

**CITY OF MEDINA  
AGENDA FOR COUNCIL MEETING**

June 13, 2016  
Medina City Hall  
7:30 p.m.

**Call to Order.**

**Public Hearing.**

To consider various text amendments to the following sections of the Planning and Zoning Code of the codified ordinances of the City of Medina, Ohio:

1105.097, 1105.098, 1141.02, 1141.04, and 1153.04(a)(38)

**Roll Call.**

**Reading of minutes.** (May 23, 2016)

**Reports of standing committees.**

**Requests for council action.**

**Reports of municipal officers.**

**Notices, communications and petitions.**

**Liquor Permit:**

A new D1 permit to Medina Steakhouse, Inc. dba Medina Steakhouse & Saloon & Porch & Patio, 538 W. Liberty St.

**Unfinished business.**

**Introduction of visitors.**

(speakers limited to 5 min.)

**Introduction and consideration of ordinances and resolutions.**

Ord. 78-16

An Ordinance authorizing an expenditure not to exceed \$90,000.00 to ACCESS Information Management for the scanning and indexing of closed court cases at the Medina Municipal Court.  
(emergency clause requested)

Ord. 79-16

An Ordinance authorizing the Final Resolution and the execution of all documentation between the Ohio Department of Transportation and the City of Medina for the US 42 Corridor Improvement Project.  
(emergency clause requested)

Ord. 80-16

An Ordinance amending Ordinance No. 23-15, passed February 9, 2015, authorizing the Design Change Order No. 1 to the Preliminary Agreement with Silling Associates, Inc. for the architectural and Engineering Services for the Municipal Courthouse Project.

Res. 81-16

A Resolution commending Sergeant Calvin Undercoffer for his dedicated years of service to the City of Medina as a valued member of the City of Medina Police Department.

Ord. 82-16

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

An Ordinance establishing a Federal Highway Administration (FHWA) Grant Fund #386.

Council comments.

Adjournment.

MEDINA CITY COUNCIL  
Monday, May 23<sup>rd</sup>, 2016

**Opening:**

Medina City Council met in regular, open session on Monday, May 23<sup>rd</sup>, 2016. The meeting was called to order at 7:30 p.m. by President of Council John Coyne who led the Pledge of Allegiance.

**Roll Call:**

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

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

**Minutes:**

Mr. Shields moved that the minutes from the regular meeting on May 9<sup>th</sup>, 2016, as prepared and presented by the Clerk be approved, seconded by Mr. Kolesar. The roll was called and the minutes were approved by the yeas of M. Kolesar, B. Lamb, P. Rose, J. Shields, J. Coyne, and B. Hilberg.

**Reports of Standing Committees:**

Finance Committee: Mr. Coyne stated the Finance committee met prior to Council and will meet again in two weeks.

Health, Safety & Sanitation Committee: Mr. Kolesar thanked the administration and the county for the little pamphlet that came in last month's water bill that talked about recycling in Medina. It gives you a breakdown of what you can recycle in these bins located throughout the city.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report.

Streets & Sidewalks Committee: Mr. Simpson – absent.

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

Emerging Technologies Committee: Mr. Rose stated they met last week and is happy to report their Disaster Recovery Plan and updates are moving in the right direction. Plans to have a live test sometime in July of the Disaster Recovery Plan. E911 is in place with a few items that they have to complete. Currently working on electronic forms and electronic banking with our website provider to incorporate all of these.

**Requests for Council Action:**

**Finance Committee**

16-086-5/23 – Fund Transfer Request – MCRC #544 to #575

16-087-5/23 – Budget Amendment

16-088-5/23 – Amend Ord. 62-16 – Add Emergency Clause

16-089-5/23 – Final Legislation – US 42 Corridor Improvement Project

**Reports of Municipal Officers**

**Dennis Hanwell, Mayor**, reported the following:

- 1) Working America Canvassing in City - Legislative/political advocacy as well as educational canvassing of residential areas in city starting in January and going through election cycle will be conducted in City. Canvassing will be 4 p.m. to 9 p.m. Monday through Friday and 10 a.m. to 5 p.m. on weekends. These activities are constitutionally protected under the First Amendment and do not require registering with City for solicitor's permit, or following solicitor regulations, as they are not selling anything. Working America is not for profit 501C5 labor organization, affiliated with AFL-CIO.
- 2) Fix it Funds - Available at County Treasurer John Burke's office - no income limits, fixed rate loans from \$5k to \$50k; must be current on property taxes. Questions – call John Burke 330-725-9746; or email [treasurerburke@medinacounty.org](mailto:treasurerburke@medinacounty.org)
- 3) Gold Star Memorial Groundbreaking - Sunday May 29 at 1 p.m. Hershel Woody Williams will be present - Medal of Honor recipient and founder of Gold Star Families Memorial Foundation. Ceremony will be at park behind York Town Hall, S.R. 252 and S.R. 18. All are welcome to attend.
- 4) Monday, May 30 - Memorial Day Parade – 10 a.m.; Ceremony at Monument in front of Common Pleas Courthouse; parade step off; 11 a.m., Ceremony at Spring Grove Cemetery - rain location is Medina High School Performing Arts Center; VFW will host veterans and their families for food and beverages; 1:15 p.m. - Vietnam Veterans of America will have a ceremony at Medina County Vietnam Veteran's Memorial, 210 Northland Drive, Medina.
- 5) Medina Community Band Concerts - Friday nights June and July starting 6/2 at 8:30 p.m.

