

**CITY OF MEDINA  
AGENDA FOR COUNCIL MEETING**

June 27, 2016  
Medina City Hall  
7:30 p.m.

**Call to Order.**

**Roll Call.**

**Nomination and Election of Chairman Pro-Tem.**

**Reading of minutes.** (June 13, 2016)

**Reports of standing committees.**

**Requests for council action.**

**Reports of municipal officers.**

**Notices, communications and petitions.**

**Unfinished business.**

**Introduction of visitors.**

(speakers limited to 5 min.)

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

Ord. 84-16

An Ordinance amending Sections 1105.097, 1105.098, 1141.02, 1141.04, and 1153.04(a)(38) of the Zoning Code of the codified ordinances of the city of Medina, Ohio relative to Heavy and Light Manufacturing and Principally and Conditionally Permitted Uses.

(emergency clause requested)

Ord. 85-16

An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances of the City of Medina, Ohio.

Ord. 86-16

An Ordinance authorizing the expenditure of \$8,452.00 to the Medina County Society for the Prevention of Cruelty to Animals (SPCA) for animal related services for the year 2016.

Ord. 87-16

An Ordinance authorizing the increase of the expenditure to Fortiline, Inc. from \$15,000.00 to \$55,000.00 for the Water Department.

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Res. 88-16

A Resolution extending the Intensive Supervision Probation Grant for the Medina Municipal Court through the fiscal year 2017.  
(emergency clause requested)

Ord. 89-16

An Ordinance amending Section 31.02(B)(6) of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Intensive Supervision Probation employees for the Medina Municipal Court.  
(emergency clause requested)

Ord. 90-16

An Ordinance authorizing the Mayor to execute a Revocable Use Permit with George Baran to use or occupy part of the North Broadway Public Right-of-Way located in front of the property at 536 N. Broadway Street.

Ord. 91-16

An Ordinance amending Ordinance No. 83-15, passed June 22, 2015, relative to the contract awarded to the successful bidder for the installation of additional handicap parking at the Medina Community Recreation Center.  
(emergency clause requested)

Ord. 92-16

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

**Council comments.**

**Adjournment.**

**Requests for Council Action:**

**Finance Committee**

- 16-090-6/13 – Budget Amendments
- 16-091-6/13 – Establish New Fund - #386 FHWA Grant Fund
- 16-092-6/13 – Increase P.O. 2016-914 – Fortiline, Inc.
- 16-093-6/13 – Charter Review Recommendation
- 16-094-6/13 – Amend Codified Ordinances 907.07(b) and 351.03
- 16-095-6/13 – Revocable Use Permit – 536 M. Broadway St.
- 16-096-6/13 – Amend Ord. 83-15, MCRC Handicap Parking
- 16-097-6/13 – Intensive Supervision Probation Grant Renewal

**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 the 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 a not for profit 501C5 labor organization, affiliated with the AFL-CIO.
- 2) Kids Day at Play/Farmer's Market Saturday June 4<sup>th</sup> - Sponsored by Main Street Medina. Many positive comments on youth activities and event as a whole. Well attended and well appreciated.
- 3) June 6<sup>th</sup> - Ohio Atty. General Mike DeWine launched a new fraud protection website – [www.OhioProtects.org](http://www.OhioProtects.org) . The Ohio Attorney General's Office receives more than 27,000 consumer complaints annually. Above website helps educate on frauds and assist with complaint filing if desired.
- 4) Medina Community Band Concerts - Friday nights June and July starting 6/2 at 8:30 p.m.
- 5) Another round of paver sales for Bicentennial Commons - \$100 for 4 x 8; \$250 for 8 x 8. Funds to support Bicentennial Celebration events.
- 6) Congratulations to Sgt. Calvin Undercoffer on over 32 years of service with the City of Medina Police Department. Well-deserved retirement.

**Keith Dirham, Finance Director**, congratulated Calvin Undercoffer and stated there are a couple items on tonight's agenda he will address when we get to them.

**Greg Huber, Law Director**, had no report but congratulated Sgt. Undercoffer

**Chief Berarducci, Police Chief**, had no report and congratulated Sgt. Undercoffer.

**Kimberly Marshall, Economic Development Director**, reported the following:

1. Valspar – sent an updated WARN notice on May 2<sup>nd</sup> indicating that they will temporarily retain the employment of a number of employees some of them through May 29<sup>th</sup>, 2016 and some of them through July 1, 2016. The facility will permanently close effective July 1, 2016. We have been contacted by a broker from the Binswanger Company who has the listing for the building. It is 270K sq. feet and they are asking \$4.1M. We are working on adding this information to city and state website property databases.
2. The \$1M Capital Bill Funding request to offset the cost of the construction of the Historic District Parking Facility made it into the Capital Bill Budget. Final approval by the Governor took place a few weeks ago. We did work with Root Candles to host our legislators along with Speaker Rosenberger to discuss the impact that the Historic District Parking Facility would have on our Downtown Strategic Re-Development Plans. The information was very well received. Attending the meeting were the Mayor, members from the Main Street Board, Chamber Board, MCEDC and the Greater Akron Chamber of Commerce along with city staff and a few people from the Media.
3. Last week, the City of Medina Economic Development Committee had their monthly meeting. I would like to thank City Engineer, Patrick Patton for providing updates about recent previous projects, current and future projects. He did a great job and we were able to use that information in a presentation the next day to the Medina Chamber of Commerce membership. Which was much appreciated. Also County Engineer, Mike Salay gave updates about county projects and the Medina County Transportation Improvement District which has been reactivated with the State of Ohio.
4. City and Main Street Medina recently created a new rack card marketing piece. All of you should have received one in your mailbox. The rack cards will be placed in 72 hotels in NE Ohio starting June 1<sup>st</sup> through November 30<sup>th</sup>. The back of the card lists the 2016 Calendar of Events. We are hoping this will attract more visitors to the city for shopping, dining and to have fun.
5. Also, we are working with Cleveland Magazine this year. They are doing a special July feature of the RNC. They are printing an additional 15,000 copies of the Commemorative July 2016 issue on top of the 35,000 already printed for the subscribers. This bonus circulation will be delivered to the hotel rooms and convention center for use during the Convention along with added distribution on local newsstands. This issue will be delivered June 21-22, perfectly timed for the RNC. The city will be placing a one page advertisement to promote Medina along with digital assets for an online presence.

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

**Chief Painter, Fire Chief**, had no report.

**Mike Wright, Recreation Center Director**, had no report.

**Jansen Wehrley, Parks and Recreation Director** thanked the Boy Scouts and the OddFellows. The splashpad at Greenwood is now open.

