

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

March 24, 2014
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (March 10, 2014)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

Liquor Permit:

Not to object to the issuance of a new D1, D2, D3, and D3A permit to PJM Enterprises Ltd., dba PJ Marleys, 119 Public Square.

Unfinished business.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Res. 42-14

A Resolution naming the park land formerly known as the Nichols Property the "Stanbery and Maxine Nichols Park".

Res. 43-14

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

Ord. 44-14

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 completion of the US 42 and SR 3 Urban Paving Project.
(emergency clause requested)

Ord. 45-14

An Ordinance authorizing the Mayor to accept two (2) easements necessary for the Forest Meadows Drainage Improvements Project.

Ord. 46-14

An Ordinance authorizing a the purchase of one (1) Concord Heavy Duty “Low Mount” Stainless Steel Dump Body, Dump Hoist and related equipment package from Concord Road Equipment Mfg., Inc. for the Street Department.
(emergency clause requested)

Ord. 47-14

An Ordinance amending Ordinance No. 208-13, passed December 9, 2013.
(Amendments to 2014 Budget)

Res. 48-14

A Resolution authorizing participation in the Ohio Department of Transportation’s Cooperative Purchasing Program for the purchase of sodium chloride (rock salt).
(emergency clause requested)

Ord. 49-14

An Ordinance authorizing the Finance Director to make certain fund advances.

Council comments.

Adjournment.

Opening:

Medina City Council met in regular, open session on Monday March 10th, 2014. The meeting was called to order at 7:30 p.m. by President of Council John Coyne. Boy Scout Troop 501 led by Assistant Scout Master Trent Wash from Medina United Methodist Church led the Pledge of Allegiance.

Roll Call:

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

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

Minutes:

Mr. Shields moved that the minutes from the February 26th, 2014 Council meeting as prepared and presented by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the minutes were approved by the yea votes of J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb and P. Rose.

Reports of Standing Committees:

Finance Committee: Reported they met prior to this meeting and will meet again in 2 weeks.

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

Public Properties Committee: Mr. Shields stated they met on February 27th and again this evening and hope to have a meeting scheduled soon to discuss the City Pool.

Special Legislation Committee: Mr. Lamb had no report.

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

Water & Utilities Committee: Mr. Kolesar stated he is working on scheduling a meeting soon.

Requests for Council Action:

Finance Committee

- 14-041-3/10 – Accepting OPBA Fact Finding Report
- 14-042-3/10 – Payment Over \$3,000 – Chippewa Roofing
- 14-043-3/10 – Expenditure Over \$15,000 – Montrose Ford – Parks
- 14-044-3/10 – Expenditure Over \$15,000 – Montrose Ford – Service
- 14-045-3/10 – Expenditure Over \$15,000 – Montrose Ford – Water
- 14-046-3/10 – Expenditure Over \$15,000 – Montrose Ford – Engineering
- 14-047-3/10 – Expenditure Over \$15,000 – KR Architects – Engineering
- 14-048-3/10 – Final Legislation – ODOT – US 42 & SR 3
- 14-049-3/10 – Accepting Easements – Forest Meadows Drainage Improvements
- 14-050-3/10 – Budget Amendments
- 14-051-3/10 – RFQ's/RFP's – Architect for Court facility design

Reports of Municipal Officers:

Dennis Hanwell, Mayor

- 1) ACH- Automated Clearing House- Customers can sign up for automated payment from your bank account to avoid late fees and mail charges. Application forms are available at the Finance Window.
- 2) On line bill pay- Customers may also pay by credit card. Signup is on city website- www.medinaoh.org
- 3) New City Website- Some adjustments still being made and information uploaded, but please let us know of any concerns or suggestions. Some older browser versions were having difficulty with contrast of text/background/photos. Website was modified to adjust when old browser is used to view. Daily more information is added.
- 4) Building Official replacement process- Resumes were collected through Wednesday, 1/15/14. Interviews took place Monday, 2/3/14. First choice withdrew as agreement could not be reached. Second choice has accepted another position and is no longer interested. Advertising for another round; reviewing a contractual service for same; and inquiring of Medina/Montville townships to join in regional Building Department.
- 5) National Day of Prayer events being scheduled/planned for Thursday, May 1, 2014- Mayor's Prayer Breakfast at Williams on the Lake 7-8:30a; noon Prayer service on Public Square (United Church of Christ Congregational in case of rain); and evening prayer service at Cornerstone Chapel, 7-8:30p. All but the breakfast are free. Breakfast will be \$15, with tickets available at most local churches and the Mayor's office.

