special Planning Districts) and Appendix C.
 - (3) Building Requirements
 - (a) Building height shall not exceed 35 feet.
 - (b) The building footprint shall not exceed 78,000 square feet for the one large "Grocery Anchor" retail building. The rest of the buildings will have smaller building footprints and should consist of compact, small scale retail buildings.
 - (c) The total square footage in Subdistrict "A" shall not exceed a floor area ratio (FAR) of .25.
 - (d) The impervious surface ratio in Subdistrict "A" shall not exceed .75 ISR.
- (B) SPD-1 Subdistrict "B". No building, structure or land shall be used for any purpose except as indicated below.
 - (1) Principal Permitted Uses
 - (a) Offices and Services: General office uses including but not limited to: dentists, doctors, architects, lawyers, accountants, real estate, insurance, travel agents, copy centers.
 - (2) Lot and Yard Requirements

- (a) None: However, spacing of proposed buildings will be reviewed during plan review based on standards found in Chapter 1109 (Site Plan Review), Chapter 1114 (Special Planning Districts) and Appendix C.
- (3) Building Requirements
 - (a) Building height shall not exceed 35 feet.
 - (b) Buildings shall be compact and small scale.
 - (c) Each building footprint shall not exceed 20,000 square feet.
 - (d) The total square footage in Subdistrict "B" shall not exceed a floor area ratio (FAR) of .20.
 - (e) The impervious surface ratio in Subdistrict "B" shall not exceed .60 ISR.
- (C) SPD-1 Subdistrict "C". No building, structure or land shall be used for any purpose except as indicated below.
- (1) Principal Permitted Uses
 - (a) Medium Density Residential: row houses, townhouses, duplexes, single family homes, *apartment building*
- (2) Accessory Uses
 - (a) Accessory uses, buildings, and structures customarily incidental to any of the aforesaid principal permitted uses on the same lot therewith.
- (3) Lot Requirements
 - (a) Minimum lot width (feet) at building line per dwelling shall be 40 feet.
- (4) Yard Requirements
 - (a) Minimum front yard depth: twenty-five feet.
 - (b) Minimum rear yard depth: thirty feet.
 - (c) Minimum side yard width: five feet.
- (5) Building Height
 - (a) Maximum building height shall be thirty-five feet.
- (6) Land Use Intensity
 - (a) The number of dwelling units per acre shall not exceed 6.

C.3 LANDSCAPING STANDARDS

- (1) Each landscape plan shall address the functional aspects of landscaping such as drainage, provisions for shade, energy conservation, sound absorption, dust abatement, reduction of glare and screening.
- (2) Landscaping shall be used to screen Subdistricts "A" and "B" site from adjacent properties to the sides and rear of the property. At least a seventy-five (75) foot minimum is required for the sides of the property and a seventy-five (75) foot buffer minimum is required for the rear of Subdistricts "A" and "B", that will be adjacent to Subdistrict "C".
- (3) Large, unbroken parking areas shall be avoided. Traffic or directional islands in combination with trees and plantings shall be used to divide large parking areas into smaller segments, (i.e.) 16 to 18 parking spaces between planting areas. The foregoing shall apply except for the Grocery Anchor parking area where traffic or directional islands in combination with trees and planting shall be used to divide large parking areas into smaller segments, (i.e.) 25 to 30 parking spaces between planting area.
- (4) In locations where plants will be susceptible to injury by pedestrians or motor traffic, they shall be protected by appropriate curbs, parking blocks or other devices.

- (5) Where landscaping is used as screening it shall be opaque year round.
- (6) Landscape screening shall be of a height and density so that it provides the full desired effect within three years growing time.
- (7) All plants are to be living. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.
- (8) The Owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.
- (9) Once the open space buffer area between the residential and commercial/ office areas has been approved and established as indicated on the Final Site Development Plan, it may not be used, disturbed or altered for any other purpose.

C.4 SIGNAGE

- (1) Signage in SPD-1 Subdistrict "C" shall conform to the Sign Code of Medina Section 1147.11 Residential and Public Facility Districts.
- (2) Signage in SPD-1 Subdistricts "A" and "B" shall conform to general and administrative requirements found in Chapter 1147, and all signs in Subdistricts "A" and "B" shall conform to the following requirements:
 - (a) That all signs be externally illuminated.
 - (b) That one exterior wall sign may be erected which advertises a business or service conducted upon the premises, with sign area determined by §1147.17.
 - (c) That all internal streets shall be considered streets for the purposes of determining frontage and eligibility for additional sign area, in accordance with § 1147.17(b).
 - (d) That one sign be permitted at the primary entrance to the development on S. Court Street, with a sign area not to exceed 60 SF per side, a height not to exceed 8 F, and a setback from the right-of-way not less than 20 F.
 - (e) That one sign be permitted at the primary entrance to Subdistrict "A" on High Point Drive, with a sign area not to exceed 60 SF per side, a height not to exceed 8 F, and a setback from the right-of-way not less than 20 F.
 - (f) That one sign be permitted near the intersection of S. Court Street and High Point Drive, with a sign area not to exceed 150 SF per side, a height not to exceed 20 F, and a setback from S. Court Street and High Point Drive rights-of-way not less than 20 F.
 - (g) That no additional ground signs shall be permitted in Subdistrict "A".