**Dan Gladish, Building Official**, reported there has been issues with parking problems including blocking sidewalks and parking on grass areas.

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**Patrick Patton, City Engineer**, reported Huntington and Ryan Roads will open in 1 to 2 weeks. Airport Projects are out to bid. The BOC Grant ADA Curb Ramps will cost extra money.

**Nino Piccoli, Service Director**, reported BOC Asphalt and Concrete contract has been awarded.

**Notices, Communications and Petitions:**

**Liquor Permit:**

Mr. Shields moved not to object to the issuance of a new D-1 permit to Medina Steakhouse, Inc. dba Medina Steakhouse & Saloon & Porch, and Patio at 538 W. Liberty St. Motion seconded by Mr. Simpson and approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**Unfinished Business:**

There was none.

**Introduction of Visitors:**

There were none.

**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 cases at the Medina Municipal Court.**

Mr. Shields moved for the adoption of Ordinance/Resolution No. 078-16, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 078-16, seconded by Mr. Simpson. 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. Mr. Coyne determined to go back 25 years and the emergency clause is so they can start this project as soon as possible. The roll was called and Ordinance/Resolution No. 078-16 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**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 Corridor Improvement Project.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 079-16, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 079-16, seconded by Mr. Simpson. 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. 079-16 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

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**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.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 080-16, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 080-16 passed by the yea votes of M. Kolesar, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg. (BL/Nay)

**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.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 081-16, seconded by Mr. Simpson. Councilman Coyne and Mayor Hanwell read the Resolution and presented it to Sgt. Undercoffer. The roll was called and Ordinance/Resolution No. 081-16 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

**Ord. 82-16:**

**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. 082-16, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 082-16 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**Ord. 83-16:**

**An Ordinance establishing a Federal Highway Administration (FHWA) Grant Fund #386.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 083-16, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 083-16 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

**Council Comments:**

All of Council joined in with congratulations to Sgt. Calvin Undercoffer for all of his dedicated years of service to the Medina Police Department and wished him well in retirement.

**Adjournment:**

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

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Kathy Patton, CMC - Clerk of Council

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John M. Coyne, President of Council

**ORDINANCE NO. 84-16**

**AN ORDINANCE AMENDING SECTIONS 1105.097, 1105.098, 1141.02, 1141.04, & 1153.04(a)(38) OF THE ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO RELATIVE TO HEAVY AND LIGHT MANUFACTURING AND PRINCIPALLY AND CONDITIONALLY PERMITTED USES, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Sections 1105.097, 1105.098, 1141.02, 1141.04, and 1153.04(a)(38) presently read as follows in relation to Heavy and Light Manufacturing, and Principally and Conditionally Permitted Uses:

**1105.097 MANUFACTURING, HEAVY**

“Heavy manufacturing” means a building or land used for the assembly, fabrication or processing of goods and materials using processes that ordinarily create smoke, noise, fumes, odor, glare or potential safety hazards (e.g., explosive materials processing).

**1105.098 MANUFACTURING, LIGHT**

“Light manufacturing” means a building or land used for the assembly, fabrication or processing of goods and materials using processes that ordinarily do not create smoke, noise, fumes, odor, glare or potential safety hazards (e.g., explosive materials processing).

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**1141.02 PRINCIPALLY PERMITTED USES.**

The following uses shall be permitted in the I-1 Industrial District:

<b>Residential</b>	<b>Public/Semi-Public</b>	<b>Commercial</b>
• None	• Public Utility	• Distribution Center for Fuel, Food and Goods, Underground Storage - Must be Completely Enclosed if Facing a Non-Industrial District
		• Heavy Duty Repair Services for Machinery and Equipment Including Repair Garages and Specialty Establishments including Motor, Body, Fender, Radiator Work.
		• Light Manufacturing
		• Mixed Use Building
		• Off-Street Parking Lot, Deck and Garage
		• Other Uses as Determined by the Planning Commission
		• Plant Greenhouse
		• Research and Development Laboratory

		and Processing with No Hazardous, Noxious or Offensive Conditions
		• Self-Storage Warehouse
		• Truck or Transfer Terminal - No Closer than 50 Feet from an Residential District
		• Veterinary Office or Hospital in an Enclosed Building
		• Warehousing
		• Wholesale Establishment

**1141.04 CONDITIONALLY PERMITTED USES.**

The following uses shall be permitted as conditionally permitted uses in the I-1 Industrial District subject to the requirements of Chapter 1153, Conditional Uses. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

<b>Residential</b>	<b>Public/Semi-Public</b>	<b>Commercial</b>
• None	• Conservation Use	• Commercial Entertainment
	• Educational Institution for Higher Education	• Commercial Recreation
	• Passenger Transportation Agency and Terminal	• Contractor's Equipment Storage Yard or Plant, or Storage and Rental of Equipment Commonly Used by Contractors - Must be Completely Enclosed if Facing a Non-Residential District
	• Publicly Owned or Operated Governmental Facility <sup>3,7,8,11</sup>	• Cremation Facility
	• Wireless Telecommunication Facility	• Heavy Manufacturing
		• Office - Professional, Medical and Administrative <sup>37,39</sup>
		• Open Air Building Materials Sales Yard and Lumber Yard

		<ul style="list-style-type: none"> <li>• Motor Vehicle, Truck, Trailer and Farm Implement Repair, Service and Storage (Excluding Body Work, Painting, Engine Overhaul)</li> </ul>
		<ul style="list-style-type: none"> <li>• Retail</li> </ul>
		<ul style="list-style-type: none"> <li>• Truck Wash</li> </ul>

1153.04(a)

(38) In the interests of the health, safety, general welfare and the protection of property values of the community, the area and adjoining land uses, and the other industries within the I-1 or I-3 District, the Planning Commission may require any conditions deemed necessary. In regard to an industrial operation whose effects on adjacent premises, the area or the community are not readily known, the Planning Commission may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

**WHEREAS:** The notice of public hearing by Medina City Council was duly published and the hearing was duly held June 13, 2016.

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

**SEC. 1:** That Sections 1105.097, 1105.098, 1141.02, 1141.04 and 1153.04(a)(38) of the codified ordinances of the City of Medina, Ohio relative to Heavy and Light Manufacturing, and Principally and Conditionally Permitted Uses, shall be amended as follows:

1105.097 MANUFACTURING, HEAVY

“Heavy manufacturing” means a building or **outdoor** land used for the assembly, fabrication or processing of goods and materials using processes that ordinarily create **one or more of the following: smoke, dust, or other airborne particulates, noise which is plainly audible outside of the boundary lines of the parcel where the noise is being created,** fumes, odor, glare or potential safety hazards (e.g., explosive materials processing, **hazardous materials being used or created by a process, etc.**).