Keith Dirham, Finance Director, reported the following:

All City residents are required to file City Income Tax return with the Central Collection Agency. Tax returns must be filed by April 15th, 2014. The CCA offers free assistance with filling out the forms. The dates are Wed. March 12th from 1 p.m. – 8 p.m., Wed. April 2nd from 1 p.m. – 8 p.m., and Saturday April 12th from 9 a.m. – 4 p.m., those opportunities will be held at the Medina Recreation Center. Some forms will be available here at City Hall by next week or you can print them from the city web site there is a link to it.

Greg Huber, Law Director, had no report.

Chief Berarducci, Police Chief, had no report.

Kimberly Rice, Economic Development Director, reported the following

The City of Medina is leading a planning project to create a Downtown Strategic Redevelopment Plan. The project, coined Imagine Medina, will evaluate the current and future redevelopment potential for various market segments in the downtown, identify target development areas within the downtown that are currently vacant or underutilized, and develop a vision and strategy for these areas that will respond to opportunities in the regional marketplace.

We are asking the community for their input at an upcoming Public Open House meeting on March 27th from 5:30 p.m. – 7:30 p.m. at Medina City Hall. They can also visit the online project website at www.IMAGINEMEDINA.MINDMIXER.COM

Jonathon Mendel, Community Development Director, reported he has a BOC meeting Thursday at 5 p.m. Historic Preservation Board, Board of Zoning appeals and Planning Commission. A special BZA meeting will be held March 20th at 6 p.m. for one project.

Chief Painter, Fire Chief, had no report.

Mike Wright, Rec. Center Director, reported the field house is closed on Saturdays from 8 a.m. – 4 p.m. until March 22nd due to basketball leagues. Just Kids' Stuff Garage Sale is Saturday, April 12th 9 a.m. - noon. Admission between 9 and 10 a.m. is \$5.00, after 10 a.m. the cost is \$1, parking in lots D, E, and F. Next Rec Advisory Board meeting is Thursday, March 20th at 7:30 a.m. at the Rec Center.

Jansen Wehrley, Parks and Recreation Director, stated that last week he started advertising for the Arborist position. Jansen thanked Mr. Kolesar and Shade Tree members that helped at the Shade Tree Commission Booth for the Home and Garden Show.

Patrick Patton, City Engineer, stated there is a project out to bid for the rebidding of the interior recoating of the South Court Elevated Water Storage Tower.

Nino Piccoli, Service Director, stated he is actually looking forward to the first high grass complaint for the first time in 13 years. He welcomed Andy Bendel to management he was promoted from Water MEO to water Forman this week.

Notices, Communications and Petitions:

Liquor Permit:

Mr. Shields moved not to object the issuance of a new D2 and D3 permit to Mark Klaus LLC dba Castle Noel, 254-260 S. Court, seconded by Mr. Simpson. The roll was called and the motion passed by the yea votes of D. Simpson, J. Coyne, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Unfinished Business: There was none.

Introduction of Visitors: Erica Graffein from the County Auditor Office stated the High School students completed the contest on seals for gas tanks and there were 12 winners. There are 21 days left to file a complaint on the value of your property.

Introduction and Consideration of Ordinances and Resolutions:

Ord. 35-14:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the 2014 Concrete Street Repair Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 35-14, seconded by Mr. Simpson. Mr. Patton stated this is an annual project where individual slab repairs are done throughout the city on concrete pavements. We are asking for \$600,000.00 that is the most we have ever asked for but there is a lot of work to be done. The roll was called and Ordinance/Resolution No. 35-14 passed

by the yea votes of J. Coyne, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 36-14:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the improvement to the Medina City Railway. Mr. Shields moved for the adoption of Ordinance/Resolution No. 36-14, seconded by Mr. Simpson. Mr. Patton stated the City of Medina owns about a 3.8 mile railway that runs north and south in the city limits and we are responsible for maintenance and repair. We have not had an improvement project since 2011. This project will replace some rail, a lot of ties and new ballast. The funds for these are being paid for by the rail users and city. Jointly we form a consortium to generate revenues for the upkeep of the railroad. The roll was called and Ordinance/Resolution No. 36-14 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson and J. Coyne.