**Keith Dirham, Finance Director**, reported the last budgets of the first group were finished today and the second group will start up in June.

**Greg Huber, Law Director**, had no report.

**Lt. Birckbichler, Police Dept.**, had no report.

**Jonathon Mendel, Planning Community Director**, had no report.

**Chief Painter, Fire Chief**, reminded the residents that the Fire Department continues to provide training and first aid and CPR and other fire safety issues. They have a new series starting in July. If you have any questions or would like to schedule a class contact phone number is 330-725-1772.

**Mike Wright, Recreation Center Director**, reported a couple of updates from the Medina Rec.

- 1) Our new Spring/Summer brochure is also now available on-line and at the Rec. Center.
- 2) The Rec's three month summer memberships are 25% off this season and started May 1<sup>st</sup> for 3 consecutive months of your choice, up to a start date of July 1st.
- 3) A reminder to the community that the Rec Center Discover Camp starts May 31st and runs through August 12th. There are lots of scheduled trips this year including Kalahari, Skyzone, Dave & Busters, and the Nautica Queen, just to name a few. You can schedule

one week or the entire summer. For more information you can go online at [www.medinarec.org](http://www.medinarec.org) or contact Maureen Dowell at 330-721-6935.

**Jansen Wehrley, Parks and Recreation Director**, had no report.

**Dan Gladish, Building Official**, had no report.

**Patrick Patton, City Engineer**, active project update: both Huntington St. and Ryan Rd. the pavement has been placed. The crew is continuing work on the inner section and box outs as well as the aprons. Those roads are still closed to the public open only to local residents and emergency personnel. Foundry Street Reconstruction has started and street remains open to the public but is a construction zone so be aware that there are some obstacles and barricades. We have two projects out to bid: West Smith Rd. Phase #2 and the ADA Curb Ramp Program

**Nino Piccoli, Service Director**, reported he has been working with Dan Gladish and the Building Dept. staff on various properties that are needing attention on property maintenance and specifically high grass. The gas company has about one month left of their capital project improvement and we are hopeful that they will be complete by the end of June.

**Notices, Communications and Petitions:**

There were none.

**Unfinished Business:**

There was none.

**Introduction of Visitors:**

Meghan Cook 6475 Shale Ct., Colin Cares Cancer 5K August 5<sup>th</sup> at Medina Career Center starts at 9:15 a.m. Fun run starts at 8:45 a.m. T-Shirts and bracelets will be for sale.

**Introduction and Consideration of Ordinances and Resolutions:**

**Ord. 67-16:**

An Ordinance authorizing the Mayor to enter into a HOME Written Agreement with Brian and Katie Taylor, 427 S. Prospect Street, for Private Owner Rehabilitation Assistance to the Owner Utilizing Home Funds made available through the PY14 Community Housing Impact and Preservation (CHIP) Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 067-16, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 067-16, seconded by Mr. Kolesar. Mr. Mendel stated this is part of the current CHIP home improvement program. This would allow the request for the Mayor to enter into the written agreement with the homeowners to execute the \$33,000 project and the emergency is needed because the work can't begin until the contract is signed. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb. The roll was called and Ordinance/Resolution No. 067-16 passed by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar.

**Res. 68-16:**

**A Resolution authorizing the filing of an application for grant assistance from the Ohio Development Services Agency, Office of Housing and Community Development, in connection with the Small Cities Community Development Block Grant (CDBG) Program.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 068-16, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 068-16, seconded by Mr. Kolesar. Mr. Mendel stated this is for Medina to apply for our Small Cities Community Development Block Grant allocation which was \$75,000. This is to accept and enter into all documentation necessary to implement the grant. Emergency clause is requested due to the fact that the application is due June 17<sup>th</sup>. 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, and J. Shields. The roll was called and Ordinance/Resolution No. 068-16 passed by the yea votes of J. Shields, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

**Ord. 69-16:**

**An Ordinance authorizing the Mayor to enter into an agreement between the City of Medina, Ohio and the Medina County Fair Housing Office for professional services required to implement a Fair Housing Services Program for the PY15 Community Development Block Grant (CDBG) Program.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 069-16, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 069-16, seconded by Mr. Kolesar. Mr. Mendel stated this is to enter into agreement with Medina County Fair Housing Office to do the fair housing services in conjunction with our current 2015 CDBG allocation grant. The agreed upon cost is \$2,500 and the emergency is requested because this should have been completed January of this year but there was an oversight by the grant administrator. The roll was called on adding the emergency clause and was approved by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, J. Coyne, and B. Hilberg. The roll was called and Ordinance/Resolution No. 069-16 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and J. Coyne.

**Res. 70-16:**

**A Resolution declaring the official intent and reasonable expectation of the City of Medina on behalf of the State of Ohio (the Borrower) to reimburse its Storm water/Street Fund #108 for the Ryan Road Reconstruction Project, with the proceeds of tax exempt debt of the State of Ohio.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 070-16, seconded by Mr. Kolesar. Mr. Patton stated this resolution and the next one as well are required by the State of Ohio. The first one is for the Ryan Road Reconstruction and the second one is the Wadsworth Road Waterline Project. We were granted a zero interest loan through the Ohio Public First Commission Issue One Program. This is paper work that they require for each of those projects, basically our commitment to pay back the loan. The roll was called and Ordinance/Resolution No. 070-16 passed by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar.