1105.098 MANUFACTURING, LIGHT

“Light manufacturing” means a building or **outdoor** land used for the assembly, fabrication or processing of goods and materials using processes that ordinarily do not create **one or more of the following: smoke, dust, or other airborne particulates, noise which is plainly audible outside of the boundary lines of the parcel where the noise is being created,** fumes, odor, glare or potential safety hazards (e.g., explosive materials processing, **hazardous materials being used or created by a process, etc.**).

1141.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the I-1 Industrial District:

<b>Residential</b>	<b>Public/Semi-Public</b>	<b>Commercial</b>
• None	• Public Utility	• Distribution Center for Fuel, Food and Goods, Underground Storage - Must be Completely Enclosed if Facing a Non-Industrial District
		• Heavy Duty Repair Services for Machinery and Equipment Including Repair Garages and Specialty Establishments including Motor, Body, Fender, Radiator Work.
		• Light Manufacturing
		• Mixed Use Building
		• Off-Street Parking Lot, Deck and Garage
		• <u>Office - Professional, Medical and Administrative</u>
		• Other Uses as Determined by the Planning Commission
		• Plant Greenhouse
		• Research and Development Laboratory and Processing with No Hazardous, Noxious or Offensive Conditions
		• Self-Storage Warehouse
		• Truck or Transfer Terminal - No Closer than 50 Feet from an Residential District
		• Veterinary Office or Hospital in an Enclosed Building
		• Warehousing
		• Wholesale Establishment

1141.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the I-1 Industrial District subject to the requirements of Chapter 1153, Conditional Uses. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

<b>Residential</b>	<b>Public/Semi-Public</b>	<b>Commercial</b>
• None	• Conservation Use	• Commercial Entertainment

	<ul style="list-style-type: none"> <li>• Educational Institution for Higher Education</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial Recreation</li> </ul>
	<ul style="list-style-type: none"> <li>• Passenger Transportation Agency and Terminal</li> </ul>	<ul style="list-style-type: none"> <li>• Contractor's Equipment Storage Yard or Plant, or Storage and Rental of Equipment Commonly Used by Contractors - Must be Completely Enclosed if Facing a Non-Residential District</li> </ul>
	<ul style="list-style-type: none"> <li>• Publicly Owned or Operated Governmental Facility <sup>3,7,8,11</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Cremation Facility</li> </ul>
	<ul style="list-style-type: none"> <li>• Wireless Telecommunication Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Heavy Manufacturing <sup>37,38</sup></li> </ul>
		<ul style="list-style-type: none"> <li>• <del>Office - Professional, Medical and Administrative</del> <sup>37,39</sup></li> </ul>
		<ul style="list-style-type: none"> <li>• Open Air Building Materials Sales Yard and Lumber Yard</li> </ul>
		<ul style="list-style-type: none"> <li>• Motor Vehicle, Truck, Trailer and Farm Implement Repair, Service and Storage (Excluding Body Work, Painting, Engine Overhaul)</li> </ul>
		<ul style="list-style-type: none"> <li>• Retail</li> </ul>
		<ul style="list-style-type: none"> <li>• Truck Wash</li> </ul>

1153.04(a)

(38) In the interests of the health, safety, general welfare and the protection of property values of the community, the area and adjoining land uses, and the other industries within the I-1 ~~or I-3~~ District, the Planning Commission may require any conditions deemed necessary. In regard to an industrial operation whose effects on adjacent premises, the area or the community are not readily known, the Planning Commission may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

**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 to make these changes effective immediately; 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**

Effective date –

**ORDINANCE NO. 85-16**

**AN ORDINANCE TO APPROVE, ADOPT AND ENACT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO.**

**WHEREAS:** Various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of the City of Medina, Ohio; and

**WHEREAS:** Certain traffic and misdemeanor ordinances should be revised to comply with current State law; and

**WHEREAS:** The codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council.

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

**SEC. 1:** That the ordinances of the City of Medina, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2016 Replacement Pages to the Codified Ordinances, which are hereby attached to this Ordinance as Exhibit A, are hereby approved and adopted.

**SEC. 2:** The following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

Traffic Code

301.19	Motorcycle. (Amended)
303.081	Impounding Vehicles on Private Residential Property. (Amended)
303.082	Tow Away Zones. (Amended)
335.031	Driving With Probationary License; Curfew. (Amended)
335.09	Display of License Plates. (Amended)
335.10	Expired or Unlawful License Plates. (Amended)
351.04	Parking Near Curb; Handicapped Parking. (Amended)
373.02	Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

General Offenses Code

529.07	Open Container Prohibited. (Amended)
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Fire Prevention Code

Ch. 1505	Open Burning. (Amended)
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**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**

**ORDINANCE NO. 86-16**

**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$8,452.00 TO THE MEDINA COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA) FOR ANIMAL RELATED SERVICES FOR THE YEAR 2016.**

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

- SEC. 1:** That the expenditure of \$8,452.00 to the Medina County Society for the Prevention of Cruelty to Animals (SPCA) is hereby authorized for animal related services.
- SEC. 2:** That the funds to cover this payment are available in Account No. 001-0707-52215.
- 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 in full force and effect at the earliest period allowed by law.

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

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

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

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

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

**ORDINANCE NO. 87-16**

**AN ORDINANCE AUTHORIZING THE INCREASE OF THE EXPENDITURE TO FORTILINE, INC. FROM \$15,000.00 TO \$55,000.00 FOR THE WATER DEPARTMENT.**

**WHEREAS:** The Service Director has requested to increase Purchase Order #2016000914 from \$15,000.00 to \$55,000.00, which requires Council approval; and

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

**SEC. 1:** That the Purchase Order #2016000914 for Fortiline, Inc. is hereby authorized to be increased to \$55,000.00 for the Water Department.

**SEC. 2:** That the funds to cover this expenditure are available in Account No. 546-0533-53315.

**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 in full force and effect at the earliest period allowed by law.

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

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

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

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

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

**RESOLUTION NO. 88-16**

**A RESOLUTION EXTENDING THE INTENSIVE SUPERVISION PROBATION GRANT FOR THE MEDINA MUNICIPAL COURT THROUGH THE FISCAL YEAR 2017, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Notice was received from the Ohio Department of Rehabilitation and Correction that the Intensive Supervision Probation Grant for the Medina Municipal Probation Department has been extended to June 30, 2017 at the estimated funding level of \$131,764.00.