Ord. 37-14:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the 2014 Concrete Pavement Joint Sealing Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 37-14, seconded by Mr. Simpson. Mr. Patton explained this is an annual maintenance program for our streets doing joint sealing/crack sealing on concrete pavements because it extends the life of the streets. We are asking for \$75,000.00 which is the amount we have asked for in the past few years. The roll was called and Ordinance/Resolution No. 37-14 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne and M. Kolesar.

Res. 38-14:

A Resolution naming the walking trail from South Broadway Street to Southport Drive the "Champion Creek Multi-Purpose Trail" and dedicating a portion of the trail to Harold Thoburn. Mr. Shields moved for the adoption of Ordinance/Resolution No. 38-14, seconded by Mr. Simpson. Mr. Wehrley stated this is to name the multi-purpose trail that runs along the Champion Creek. They will install signage marking the trail and including the distances. The portion of the trail between Guilford and Springbrook will be dedicated to Harold Thoburn, he was very active with Medina Shade Tree Commission, Kiwanis, County Park District and Medina County JVS. Mr. Kolesar stated that this gives us an opportunity to reflect on some of the people that make a difference in our community. Harold had a great impact on the street trees around our city as well as many other impacts. The roll was called and Ordinance/Resolution No. 38-14 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, and B. Lamb.

Ord. 39-14:

An Ordinance authorizing sublease agreement as between Flight Services of Medina, a Division of Olson Products, Inc., and Private Hangars MMA LLC, an Ohio Limited Liability Company regarding the lease of land at the Medina Municipal Airport. Mr. Shields moved for the adoption of Ordinance/Resolution No. 39-14, subject to Law Directors' approval, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 39-14 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb and P. Rose subject to the Law Directors' final approval.

Ord. 40-14:

An Ordinance amending Ordinance No. 208-13, passed December 9, 2013.

(Amendments to 2014 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 40-14, seconded by Mr. Simpson. Mr. Dirham stated this is the appropriation necessary for the railroad project that Mr. Patton discussed in Ord. 36-14. The roll was called and Ordinance/Resolution No. 40-14 passed by the yea votes of D. Simpson, J. Coyne, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 41-14:

An Ordinance accepting the report and recommendations of the Fact Finder for the Ohio Patrolmen's Benevolent Association representing the Patrol Officers and the Sergeants Division. Mr. Shields moved for the adoption of Ordinance/Resolution No. 41-14, seconded by Mr. Kolesar. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 41-14, seconded by Mr. Kolesar. Mayor Hanwell explained the City and the Union for the Patrol Officers have been in negotiations for the past few months. A Fact Finding process where they both offer their recommendations and supporting documents was done and it boiled down to four components: wages should be 2%, plan design changes in the healthcare increasing out of pocket maximums increasing the co-pays and deductibles, City requested to convert the 10 hour shifts to 8 hour shifts resulting in only allowing new hires to be converted, request for maximum amount of sick time payable upon an employees retirement from the city currently maxed out at 360 hours and was increased to maximum 400 hours. The emergency is requested as the city is obligated to take action on the Fact Finder Report within 7 days. 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 and J. Coyne. (abstain/D. Simpson)The roll was called and Ordinance/Resolution No. 41-14 passed by the yea votes of J. Coyne, M. Kolesar, B. Lamb, P. Rose and J. Shields. D. Simpson abstained.

Council Comments:

Mr. Lamb thanked Jansen for his work concerning the tribute to Mr. Thoburn.

Mr. Kolesar stated he didn't want to pass up an opportunity seeing all the scouts in attendance here today and wanted to announce every year we do earth day cleanups and creek cleanups this year's date is set for April 26th.

Adjournment:

There being no further business before Council, the meeting adjourned at 7:55 p.m.

Kathy Patton, Clerk of Council

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

6621520		NEW	PJM ENTERPRISES LTD	
PERMIT NUMBER		TYPE	DBA PJ MARLEYS	
ISSUE DATE		119 PUBLIC SQ		
11 27 2013		MEDINA OH 44256		
FILING DATE				
D1 D2 D3 D3A		PERMIT CLASSES		
52	077	C	A28649	
TAX DISTRICT			RECEIPT NO.	

FROM 03/07/2014

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



MAILED 03/07/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN.