**Res. 71-16:**

**A Resolution declaring the official intent and reasonable expectation of the City of Medina on behalf of the State of Ohio (the Borrower) to reimburse its Issue 2 Projects Fund #380 for**

**the Wadsworth Road Water Line, Phase 1 Project, with the proceeds of tax exempt debt of the State of Ohio.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 71-16, seconded by Mr. Kolesar. The roll was called and Ordinance/Resolution No. 71-16 passed by the yea votes of P. Rose, J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**Res. 72-16:**

**A Resolution authorizing participation in the Ohio Department of Transportation's Cooperative Purchasing Program for the purchase of sodium chloride (rock salt)** Mr. Shields moved for the adoption of Ordinance/Resolution No. 072-16, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 072-16, seconded by Mr. Kolesar. Mr. Piccoli stated the reason for the emergency clause is because Kathy Patton the Clerk of Council received the notice just prior to the last council meeting and our timeline to submit is 5/27/16. 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, and J. Shields. The roll was called and Ordinance/Resolution No. 072-16 passed by the yea votes of J. Shields, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

**Ord. 73-16:**

**An Ordinance amending Sections 31.05 and 31.07 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the water Department and accepting the new job description of Water Technician.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 073-16, seconded by Mr. Kolesar. Mr. Piccoli stated they can serve the needs of the residents better with the Water Technician verses having three Water Meter Technicians. The roll was called and Ordinance/Resolution No. 073-16 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and J. Coyne.

**Ord. 74-16:**

**An Ordinance amending various section of the Civil Service Rules and Regulations of the City of Medina relative to Notification Procedures for candidates or employees.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 074-16, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 074-16, seconded by Mr. Kolesar. Mr. Huber stated this ordinance amends our Civil Service rules by allowing an additional method for the Civil Service Clerk to serve notice on people affected by the process. The notice can be sent out by Fed X or a similar system for getting things in writing to people affected by the Civil Service Rules. It will help Laureen serving these notices on people. Emergency is needed so she can start the testing process. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar. The roll was called and Ordinance/Resolution No. 074-16 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, J. Coyne, and B. Hilberg.

**Ord. 75-16:**

**An Ordinance authorizing the Finance Director to make certain fund transfers.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 075-16, seconded by Mr. Kolesar. Mr. Dirham stated this is a transfer that is required annually under the Joint Operating Agreement for the Recreation Center. He stated they put money into the Capital Fund and the school does

likewise. The roll was called and Ordinance/Resolution No. 075-16 passed by the yea votes of P. Rose, J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**Ord. 76-16:**

**An Ordinance amending Ordinance No. 165-16, passed December 22, 2015.**

**(Amendments to 2016 Budget)** Mr. Shields moved for the adoption of Ordinance/Resolution No. 076-16, seconded by Mr. Kolesar. Mr. Dirham explained that this came from the budget discussion a couple of weeks ago. This is a reduction to the utility billing budgets for this year. The roll was called and Ordinance/Resolution No. 076-16 passed by the yea votes of J. Shields, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

**Ord. 77-16:**

**An Ordinance amending Ordinance No. 62-16, passed May 9, 2016, relative to bids for the West Smith Road Reconstruction Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 077-16, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 077-16, seconded by Mr. Kolesar.** Mr. Patton stated they started bidding the West Smith Rd. Reconstruction Project, we were notified by the State of Ohio to get our bid award packet to them by early June and in order to meet this deadline we are requesting the emergency clause. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 077-16, seconded by Mr. Kolesar. The roll was called on adding the emergency clause and was approved by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and J. Coyne. The roll was called and Ordinance/Resolution No. 077-16 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**Council Comments:**

Mr. Kolesar urged residents to come out to the Memorial Day Parade. Let the Veterans know we care and appreciate their dedication.

Mr. Rose also spoke of also Memorial Day and remembering our Veterans. Shout out to Albert Grindle, he is a reporter for sports in the Gazette and has won all kinds of awards from our little paper.

**Adjournment:**

There being no further business before Council, the meeting adjourned at 7:58 p.m.

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Kathy Patton, CMC - Clerk of Council

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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

57983900005 PERMIT NUMBER		NEW TYPE	MEDINA STEAKHOUSE INC DBA MEDINA STEAKHOUSE & SALOON & PORCH & PATIO 538 W LIBERTY ST MEDINA OH 44256
ISSUE DATE			
05 18 2016 FILING DATE			
D1 PERMIT CLASSES			
52	077	C	

FROM 05/20/2016

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED 05/20/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/20/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C NEW 5798390-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

**ORDINANCE NO. 78-16**

**AN ORDINANCE AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$90,000.00 TO ACCESS INFORMATION MANAGEMENT FOR THE SCANNING AND INDEXING OF CLOSED COURT CASES AT THE MEDINA MUNICIPAL COURT, AND DECLARING AN EMERGENCY.**

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

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

**SEC. 1:** That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

**SEC. 2:** That the expenditure of not to exceed \$90,000.00 is hereby authorized to ACCESS Information Management for the scanning and indexing of closed court cases at the Medina Municipal Court.