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

**SEC. 1:** That the Intensive Supervision Probation Grant, FY17 Community Correction Act Grant between the Ohio Department of Rehabilitation and Correction and Medina County is hereby extended to June 30, 2017.

**SEC. 2:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

**SEC. 3:** That this Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the Grant takes effect July 1<sup>st</sup>; wherefore, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

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

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

**President of Council**

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

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

**Clerk of Council**

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

**Mayor**

**ORDINANCE NO. 89-16**

**AN ORDINANCE AMENDING SECTION 31.02(B)(6) OF THE SALARIES AND BENEFITS CODE OF THE CITY OF MEDINA, OHIO RELATIVE TO THE INTENSIVE SUPERVISION PROBATION EMPLOYEES FOR THE MUNICIPAL COURT, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Section 31.02 (B)(6) of the Salaries and Benefits Code of the City of Medina, Ohio presently reads as follows:

**(6) MUNICIPAL COURT GRANT POSITIONS**

	<u>Hourly Rate</u>
1 Intensive Supervision Probation Officer*	\$24.52/hr.
1 Secretary II (part-time)*	\$16.00/hr.
1 Group Facilitator (part-time)*	\$23.50/hr.

\*Positions effective to June 30, 2016. The Intensive Supervision Probation Officer shall receive health care, vacation, sick and holiday benefits as set forth herein for full time employees. Position of Intensive Supervision Probation Officer may be full or part-time as dictated by grant.

(Ord. 69-12, Ord. 150-12, 128-13, 128-14, 90-15, 8-16)

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

**SEC. 1:** That Section 31.02(B)(6) of the Salaries and Benefits Code of the City of Medina, Ohio shall be amended to read as follows:

**(6) MUNICIPAL COURT GRANT POSITIONS**

	<u>Hourly Rate</u>
1 Intensive Supervision Probation Officer*	<b>\$25.01/hr.</b>
1 Secretary II (part-time)*	<b>\$16.32/hr.</b>
1 Group Facilitator (part-time)*	<b>\$23.97/hr.</b>

\*Positions effective to June 30, 2017. The Intensive Supervision Probation Officer shall receive health care, vacation, sick and holiday benefits as set forth herein for full time employees. Position of Intensive Supervision Probation Officer may be full or part-time as dictated by grant.

(Ord. 69-12, Ord. 150-12, 128-13, 128-14, 90-15, 8-16, 90-15, **89-16**)

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

**SEC. 4:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the grant is effective as of July 1, 2016; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

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

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

**President of Council**

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

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

**Clerk of Council**

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

**Mayor**

Effective date: July 1, 2016

**ORDINANCE NO. 90-16**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT WITH GEORGE BARAN TO USE OR OCCUPY PART THE NORTH BROADWAY PUBLIC RIGHT-OF-WAY LOCATED IN FRONT OF THE PROPERTY AT 536 N. BROADWAY STREET.**

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

- SEC. 1:** That the Mayor is hereby authorized to execute a Revocable Use Permit with George Baran to use or occupy a part of the N. Broadway public right-of-way located in front of the Baran property at 536 N. Broadway Street (Permanent Parcel #028-19B-14-034) with a 282 square foot portion of a 752 square foot garden area encompassed by a 3 foot tall fence.
- SEC. 2:** That a copy of the Revocable Use Permit is marked Exhibit A, attached hereto and incorporated herein.
- SEC. 3:** That the Clerk of Council is hereby directed to file the Revocable Use Permit with the Medina County Recorder.
- SEC. 4:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 5:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

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

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

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

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

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

## REVOCABLE USE PERMIT

Ord. 90-16  
Exh. A

Permission is hereby granted to **George Baran** (“**Permittee**”) to use or occupy a part of the North Broadway public right-of-way located in front of the **Permittee’s** property at 536 N. Broadway Street (Permanent Parcel #028-19B-14-034) with a 282 square foot portion of a 752 square foot garden area encompassed by a 3 foot tall fence. The area of encroachment and fence plans are shown on the attached exhibits and legal description.

The granting of this permit shall not be construed as an abridgement or waiver of any rights which the **City of Medina** has in exercising its jurisdictional powers and this permit shall be binding upon the **City of Medina** and the **Permittee**, his/her/its heirs, successors and assigns.

The City of Medina, for any reason and at any time, may order removal of the encroachments that are the subject of this use permit. If for any reason the **City of Medina** or its duly authorized representative deems it necessary to order the removal, reconstruction, relocation or repair of the encroachments, it shall be promptly undertaken at the sole expense of **Goerge Baran**. Failure on the part of the **Permittee** to conform to the provisions of this permit will be cause for suspension, revocation or annulment of this permit, as the **City of Medina** deems necessary, and the City may remove the encroachment at the **Permittee’s** sole expense. The **Permittee** agrees to indemnify and hold the **City of Medina** harmless from any claims by any person for personal injury or damages allegedly arising from the existence or maintenance of the encroachment.

No alterations may be made to the encroachments except that the **Permittee** may perform such routine maintenance as is required to keep the encroachment in good condition. If the encroachments are removed or destroyed, no new facilities shall be permitted to encroach on the public right-of-way of North Broadway Street without the express, written consent of the **City of Medina**. The encroachments for which this permit is issued shall be subject to all permits required by the **City of Medina**. A site plan of the intended encroachments is attached to and incorporated into this permit.

Any requests relative to these encroachments shall be made in writing to the following:

Any requests relative to these encroachments shall be in writing to the following:

Law Director  
City of Medina  
132 North Elmwood  
P.O. Box 703  
Medina, OH 44258

Dated at Medina, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2016,

**CITY OF MEDINA**

By: \_\_\_\_\_  
DENNIS HANWELL, Mayor

STATE OF OHIO        )  
                                  )ss:  
COUNTY OF MEDINA )

BEFORE ME, a Notary of Public in and for said county and state, personally appeared the above-named, City of Medina, by Dennis Hanwell, its Mayor, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said City and her voluntary act individually and as such officer.

IN TESTIMONY WHEREOF, I have set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at Medina, Ohio.

\_\_\_\_\_  
NOTARY PUBLIC

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

By: \_\_\_\_\_  
GEORGE BARAN, Property Owner

STATE OF OHIO            )  
                                  )ss:  
COUNTY OF MEDINA    )

BEFORE ME, a Notary of Public in and for said county and state, personally appeared the above-named, City of Medina, by George Baran, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said City and her voluntary act individually and as such officer.

IN TESTIMONY WHEREOF, I have set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at Medina, Ohio.