04/07/2014

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 6621520
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

RESOLUTION NO. 42-14

AN ORDINANCE NAMING THE PARK LAND FORMERLY KNOWN AS THE NICHOLS PROPERTY THE "STANBERY AND MAXINE NICHOLS PARK".

WHEREAS: Ordinance No. 140-96, passed August 26, 1996 authorized the purchase of 17.103 acres of land for recreation purposes; and

WHEREAS: It has been recommended by the Public Properties Committee that the park land be formally named the "Stanbery and Maxine Nichols Park".

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

SEC. 1: That the Nichols property acquired under Ordinance No. 140-96, passed August 26, 1996 is hereby named the "Stanbery and Maxine Nichols Park".

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 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

RESOLUTION NO. 43-14

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

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

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

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

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

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

SEC. 3: That this Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason because of the immediate need for the authorization of expenditures, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

Invoice

5



CHIPPEWA ROOFING, LLC

P.O. Box 93
CHIPPEWA LAKE, OHIO 44215
PH: 330-769-3331

DATE	1/25/14
ACCOUNT NUMBER	

Bob Duecker

MEDINA CITY HALL
132 N ELM
MEDINA OHIO 44256

Public Buildings

DATE	CHARGES AND CREDITS	AMOUNT
12/20/2013	ICE AND SNOW REMOVAL ROOF REPAIR	5,000.00
	PO# <u>2014-305</u> Line # _____ <u>Partial</u> Complete _____ Date: <u>2-18-14</u> Approved: <u>[Signature]</u>	
	SUBTOTAL	5,000.00
		5,000.00

PAY LAST AMOUNT
IN THIS COLUMN

Thank You

ORDINANCE NO. 44-14

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 COMPLETION OF THE US 42 AND SR 3 URBAN PAVING PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS: Ordinance No. 115-13, passed July 8, 2013, authorized Preliminary Legislation between the City of Medina and the Ohio Department of Transportation for the completion of the US 42 and SR 3 Urban Paving Project, City Project #963, ODOT Project MED-42-14.40; PID 88675; 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 and State Route 3 Urban Paving Project, PID No. 88675, 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 \$359,464.00 is available in Account No. 108-0610-54411 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 this information must be returned before March 19, 2014; 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



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 3 • 906 CLARK AVE • ASHLAND, OHIO 44805 • (800) 276-4188
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • ALLEN C. BIEHL, P.E., DISTRICT DEPUTY DIRECTOR

February 18, 2014

Mr. Patrick Patton, P.E.
City Engineer
132 North Elmwood Ave.
Medina, Ohio 44256

Re: PID 88675 Medina County - City of Medina U.S. Route 42/State Route 3 - Section 14.40/11.48/0.00 Federal Project No. E101(134)

Dear Mr. Patton,

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

- a - Two Sample Final Resolutions
- b - Two Fiscal Officers Certificates
- c - Two Contracts
- d - One original and two copies of Official Highway Invoice No. 10334
- e - One original and two copies of 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.

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 items c, one original of item d must be returned to this office. 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 Letting, April 10, 2014 and it must be processed, prior to advertising for bids, these documents must reach this office no later than March 19, 2014.

If you have any questions, please contact this office at 419.207.7062.

Respectfully,

Toriene Johnson
Administrative Professional 4
ODOT District 3

TMJ:tmj
Enclosures
cc: project file, reading file

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 8th day of July, 2013, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of pavement repairs, resurfacing, pavement marking and minor structure maintenance on SR 42, 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 one hundred percent (100%) of the entire cost of the improvement within city limits, less the amount of Federal-aid and State 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.

The share of the cost of the LPA is now estimated in the amount of **Three Hundred Fifty Nine Thousand Four Hundred Sixty Four and - - - - 00/100 Dollars, (\$359,464.00)**; 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.

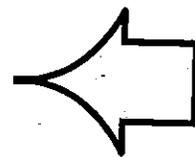
NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **Three Hundred Fifty Nine Thousand Four Hundred Sixty Four and - - - - 00/100 Dollars (\$359,464.00)** 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 24th day of March, 2014, 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 2014, at Page 44-14, and under date of March 24, 2014.