**SEC. 3:** That the funds to cover this expenditure are available in Account No. 001-0710-52215.

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

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

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
President of Council

**ATTEST:** \_\_\_\_\_  
Clerk of Council

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
Mayor

**ORDINANCE NO. 79-16**

**AN ORDINANCE AUTHORIZING THE FINAL RESOLUTION AND THE EXECUTION OF ALL DOCUMENTATION BETWEEN THE OHIO DEPARTMENT OF TRANSPORTATION AND THE CITY OF MEDINA FOR THE US 42 CORRIDOR IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Ordinance No. 123-15, passed October 13, 2015, authorized Preliminary Legislation between the City of Medina and the Ohio Department of Transportation for the City's portion of the US 42 Corridor Improvement Project, PID No. 92954; and

**WHEREAS:** The Director of Transportation has approved said legislation and the City of Medina desires the Director of Transportation to proceed with the aforesaid highway improvements.

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

**SEC. 1:** That the Medina City Council hereby authorizes the Final Resolution for the US 42 Corridor Improvement Project, PID No. 92954, and authorizes the Mayor and Clerk of Council to execute said Final Resolution. A copy of the Final Resolution is marked Exhibit A, attached hereto and incorporated herein.

**SEC. 2:** That the sum of \$2,419,830.00 is available in Account No. 108-0610-54414 and the Director of Finance is hereby authorized to execute the Fiscal Officer's Certificate, marked Exhibit B, attached hereto and incorporated herein, and issue said check.

**SEC. 3:** That the Mayor is hereby authorized to execute the Contract for said project. A copy of said Contract is marked Exhibit C, attached hereto and incorporated herein.

**SEC. 4:** That the Director of Finance is hereby authorized to execute the Account Receivable Invoice. A copy of said Invoice is marked Exhibit D, attached hereto and incorporated herein.

**SEC. 5:** 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. 6:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the final resolution must be returned to them by July, 8, 2016; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**President of Council**

**ATTEST:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**Clerk of Council**

**SIGNED:** \_\_\_\_\_

**Mayor**

**Patrick Patton**

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**From:** Jennifer.Thebeault@dot.ohio.gov  
**Sent:** Thursday, May 12, 2016 2:49 PM  
**To:** Patrick Patton  
**Subject:** Subject: Medina County - City of Medina -- U. S. Route 42 --  
**Attachments:** PID 92954 MED 42 17.80 Final Legislative Docs.pdf

This office is transmitting herewith the following suggested final legislation documents for the City of Medina, relating to the above subject project:

- a - Sample Final Resolution
- b - Fiscal Officer's Certificate
- c - Contract
- d - Official Highway Invoice No. **10706**
- e - Escrow Agreement for Highway Improvement

For Specification book please go to:

<http://www.dot.state.oh.us/Divisions/ConstructionMgt/OnlineDocs/Pages/2013-Online-Spec-Book.aspx>

Items **a**, **b**, and **c** are required to be executed in this chronological order to comply with Section 5705.41 and Chapter 5521, Ohio Revised Code. Also, it should be noted that no changes can be made to these documents, except the Final Resolution is a sample. This sample form may be utilized by the Local Public Agency or submit a copy of their Final Resolution.

When the legislation has been properly executed, one original of item **a** (or an original of LPA's Final Resolution), one original of item **b**, two originals of item **c**, one original of item **d** must be returned.

In addition to the above documents, a check for the invoiced amount OR one original of item **e**, must be returned to this office.

Since it is contemplated to schedule this project for the Letting of **July 28, 2016**, send these documents to my attention at the District 3 Ashland office no later than **July 8, 2016**.

ESCROW AGREEMENTS ARE NOT APPLICABLE ON PROJECTS REQUIRING A LOCAL DEPOSIT OF \$25,000.00 OR LESS.

Jennifer Thebeault  
Planning & Engineering  
D3 Ohio Department of Transportation  
906 N. Clark Avenue  
Ashland, Ohio 44805  
419.207.7173  
jennifer.thebeault@dot.ohio.gov

(Ordinance No. 123-15)

Ord. 79-16  
EXH. A

PID No. 92954

ODOT Project No. \_\_\_\_\_ (2016)

## FINAL RESOLUTION

The following Final Resolution enacted by the City of Medina, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on 13th day of October, 2015, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

**The project consists of widening and safety improvements of US 42 from South Harding Street to south of Fenn Road, lying within the City of Medina; and**

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

**The City agrees to assume and bear a lump sum of \$1,100,000.00 of the improvement plus one hundred percent (100%) of the entire cost of the water line improvement, while ODOT agrees to assume and bear one hundred percent (100%) of the amount of Federal-Aid bond funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.**

**Also, the City agrees to assume and bear one hundred percent (100%) of the cost of the difference between the standard and higher priced decorative alternate items plus construction engineering on the cost difference, if chosen.**

The share of the cost of the LPA is now estimated in the amount of Two Million Four Hundred Nineteen Thousand Eight Hundred Thirty and - - - - 00/100 Dollars, (\$2,419,830.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **Two Million Four Hundred Nineteen Thousand Eight Hundred Thirty and - - - - 00/100 Dollars (\$2,419,830.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that Mayor be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume \_\_\_\_\_, at Page \_\_\_\_\_, and under date of \_\_\_\_\_, 2\_\_\_\_\_.