\_\_\_\_\_  
NOTARY PUBLIC

Description of Land Area for a Revocable Use Permit  
For the Purpose of Installing a Fence within the Public Right of Way  
Adjacent to 536 N. Broadway Street, Medina, OH

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Situated in the City of Medina, County of Medina and the State of Ohio, beginning at a point of intersection of the East right of way line of North Broadway Street and the northwest corner of Medina County Auditor's Permanent Parcel Number 028-19A-14-034 (Medina City Lot #793, known as 536 North Broadway Street) and being considered the true point of beginning,

1. thence South 90 degrees, 00 minutes, 00 seconds West a distance of 15.00 feet to a point,
2. thence South 00 degrees, 00 minutes, 00 seconds West a distance of 35.00 feet to a point,
3. thence North 90 degrees, 00 minutes, 00 seconds East a distance of 15.00 feet to a point,
4. thence North 00 degrees, 00 minutes, 00 seconds East a distance of 35.00 feet to a point and being the true point of beginning.

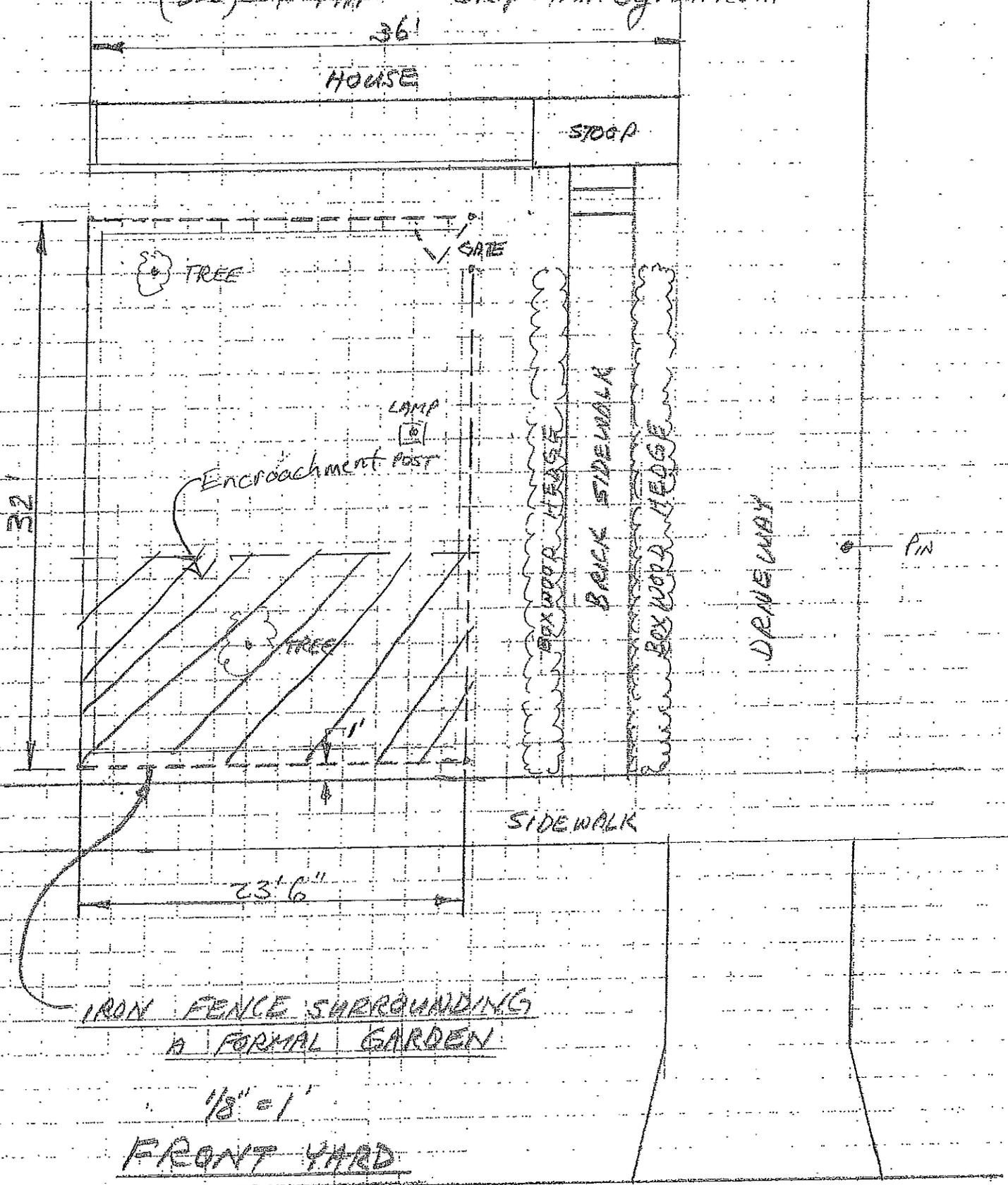
The above area is contained within the City of Medina right of way abutting the property at Medina County Auditor's Permanent Parcel Number 028-19A-14-034 (Medina City Lot #793, known as 536 North Broadway Street) and contains 0.01205 acres more or less.

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

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GEORGE "SKIP" BARAN 536 N. BROADWAY ST

(330) 309-9791 skipbaran@gmail.com



IRON FENCE SURROUNDING A FORMAL GARDEN

1/8" = 1'