Legislative Authority of the
City of **Medina**, Ohio



Mayor

Kathy Hill

Clerk (Secretary Ex-Officio)

SEAL
(If Applicable)

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

I hereby certify to that the money, to wit: **\$359,464.00** 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/State Route 3**, lying within the corporate limits of the City of **Medina**, more particularly described as follows:

The project consists of pavement repairs, resurfacing, pavement marking and minor structure maintenance on SR 42, 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 2014, at Page 44-14.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 2014.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Medina, Ohio

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 pavement repairs, resurfacing, pavement marking and minor structure maintenance on SR 42, 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 **Three Hundred Fifty Nine Thousand Four Hundred Sixty Four and - - - - 00/100 Dollars, (\$359,464.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within city limits, less the amount of Federal-aid and State 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.**
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
132 North Elmwood, P.O. Box 703
Medina, Ohio
44253

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. 44-14
Exh. D

OHIO DEPARTMENT OF TRANSPORTATION ACCOUNT RECEIVABLE

Make check payable to: Treasurer of State

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

Division: Planning Administration
PID No. 88675
Project No. _____ (2014)
Invoice No. 10334
February 10, 2014

To: Keith Dirham
Finance Director
132 North Elmwood, P.O. Box 703
Medina, Ohio
44253

Federal Project No. E101(134)
Medina County
City of Medina
U.S. Route 42/State Route 3
Section 14.40/11.48/0.00

PLEASE ENCLOSE ONE COPY OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

Proposal of Participation	Type of Agreement	Amount
		\$359,464.00

Contract amount \$348,993.98
ODOT Engineering amount. \$ 10,470.02

For the improvement of that portion of U.S. Route 42/State Route 3, more particularly described as follows:

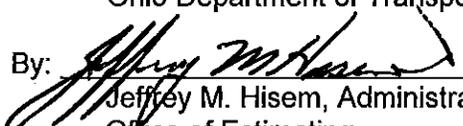
The project consists of pavement repairs, resurfacing, pavement marking and minor structure maintenance on SR 42, lying within the City of Medina.

c: Original & 2cc City of Medina
District (3) Engineer
Accounts Receivable
Invoice File

Total Amount Due **\$359,464.00**

Approved For Payment

Signature _____
 Dennis Hanwell
Title Mayor
Date _____

Ohio Department of Transportation
By: 
Jeffrey M. Hisem, Administrator
Office of Estimating



ESCROW AGREEMENT FOR HIGHWAY IMPROVEMENT

This agreement made and entered at _____, Ohio, this ____ day of _____, 2014, 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 **Three Hundred Fifty Nine Thousand Four Hundred Sixty Four and - - - 00/100 Dollars, (\$359,464.00)**, as required by the ODOT's Invoice No. 10334, dated the **February 10, 2014**, on project described as: **Medina County - City of Medina - U.S. Route 42/State Route 3 - Section 14.40/11.48/0.00 - Federal Project No. E101(134)**, 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 Jeffrey M. Hisem, Administrator, Attn: Kathy Wald, 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).

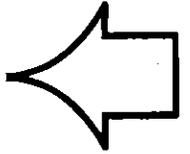
It is understood and agreed that funds on deposit pursuant to this agreement may be invested by the FINANCIAL INSTITUTION as provided herein and in accordance with applicable law and regulations. It is also expressly understood that the Local Public Agency shall not withdraw any funds.

Legislative Authority of the City of
Medina, Ohio

Attest

Kathy Patton

Clerk of City Council



Attest

Mayor

Attest

Presiding Office of
Legislative Authority

The Ohio Department of Transportation

(Financial Institution)

Arny Whayff

Director of Transportation

(Address)

2-10-14

(Date)

(City)

Kathy Patton

(Attest)

(Zip Code)

by:

(Signed by officer of Financial Institution)

(Please print bank officer's name)

(Title)

(Date)

ORDINANCE NO. 45-14

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT TWO (2) EASEMENTS NECESSARY FOR THE FOREST MEADOWS DRAINAGE IMPROVEMENTS PROJECT.