Legislative Authority of the  
City of Medina, Ohio

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk (Secretary Ex-Officio)

SEAL  
(If Applicable)

Ord. 19-16  
Exh. B

PID No. 92954

ODOT Project No. \_\_\_\_\_ (2016)

**FISCAL OFFICER'S CERTIFICATE**  
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: \$2,419,830.00 required for the payment of the cost other than that thereof assumed by the Federal Government, for the improvement of that portion of U. S. Route 42, lying within the corporate limits of the City of Medina, more particularly described as follows:

The project consists of widening and safety improvements of US 42 from South Harding Street to south of Fenn Road, lying within the City of Medina; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of Medina, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume \_\_\_\_\_, at Page \_\_\_\_\_,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

(Fiscal Officer's Seal)  
(If Applicable)

\_\_\_\_\_  
Fiscal Officer of the City of  
Medina, Ohio

Ord. 79-16  
Exh. C

PID No. 92954  
ODOT Project No. \_\_\_\_\_ (2016)

**CONTRACT**  
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Medina, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

**WITNESSTH:**

**WHEREAS**, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

**WHEREAS**, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

**WHEREAS**, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

**WHEREAS**, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

**WHEREAS**, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

**NOW, THEREFORE**, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

**SECTION I:        RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

**SECTION II:      PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

**SECTION III: LEGAL REFERENCES**

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

**SECTION IV: SCOPE OF WORK**

The work to be performed under this contract shall consist of the following:

**The project consists of widening and safety improvements of US 42 from South Harding Street to south of Fenn Road, lying within the City of Medina.**

**SECTION V: FINANCIAL PARTICIPATION**

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of Two Million Four Hundred Nineteen Thousand Eight Hundred Thirty and - - - - 00/100 Dollars, (\$2,419,830.00).
5. The City agrees to assume and bear a lump sum of \$1,100,000.00 of the improvement plus one hundred percent (100%) of the entire cost of the water line improvement, while ODOT agrees to assume and bear one hundred percent (100%) of the amount of Federal-Aid bond funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.  
Also, the City agrees to assume and bear one hundred percent (100%) of the cost of the difference between the standard and higher priced decorative alternate items plus construction engineering on the cost difference, if chosen.
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

**SECTION VI: RIGHT-OF-WAY AND UTILITIES**

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
  - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
  - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
  - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

**SECTION VII: ADDITIONAL PROJECT OBLIGATIONS**

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
  - A. To keep said highway open to traffic at all times;
  - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
  - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
  - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

**SECTION VIII: DISPUTES**

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

**SECTION IX: NOTICE**

Notice under this contract shall be directed as follows:

City of Medina  
140 West Washington Street  
Medina, Ohio  
44256

Ohio Department of Transportation  
Office of Estimating  
1980 West Broad Street, 1st Floor  
Columbus, Ohio 43223

**SECTION X: FEDERAL REQUIREMENTS**

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

**SECTION XI: GENERAL PROVISIONS**

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

**SECTION XI: SIGNATURES**

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL  
(If Applicable)

OHIO DEPARTMENT OF  
TRANSPORTATION

LOCAL PUBLIC AGENCY  
City of Medina

\_\_\_\_\_  
Director of Transportation

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved:  
Mike DeWine  
Attorney General of Ohio

By: \_\_\_\_\_  
Stephen H. Johnson  
Chief, Transportation Section

Date: \_\_\_\_\_

Ord. 79-16  
FXH. D

OHIO DEPARTMENT OF TRANSPORTATION  
ACCOUNT RECEIVABLE

Make check payable to: Treasurer of State

Mail to: Jeffrey M. Hisem, Administrator  
Attn: Kathy Barthen  
Ohio Department of Transportation  
Office of Estimating - #4160  
1980 West Broad Street, 1st Floor  
Columbus, Ohio 43223

PID No. 92954  
Project No. (2016)  
Invoice No. 10706

To: Keith Dirham  
Finance Director  
140 West Washington Street  
Medina, Ohio  
44256

Federal Project No. E120(441)  
Medina County  
City of Medina  
U. S. Route 42  
Section 17.80

PLEASE ENCLOSE ONE COPY OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

Proposal of Participation	Type of Agreement	Amount
		\$2,419,830.00

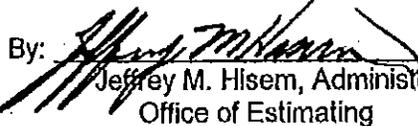
Contract amount . . . . . \$2,333,487.12  
ODOT Engineering amount. . . . . \$ 86,342.88

For the improvement of that portion of U. S. Route 42, more particularly described as follows:

The project consists of widening and safety improvements of US 42 from South Harding Street to south of Fenn Road, lying within the City of Medina.

Total Amount Due \$2,419,830.00

Ohio Department of Transportation

By:   
Jeffrey M. Hisem, Administrator  
Office of Estimating

PID No. 92954  
ODOT Project No. \_\_\_\_\_ (2016)

### ESCROW AGREEMENT FOR HIGHWAY IMPROVEMENT

This agreement made and entered at \_\_\_\_\_, Ohio, this \_\_\_\_ day  
of \_\_\_\_\_, 2016, by and between the Legislative Authority of  
\_\_\_\_\_, Ohio, The Ohio Department of Transportation (ODOT)  
and \_\_\_\_\_ (FINANCIAL INSTITUTION)  
\_\_\_\_\_, Ohio,  
(address) (city)  
(zip code) (telephone no.)