FRONT YARD

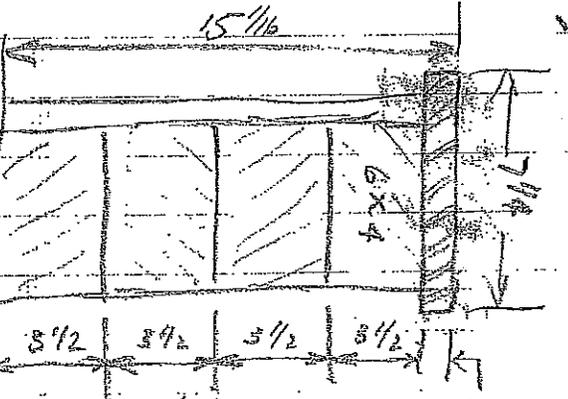
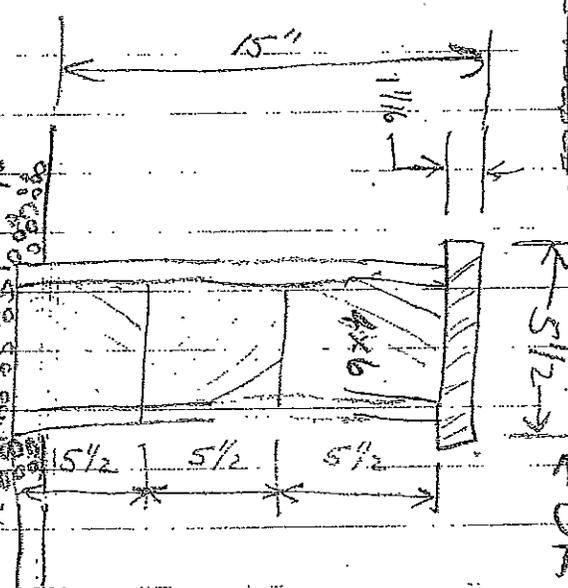
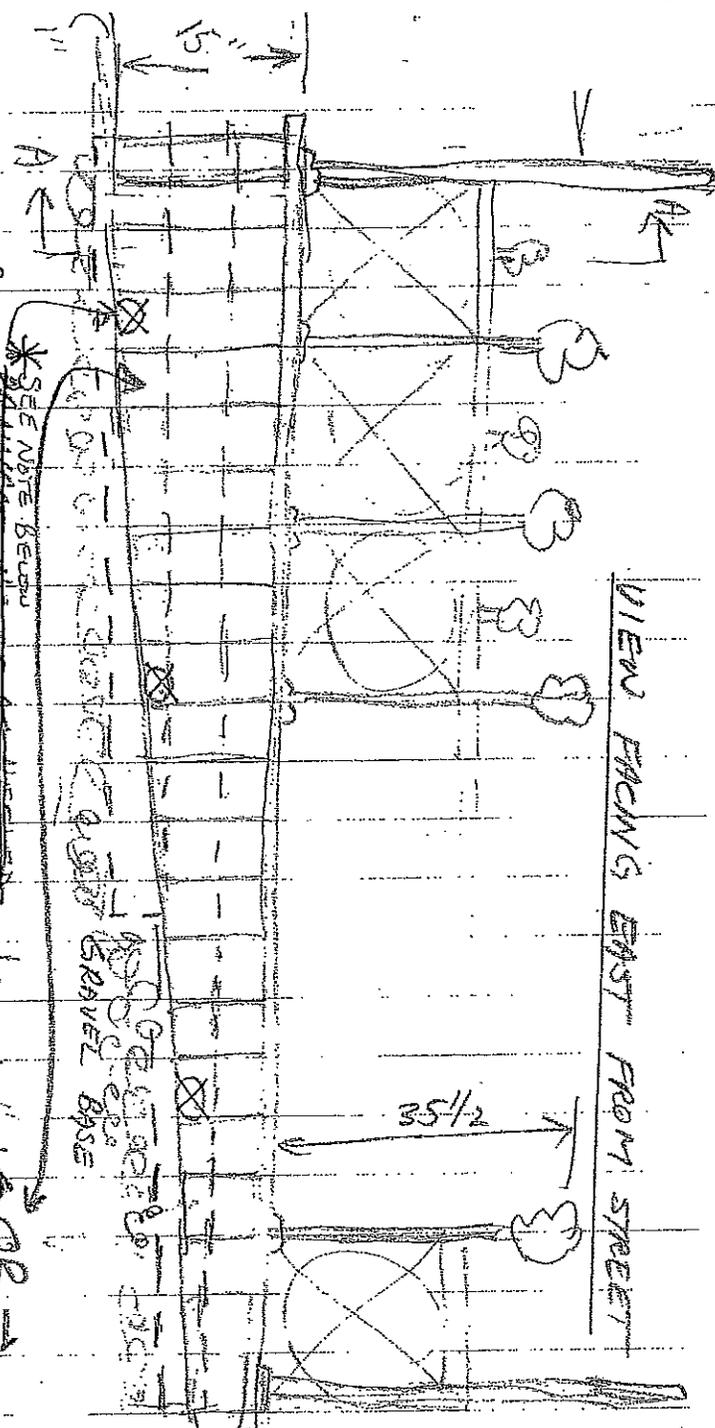
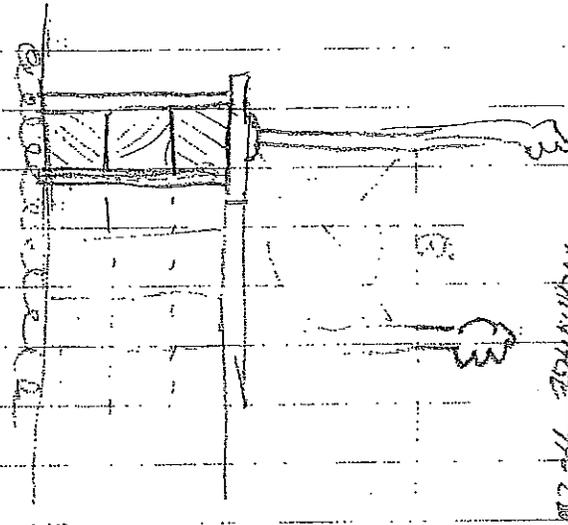
N. BROADWAY ST

N →

DITKAM  
536 N. BROADWAY

\*SPOKE TO SKIP BARANI ON 5-20-16, ADVISED CONCENTRATED FORCE PILE DISCHARGES WOULD NOT BE AN ISSUE. FROM PILE DISCHARGES WOULD NOT BE AN ISSUE.

SEC. A-A



APPROVED

\*SEE ROW NOTE

CITY OF MEDINA  
ENGINEERING DEPARTMENT

*C. Kelly* 5-20-16  
CITY ENGINEER

APPROVED

FOR ZONING CODE COMPLIANCE ONLY

CITY OF MEDINA, OHIO

PLANNING OFFICIAL

DATE

*John Pyl*

See notes Pyl

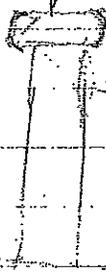
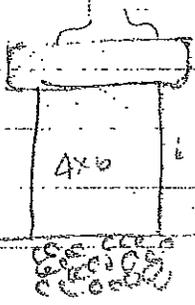
WITHIN  
536 N. BROADWAY