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

- SEC. 1:** That the Mayor is hereby authorized to accept two (2) Easements necessary for the Forest Meadows Drainage Improvements Project, City Job #938.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is on the property located at 808 Wildwood Court, Permanent Parcel No. 028-19B-11-054, part of Medina City Lot 4095.
- SEC. 3:** That the Easement marked Exhibit B, attached hereto and incorporated herein, is on the property located at 844 Wildwood Court, Permanent Parcel No. 028-19B-11-056, part of Medina City Lot 4093.
- SEC. 4:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 5:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

Effective date –

Storm Sewer and Drainage Easement

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (FORTY and 52/100) Dollars (\$40.52) and other good and valuable consideration recited herein given to JAMES R. LEAVER and JANE E. LEAVER hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a drainage and storm sewer easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing STORM SEWER AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, County of Medina, State of Ohio and known as being part of City Lot 4095 conveyed to Jane E. and James R. Leaver in Document No. 2002OR022948 of Medina County Recorder's Records dated 6/11/02 further bounded and described as follows:

Beginning at the southeast corner of said City Lot 4095 as recorded in Forest Meadows Subdivision Phase X in Plat Volume 18, Page 223 of Medina County Recorder's Plat Records, said point being the principal place of beginning of the easement described herein;

Thence S 61° 53' 15" W, 7.75 feet along the south line of said City Lot 4095 to a point;

Thence N 31° 03' 17" W, 19.34 feet to a point;

Thence N 58° 56' 43" E, 12.31 feet to a point in the east line of said City Lot 4095;

Thence S 18° 01' 09" E, 20.26 feet along the east line of said City Lot 4095 to the principal place of beginning.

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

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement. The Grantee covenants and agrees that it will not use said easement for public right-of-way purposes.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of a STORM SEWER AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 808 Wildwood Court, Permanent Parcel Nos. 028-19B-11-054, part of Medina City Lot 4095 with the necessary equipment to remove any obstructions as necessary to allow for the proposed storm sewer installation including brush, vegetation, trees and existing storm sewer; to install the proposed storm sewer and appurtenances; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch; in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as 808 Wildwood Court, Permanent Parcel Nos. 028-19B-11-054, part of Medina City Lot 4095 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrator, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 18th day of February, 2014.

Grantor:

James R. Leaver

Signature: James R Leaver
Print Name: JAMES R. Leaver

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, James R. Leaver, who acknowledged that he/she did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 18th day of February, 2014.

Notary Signature: [Signature]
Print Name: THERESE GEORGE

THERESE GEORGE
NOTARY PUBLIC - STATE OF OHIO
Recorded in Medina County
My commission expires April 30, 2016
Notary Seal:

IN WITNESS WHEREOF, the undersigned has executed this instrument this 18th day of February, 2014.

Grantor:

Jane E. Leaver

Signature: [Signature]
Print Name: JANE LEAVER

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Jane E. Leaver, who acknowledged that he/she did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 18th day of February, 2014.