#### WITNESSETH

That for and in consideration of the covenants and agreements of the parties herein contained. The ODOT hereby expressly authorizes the City to deposit the pre-bid estimate (or some larger amount) of said City's participation share of project cost in the amount of **Two Million Four Hundred Nineteen Thousand Eight Hundred Thirty and - - - - 00/100 Dollars, (\$2,419,830.00)**, as required by the ODOT's Invoice No. 10706, on project described as: **Medina County - City of Medina - U. S. Route 42 – Section 17.80 - Federal Project No. E120(441)**, in an interest bearing account, repurchase agreement or certificate of deposit with the FINANCIAL INSTITUTION. The City hereby agrees to deposit into the aforementioned account funds in the amount of \$ \_\_\_\_\_.  
The Financial Institution shall fax confirmation of this act (ex: deposit slip - not escrow agreement) to Kathy Barthen, Office of Estimating, within 24 hours of deposit. Such funds shall thereupon remain on deposit for the credit of the ODOT and said City, until such time as payment of the City's estimated participation share, as determined after receipt of bids, is ordered to be paid by the Administrator of the Office of Estimating or the Director of ODOT. Upon receipt of such order for payment, IN THE FORM OF A REVISED INVOICE, the FINANCIAL INSTITUTION hereby agrees to deliver and pay over to The ODOT, by return mail within Twenty-four (24) hours, the funds so requested (but in no event more than the amount of the pre-bid estimate), and to deliver and pay over to the City the accrued interest thereon and any balance that may remain. (The City's ultimate share of the cost shall be determined in accordance with the FINAL RESOLUTION and the CONTRACT).

It is understood and agreed that funds on deposit pursuant to this agreement may be invested by the FINANCIAL INSTITUTION as provided herein and in accordance with applicable law and regulations. It is also expressly understood that the Local Public Agency shall not withdraw any funds.

Legislative Authority of the City of  
Medina, Ohio

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Clerk of City Council

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Presiding Office of  
Legislative Authority

The Ohio Department of Transportation

\_\_\_\_\_  
(Financial Institution)

  
\_\_\_\_\_  
Director of Transportation

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
5-10-16  
(Date)

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(Zip Code)

by:

\_\_\_\_\_  
(Signed by officer of Financial Institution)

\_\_\_\_\_  
(Please print bank officer's name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

**ORDINANCE NO. 80-16**

**AN ORDINANCE AMENDING ORDINANCE NO. 23-15, PASSED FEBRUARY 9, 2015, AUTHORIZING THE DESIGN CHANGE ORDER NO. 1 TO THE PRELIMINARY AGREEMENT WITH SILLING ASSOCIATES, INC. FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE MUNICIPAL COURTHOUSE PROJECT.**

**WHEREAS:** Ordinance No. 23-15, passed February 9, 2015, authorized the Mayor to enter into a Preliminary Agreement with Silling Associates, Inc. for preliminary architectural and engineering services for the Municipal Courthouse Project, City Job #989; and

**WHEREAS:** Both parties have agreed to amend the agreement with the addition of Design Change Order No. 1 to the existing agreement, allowing Silling to review several options relating to the modification of the existing Municipal Courthouse.

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

**SEC. 1:** That Ordinance No. 23-15, passed February 9, 2015 is hereby amended with the addition of Design Change Order No. 1, marked Exhibit A, attached hereto and incorporated herein.

**SEC. 2:** That the funds to cover Change Order No. 1, in the amount of \$24,000 is available in Account No. 301-0716-54412

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

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

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
President of Council

**ATTEST:** \_\_\_\_\_  
Clerk of Council

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
Mayor

## Design Change Order 1

April 22, 2016

The following is to amend the agreement dated January 20, 2015 and City Ordinance 23-15.

**Owner:**

City of Medina  
132 North Elmwood Avenue  
Medina, OH 44256

**Architect:**

Silling Associates, Inc.  
405 Capitol Street, Upper Atrium  
Charleston, WV 25301

As the previous options for the new Municipal Court indicated above have been explored and determined not to be within the revised project budget of \$4.5 million, the City is interested in exploring the following three general alternative additions to the existing Medina Municipal Court located at 135 N. Elmwood Street, Medina Ohio. The following options are the initial consideration for the purposes of this Agreement and the final options are anticipated to deviate to some degree as they are developed. The options as described in this Design Change Order indicate the general programmatic requirements. The space requirements including number of spaces and required developed during the prior programming effort as a task of this Agreement will be modified to accommodate the reduction in budget and will be validated during the development of the Options.

**Option 1 includes the following general approach:**

- **New Secure Vehicle Sallyport:** To be constructed and connected directly to the north face of the Municipal Court with vehicular access from Friendship Street. The placement of the sallyport is intended to provide proximity access for in-custody defendants to the existing courtroom located on the ground floor, and access to a new, second Municipal Courtroom to be located directly beneath the existing courtroom. The available developable area to the north of the Municipal Court is limited. There is approximately 16 feet between the building and the sidewalk adjacent to Friendly Street, and as a result it is anticipated that a drive-through sallyport will be required in order to accommodate law enforcement vehicles.
- **New In-custody Defendant Holding:** To be constructed on the north face of the Municipal Court and adjacent to the sallyport and courtrooms. Due to the limited developable area on the north face of the building, it is anticipated that the holding cells would be constructed in the basement and beneath the sallyport. A dual-sided and dual-use elevator for staff and escorted in-custody defendants is anticipated to provide the appropriate secure access between the sallyport, courtrooms, and holding cells between the first floor and basement. Due to space limitations the elevator is likely to be placed within the footprint of the existing building.
- **New Municipal Courtroom:** To be constructed in the basement at the north side of the building directly beneath the existing courtroom and within the footprint of the existing area