RENDERING 2 OF 2

PENCE

Colci

CAP (5/4)



beds

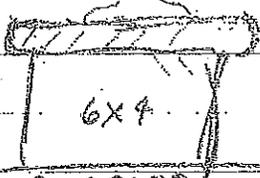
2x8 OR 2x10

old des.  
design to face

OR

PENCE

Gate



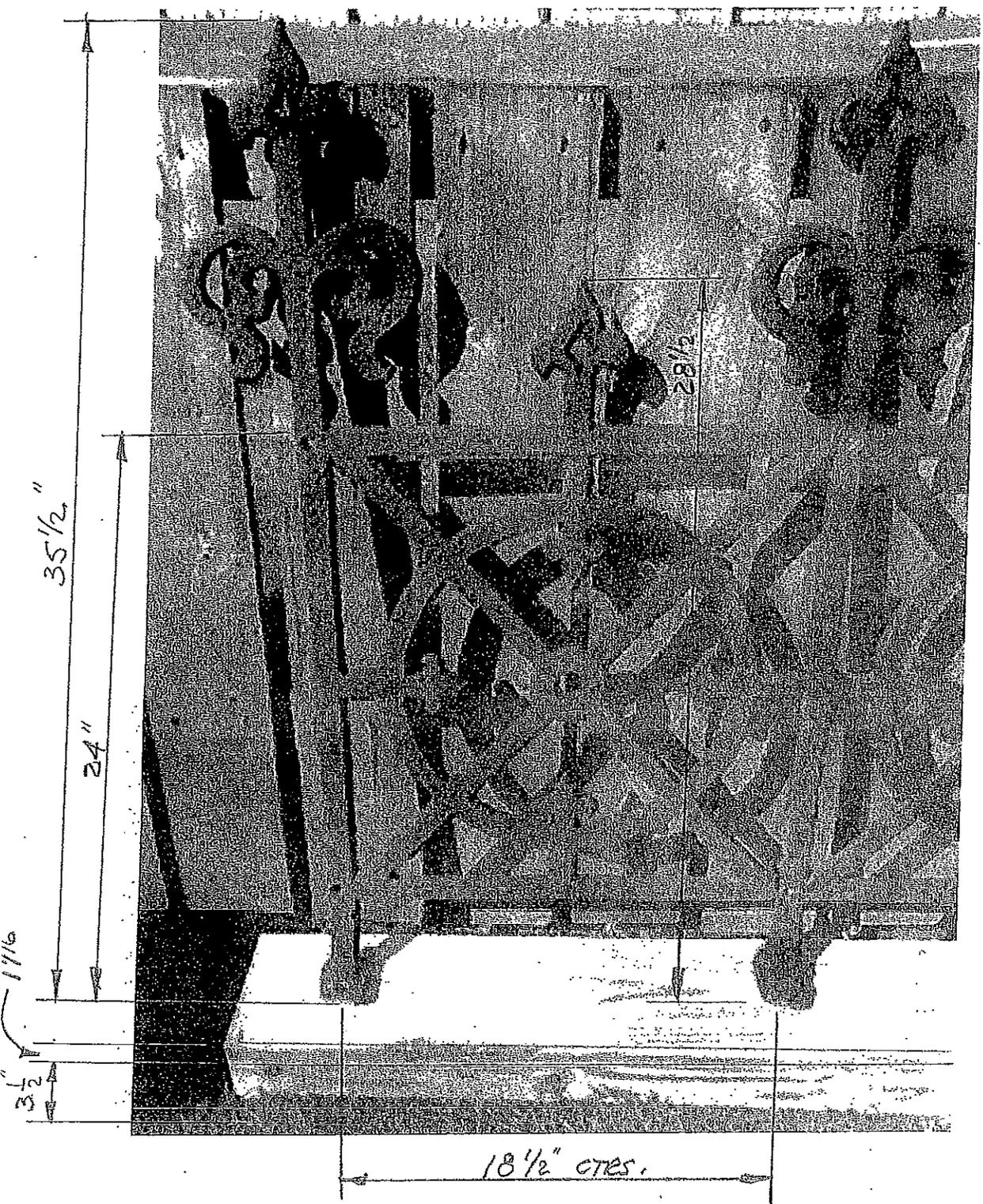
CRUSHED LIMESTONE CASE

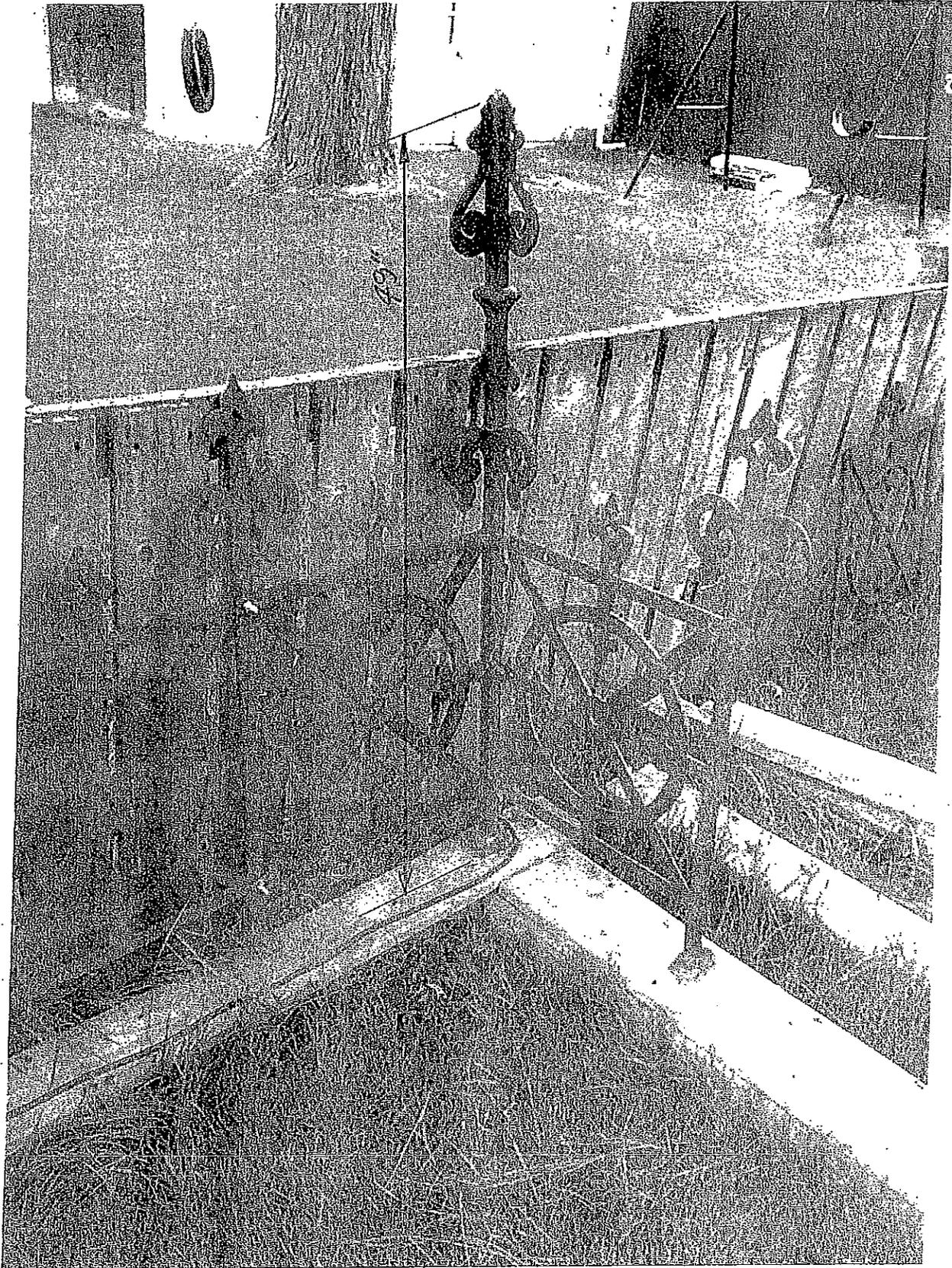


wood trim on top?

UNITS  
536 N. BROADWAY

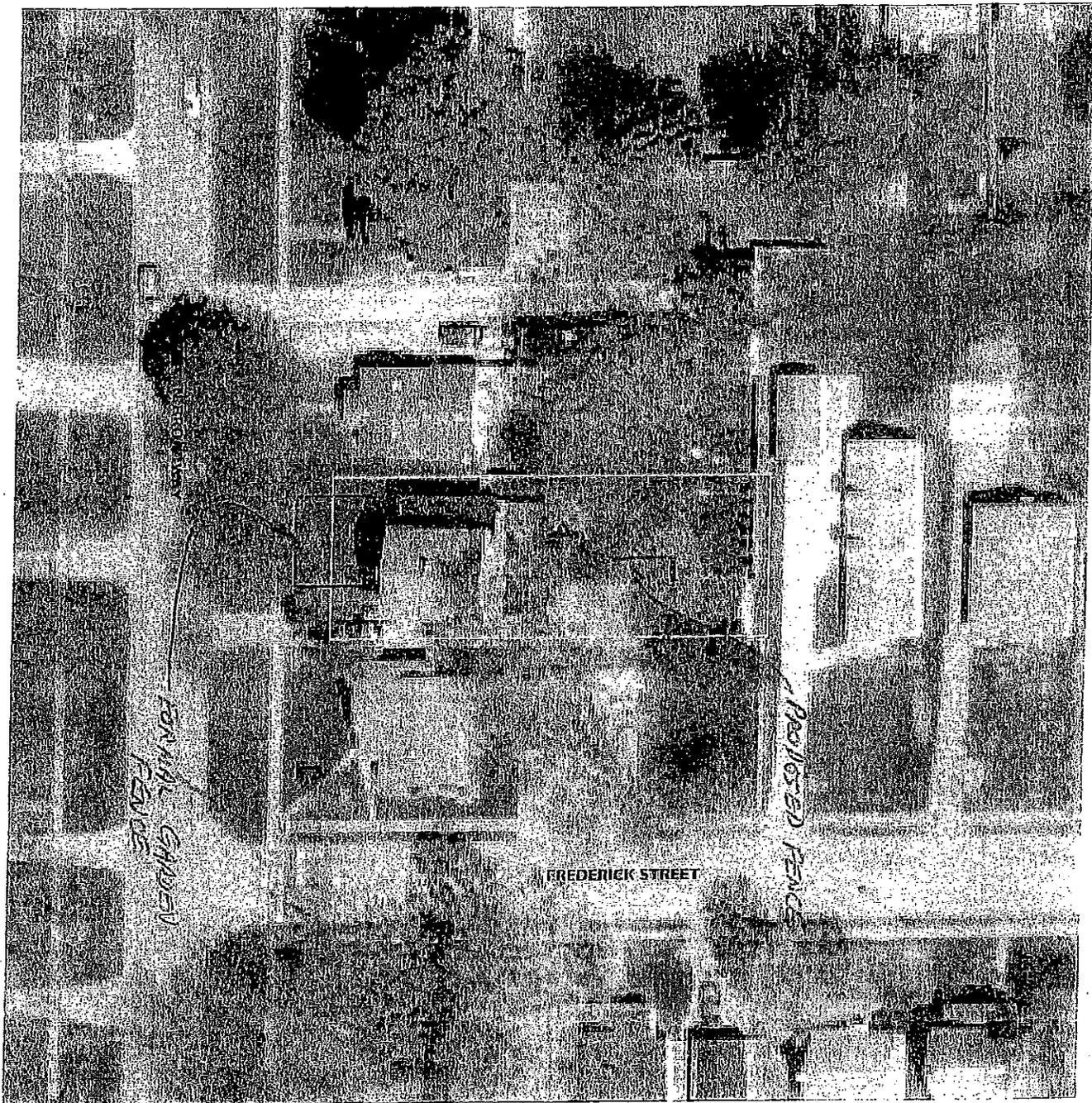
115. CTD/IRON FENCE SECTION  
1 OF 2





536 N. BROADWAY BARAN

Parcel Airphoto and '06 Contours Flip Map 2011



0 39 78 ft

Place the Mouse Over the Map And Click to Flip Map Views  
Disclaimers: Orthos Contours

**APPROVED**

FOR ZONING CODE COMPLIANCE ONLY

CITY OF MEDINA, OHIO

PLANNING OFFICIAL

DATE

*Just Bet*

*see notes Pg 1*

**ORDINANCE NO. 91-16**

**AN ORDINANCE AMENDING ORDINANCE NO. 83-15, PASSED JUNE 22, 2015, RELATIVE TO THE CONTRACT AWARDED TO THE SUCCESSFUL BIDDER FOR THE INSTALLATION OF ADDITIONAL HANDICAP PARKING AT THE MEDINA COMMUNITY RECREATION CENTER, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Ordinance No. 83-15, passed June 22, 2015, authorized the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the installation of additional handicap parking at the Medina Community Recreation Center for the estimated amount of \$30,000.00; and

**WHEREAS:** That due to the necessity to install additional subbase material for the parking spaces, the final cost of the project was \$33,651.00.

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

**SEC. 1:** That the contract amount authorized in Ordinance No 83-15, passed June 22, 2015, is hereby amended from \$30,000.00 to \$33,651.00 for the installation of additional handicap parking at the Medina Community Recreation Center.

**SEC. 2:** That the funds to cover the additional cost of \$3,651.00 are available in Account No. 574-0350-5411.

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

**SEC. 4:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that payment is expected as soon as possible; 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**