Notary Signature: [Signature]
Print Name: THERESE GEORGE

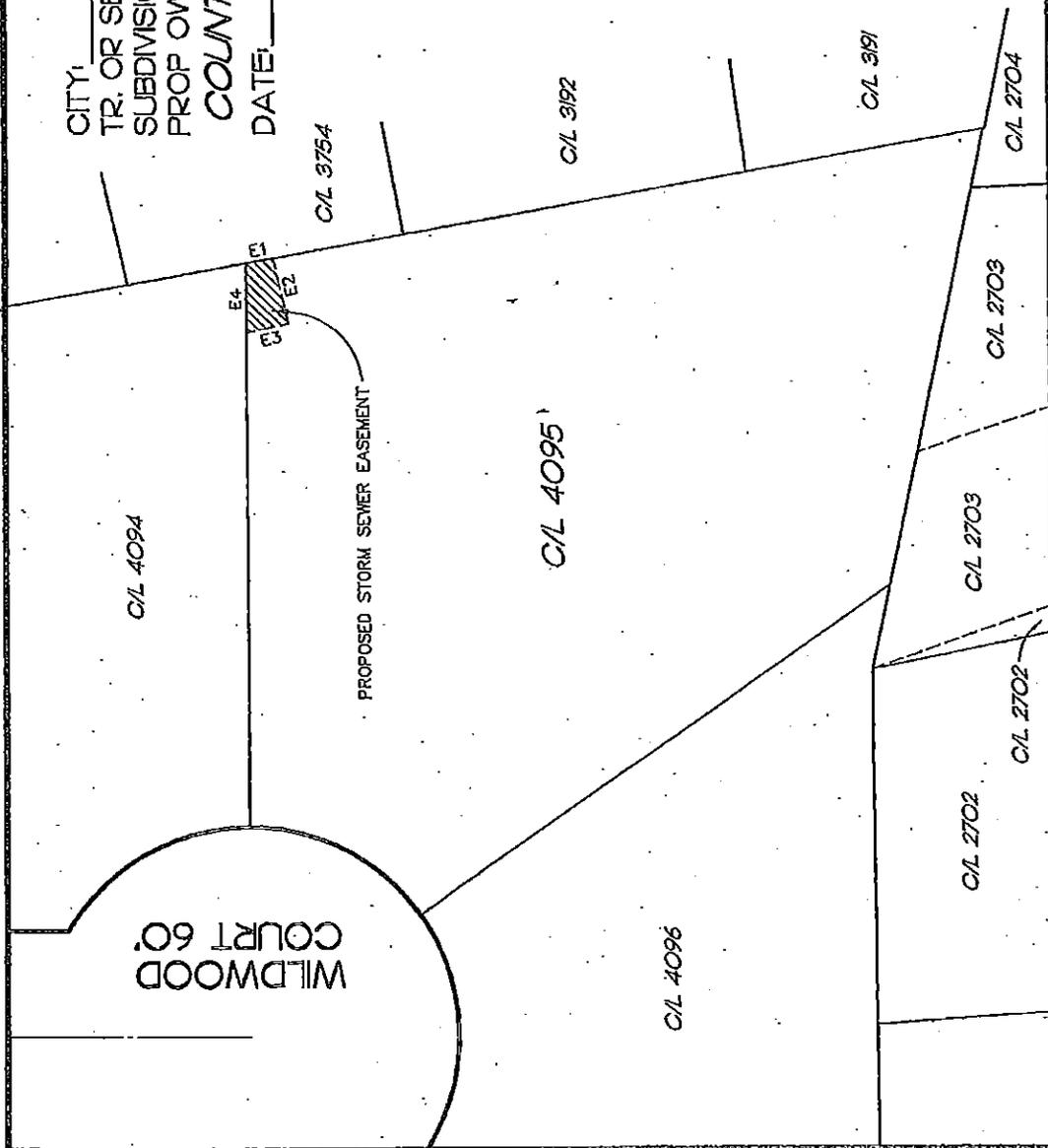
THERESE GEORGE
NOTARY PUBLIC - STATE OF OHIO
Recorded in Medina County
My commission expires April 30, 2016
Notary Seal:

This instrument was prepared by:

Gregory Huber, Law Director, City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH 44256

EASEMENT SKETCH

CITY: _____ C/L NO: 4095
 TR. OR SEC. SMALL LOT:
 SUBDIVISION: FOREST MEADOWS PHASE X
 PROP OWNER: JANE E. & JAMES R. LEAVER
 COUNTY OF MEDINA & STATE OF OHIO
 DATE: JANUARY, 2014 SCALE: 1" = 40'



LINE TABLE	
LINE	LENGTH BEARING
E1	7.75 S81°53'15"W
E2	19.34 N31°03'17"W
E3	12.31 N58°56'43"E
E4	20.26 S18°01'09"E

CUNNINGHAM & ASSOC., INC.
 CIVIL ENGINEERING & SURVEYING
 203 W. LIBERTY ST. MEDINA, OH. 44256
 TELEPHONE (330) 725-5980
 PROJECT NO. 12-153

ORD. 45-14
Exh. B

Storm Sewer and Drainage Easement

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (TWO HUNDRED THIRTY FOUR and 56/100) Dollars (\$234.56) and other good and valuable consideration recited herein given to CHRISTOPHER R. WEIGHT and KRISTIN J. WEIGHT hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a drainage and storm sewer easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing STORM SEWER AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, County of Medina, State of Ohio and known as being part of City Lot 4093 conveyed to Christopher R. and Kristin J. Weight in Document No. 2005OR009856 of Medina County Recorder's Records dated 3/31/05 further bounded and described as follows:

Beginning at the northwest corner of said City Lot 4093 as recorded in Forest Meadows Subdivision Phase X in Plat Volume 18, Page 223 of Medina County Recorder's Plat Records, said point being in the south right-of-way of Wildwood Court (60 feet wide) and the principal place of beginning of the easement described herein;

Thence N 71° 58' 51" E, 10.00 feet along the north line of said City Lot 4093 and the south right-of-way of said Wildwood Court to a point;

Thence S 18° 01' 09" E, 100.45 feet to a point;

Thence S 12° 41' 49" W, 19.58 feet to a point in the west line of said City Lot 4093;

Thence N 18° 01' 09" W, 117.28 feet along the west line of said City Lot 4093 to the principal place of beginning.