### Design Change Order 1

- that was original provided for the construction of a courtroom. It is anticipated that the new sallyport will extend along the north elevation of the Municipal Court and partially impede the access to the existing skylights that provide natural light to the future courtroom area.
- **New Municipal Courtroom Jury Room and Toilet(s):** To be constructed in the basement of the existing building and anticipated to be located adjacent to the new courtroom.
  - **New Municipal Courtroom Public Lobby:** To be constructed adjacent to the new courtroom within the footprint of the existing building and adjacent to the existing public stair and elevator.
  - **Existing Stairs and Public Elevator:** The exit capacity of the existing public stair located on the west face of the building, and the staff stair located on the southwest corner of the building will be evaluated to determine if they accommodate the code requirement for Means of Egress exit capacity. Potential modifications to one or both of the stairs are possible. The existing public elevator will be evaluated for its capacity to meet ADA standards. A potential upgrade is possible.
  - **Secure separation of users and relocated Municipal Court Hearing Room:** As the existing hearing room is presently accessed by the public via the staff corridor a new hearing room will be constructed either within the footprint of the existing building or in an addition to the south of the building. The new hearing room will not have direct adjacency to defendant holding.
  - **Increased Municipal Court Judge Office space:** Subject to validation of required area additional office space for the judicial staff will be explored. It is anticipated that the existing hearing room will be converted to office space.
  - **Clerk of Courts:** Subject to validation of required area additional office space for the Clerk-of-Courts will be explored. It is anticipated that a new, single-story addition will be located directly to the south of the Municipal Court to accommodate new Clerk-of Courts office space and other space as follows.
  - **Public Entry and Screening and Public Toilets:** It is anticipated that the addition to the south will accommodate public entry and screening as well as new public toilets to replace and upgrade the existing public toilets and ADA requirements.
  - **Probation:** It is anticipated that the Probation office will be renovated and located in the existing basement.

#### Option 2 includes the following general approach:

Option 2 consists of the same components with the exception of the placement of the Secure Vehicle SallyPort in order to alleviate the obvious issues that are present with the placement of the sallyport in the limited area to the north.

- **New Secure Vehicle Sallyport:** To be constructed in the south addition and accessed from the parking lot. It is anticipated that a dedicated elevator would be directly adjacent to the sallyport and provide access to the basement and a secure corridor system would be constructed in the basement to create a path to the courtrooms located on the north face of the building.
- **New In-custody Defendant Holding:** It is anticipated that new secure holding for both courts would be constructed in the basement within the footprint of the existing building or a new

### Design Change Order 1

holding area constructed on the north face of the building and directly adjacent to both courtrooms. A new elevator would be constructed to provide access from the basement holding area to the first floor courtroom.

- All other areas are similar to those indicated in Option 1.

### Design Change Order 1:

#### Option 3 includes the following general approach:

- Two New Municipal Court Courtsets: To be constructed in a two-story addition directly abutting the south of the Municipal Court. A courtset is to generally include the following:
  - General purpose trial courtroom with a gallery capacity of 60.
  - Sound Vestibule at Courtroom Public Entry
  - Attorney Conference Rooms flanking the Sound Vestibule
  - Public Waiting
  - Jury Deliberation Room with Toilets
  - In-custody Defendant Holding
- New Secure Vehicle Sallyport: To be constructed in the south addition with vehicular access from the existing parking lot to the south of the Municipal Court.
- Clerk of Courts: Subject to validation of required area additional office space for the Clerk of Courts will be explored. It is anticipated that the existing first floor courtroom, jury area, and public lobby area would be converted to new office space.
- Secure separation of users and relocated Municipal Court Hearing Room: As the existing hearing room is presently accessed by the public via the staff corridor. A new hearing room will be likely be constructed within the area presently housing the Clerk of Courts. The new hearing room will not have direct adjacency to defendant holding.
- Increased Municipal Court Judge Office space: Subject to validation of required area additional office space for the judicial staff will be explored. It is anticipated that the existing hearing room will be converted to office space.
- Public Entry and Screening and Public Toilets: It is anticipated that the addition to the south will accommodate public entry and screening as well as new public toilets to replace and upgrade the existing public toilets and ADA requirements.
- Probation: It is anticipated that the Probation office will be renovated and located in the existing basement.
- Public Elevator: The existing public elevator will be evaluated for its capacity to meet ADA standards. A potential upgrade is possible.