C.5 GENERAL DESIGN STANDARDS

- (1) Consistency with the goals, policies and recommendations as set forth in the City of Medina Comprehensive Plan for the South Court Village.
- (2) Pedestrian access is important and sidewalks must be provided along streets. Walkways and bike paths are also encouraged.
- (3) The site should be developed with a compact combination of land uses, to maximize the amount of open space on the site.
- (4) Curb cuts, internal drives, parking areas and pedestrian walkways shall be arranged to promote safe and efficient movement within the site, between adjacent sites, and between the site and the adjacent thoroughfare system.

- (5) The interior circulation pattern and entrance onto S. Court Street should be designed to minimize impact on the S. Court St. traffic flow. There shall be one primary access point onto S. Court Street. for Subdistrict "B" Office and Services.
- (6) There shall be one primary access point onto High Point Drive. for the Subdistrict "A" Neighborhood Scale Retail and ~~on primary access point~~ onto High Point Drive for Subdistrict "C" Medium Density Residential. *~ up to two (2) access points*
- (7) Large parking lots highly visible from the street are discouraged. Customer parking areas shall be conveniently accessible to building entrances and well screened and landscaped from the street and include islands and planting areas.
- (8) Service areas, refuse storage areas and other such areas shall be fully screened from view within the commercial/office developments and from adjacent development. Development plans shall indicate a separation of service traffic from customer traffic.
- (9) Refuse storage areas shall be screened from public view by at least a six foot high solid fence/ wall.
- (10) The scale of new development should be compatible with surrounding architecture in relation to building materials and scale of buildings.
- (11) Once an architectural theme is initially established for the South Court Village site, later phases of buildings constructed should reflect the same architectural theme.
- (12) Roof pitch should appear to be slanted through the use of architecturally acceptable façade treatments.
- (13) All on-site utilities shall be located underground unless required by the utility to be otherwise located.
- (14) A front facade shall be architecturally emphasized, although all sides of a building should be architecturally consistent with the front facade.
- (15) For commercial or office uses, a single or multiple building project must provide a design that emphasizes an activity level from the street. Blank walls are discouraged, walls with doors and windows are encouraged.
- (16) Windows with multiple window panes are preferred, total shutter size should be equal to window size.

[Replace this page with proposed South Court Village Conceptual Development Plan, provided by Albrecht, Incorporated.]

RESOLUTION NO. 165-16

A RESOLUTION COMMENDING GARY LINDEN FOR HIS DEDICATED YEARS OF SERVICE TO THE CITY OF MEDINA FIRE DEPARTMENT.

WHEREAS: *Gary Linden* has been employed by the City of Medina Fire Department since 1991; and

WHEREAS: *Gary Linden* has faithfully and conscientiously served the City of Medina Fire Department; he was voted "Firefighter of the Year" in 2000, was promoted to Lieutenant in 2004, managed the Firehouse reporting software system, and always maintained high response numbers throughout his career.

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

SEC. 1: That Medina City Council hereby commends *Gary Linden* for his years of dedicated public service to the City of Medina Fire Department.

SEC. 2: That Medina City Council hereby extends its sincere thanks and appreciation to *Gary Linden* for his commitment to the City and the community, and wishes him good health, success and prosperity in his retirement.

SEC. 3 That a signed copy of this Resolution shall be presented to *Gary Linden* in recognition of his dedicated service to the City.

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: _____ **APPROVED:** _____
Clerk of Council

SIGNED: _____
Mayor

ORDINANCE NO. 166-16

**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>
574-0358-53313 – Donation Medina Sunrise Rotary	500.00 *
301-0210-54412 – Cemetery Building	3,284.09
301-0303-54412 – Pool	11,899.44 *

SEC. 2: That Ordinance No. 165-15, passed December 22, 2015, shall be amended by the following reductions:

<u>Account No./Line Item</u>	<u>Reductions</u>
001-0210-54412 – Cemetery	3,284.09

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