## Design Change Order 1

### 1.1 Preliminary Project Budget:

The City has established a preliminary project budget to \$4.5 million and the project budget shall be confirmed or redefined at the conclusion of the Preliminary Agreement. The preliminary budget shall be as provided by the Owner and is as follows:

Building Construction:	\$3,660,000
Design and Construction Fee	\$ 402,600
Contingency 5%	\$ 183,000
3 <sup>rd</sup> Party Testing	\$ 22,000
Geotechnical	\$ 7,500
Legal/Permitting	\$ 5,500
Furniture Fixtures and Equipment	\$ 219,400

### 2.0 Scope of Design Services:

#### 2.1 Existing Conditions Review and Documentation:

Existing Municipal Court: The Architect will utilize the existing Medina Municipal Court drawings dated March 1, 1982. The Architect will develop background schematic level, two dimensional floor plans and site plan from the existing drawings. The Architect will conduct an on-site review of the as-built condition of the courthouse in relationship to the existing drawings to validate and adjust where necessary the electronic format drawings to align with the as-built condition as a background for developing the options indicated in this Design Change Order. The Architect will review the existing architectural construction to determine on a general level the requirements for additions and modifications to the existing construction in order to develop a functional design. The Architect and sub-consultants will survey the existing HVAC, electrical power and lighting systems, communications and fire alarm systems, plumbing and fire protection systems at a general level to assess the suitability for continued use and expansion or modification thereto.

## Design Change Order 1

### 2.2 Graphic Test Fits Depiction of Options

**Floor Plans:** The Architect will develop to scale, two-dimensional graphic floor plans and site plan for each option indicated in this agreement.

**Phasing Diagrams:** The Architect will develop to-scale, two-dimensional graphic phasing diagrams depicting the proposed construction phasing concepts that would enable the court to remain in operation.

**Systems Narratives:** The Architect will develop a brief, written narrative to describe the current components and conditions of the HVAC, electrical power and lighting systems, communications and fire alarm systems, plumbing and fire protection systems and the general approach for upgrades to the existing building, renovated areas and the new addition.

**Design Reviews:** The Architect will conduct design reviews of the three options with the end users and revise the initial concepts based on input from the users. The Architect will participate in no more than two additional design reviews with the City Council, City Finance Committee, or other similar agency to review and finalize the Options.

### 2.3 Opinion of Estimated Probable Project Cost

The Architect will develop project cost inclusive of the items identified in the Preliminary Project Budget section 1.1 of this agreement. The Architect will prepare a summary level Opinion of Probable Estimated Project Cost utilizing reasonable anticipated cost-per-square-foot and other general costs that are consistent with the level of information and concepts that can be reasonably assumed as a result Test Fit Studies.

### 3.0 Compensation

The Architect will perform the scope of work indicated above for a stipulated sum of Twenty Thousand Dollars (\$20,000) with remittance in accordance with the original agreement.

#### 3.1 Optional Design Revisions

At the Owner's written request, the Architect will explore alternatives to the Options indicated herein, that are presently unknown, but may emerge as a by-product of the study. The Work will be negotiated with the Architect and billed on an hourly basis with the total fee not to exceed Four-Thousand Dollars (\$4,000).

Design Change Order 1

Owner's Signature:

---

Owner's Printed Name and Title: *Dennis Hanwell, Mayor*

Date:

---

Architect's Signature:

---

Architect's Printed Name and Title:

Date:

---

RESOLUTION NO. 81-16

A RESOLUTION COMMENDING SERGEANT CALVIN UNDERCOFFER FOR HIS DEDICATED YEARS OF SERVICE TO THE CITY OF MEDINA AS A VALUED MEMBER OF MEDINA CITY POLICE DEPARTMENT.

**WHEREAS:** *Calvin Undercoffer* has been employed as an Officer of the City of Medina Police Department for over 32 years; being promoted to Sergeant in May of 1991; and

**WHEREAS:** Medina City Council and Mayor Hanwell wish to express their gratitude and appreciation to *Sergeant Calvin Undercoffer* for his dedicated years of public service to the City of Medina and the community; and

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

**SEC. 1:** That Medina City Council and the Mayor hereby commend *Sgt. Undercoffer* for his 32 years of dedicated public service as an Officer and Sergeant of the Medina City Police Department.

**SEC. 2:** That Medina City Council and the Mayor hereby extend their sincere thanks and appreciation to *Sgt. Calvin Undercoffer* 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 *Sgt. Calvin Undercoffer* in recognition of his dedicated service.

**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. 82-16**

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

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

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

<u>Account No./Line Item</u>	<u>Additions</u>
104-0301-53315 (Donation-Disk Golf Memorial Park)	1,292.12 *
386-0673-54414 (W. Smith Reconstruction-PID 81334)	742,500.00 *
380-0673-54414 (W. Smith Reconstruction-#CIU22)	406,000.00 *
382-0673-54414 (W. Smith Reconstruction)	25,830.18 *
383-0673-54414 (W. Smith Reconstruction)	73,591.23 *
108-0673-54414 (W. Smith Reconstruction)	2,000,000.00 *
108-0673-54411 (W. Smith Reconstruction)	407,491.59

**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>
108-0610-54411 (W. Smith Reconstruction)	407,491.59

**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**

**ORDINANCE NO. 83-16**

**AN ORDINANCE ESTABLISHING A FEDERAL HIGHWAY  
ADMINISTRATION (FHWA) GRANT FUND #386.**

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

**SEC. 1:** That the Finance Director of the City of Medina is hereby authorized to establish a Federal Highway Administration (FHWA) Grant Fund #386, in accordance with Section 5705.09 of the Ohio Revised Code.

**SEC. 2:** That the funds shall be used to account for revenues and expenditures pertaining to Federal Highway Administration grants awarded to the City.

**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:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**Clerk of Council**

**SIGNED:** \_\_\_\_\_

**Mayor**