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

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement. The Grantee covenants and agrees that it will not use said easement for public right-of-way purposes.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of a STORM SEWER AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 844 Wildwood Court, Permanent Parcel Nos. 028-19B-11-056, part of Medina City Lot 4093 with the necessary equipment to remove any obstructions as necessary to allow for the proposed storm sewer installation including brush, vegetation, trees and existing storm sewer; to install the proposed storm sewer and appurtenances; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch; in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as 844 Wildwood Court, Permanent Parcel Nos. 028-19B-11-056, part of Medina City Lot 4093 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrator, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 4 day of February, 2014.

Grantor:
Christopher R. Weight

Signature: Christopher R. Weight
Print Name: Christopher R. Weight

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Christopher R. Weight, who acknowledged that he/she did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 4th day of February, 2014.

Notary Signature: Cynthia J. Siepker
Print Name: CYNTHIA J. SIEPKER
My Commission Expires: 07-10-2016
Notary Seal:

CYNTHIA J. SIEPKER
NOTARY PUBLIC - STATE OF OHIO
Recorded in Medina County

IN WITNESS WHEREOF, the undersigned has executed this instrument this 4 day of February, 2014.

Grantor:
Kristin J. Weight

Signature: Kristin J. Weight
Print Name: Kristin J. Weight

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Kristin J. Weight, who acknowledged that he/she did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 4th day of February, 2014.

Notary Signature: Cynthia J. Siepker
Print Name: CYNTHIA J. SIEPKER
My Commission Expires: 07-10-2016
Notary Seal:

CYNTHIA J. SIEPKER
NOTARY PUBLIC - STATE OF OHIO
Recorded in Medina County
My commission expires July 10, 2016

This instrument was prepared by:
Gregory Huber, Law Director, City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH 44256

WILDWOOD

COURT

60'

N71°58'51"E
10.00'

N71°58'51"E
10.00'

S18°01'09"E
100.45'
N18°01'09"W
117.08'

S18°01'09"E
97.22'
N18°01'09"W
100.01'

C/L 4094

C/L 4093

C/L 4092

PROPOSED STORM SEWER EASEMENT
S22°44'59"W
13.45'

PROPOSED STORM SEWER EASEMENT
M.1585.17S

EASEMENT SKETCH

CITY: MEDINA C/L NO. 4093

TR. OR SEC. SMALL LOT

SUBDIVISION: FOREST MEADOWS PHASE X

PROP OWNER: CHRISTOPHER R. & KRISTIN J. WRIGHT

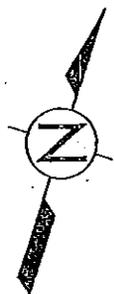
COUNTY OF MEDINA & STATE OF OHIO

DATE: JANUARY, 2014 SCALE: 1" = 30'

C/L 3751

C/L 3752

C/L 3753



CUNNINGHAM & ASSOC., INC.
CIVIL ENGINEERING & SURVEYING
 203 W. LIBERTY ST., MEDINA, OH. 44256
 TELEPHONE (330) 725-5980
 PROJECT NO. 12-153

ORDINANCE NO. 46-14

AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) CONCORD HEAVY DUTY "LOW MOUNT" STAINLESS STEEL DUMP BODY, DUMP HOIST AND RELATED EQUIPMENT PACKAGE FROM CONCORD ROAD EQUIPMENT MFG., INC. FOR THE STREET DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS: In accordance with ORC 125.04 the City of Medina, Ohio requested authority to participate in State contracts which the Department of Administrative Services has entered into for the purchase of supplies, services, equipment and certain materials; and

WHEREAS: The request for participation provides for the waiving of the state and local competitive bidding requirements and allows the City the ability to purchase from centralized state contracts; and

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

SEC. 1: That the purchase of one (1) Concord Heavy Duty "Low Mount" Stainless Steel Dump Body, Dump Hoist and related equipment package from Concord Road Equipment, State Purchasing Contract Number 800116-ST5 515, is hereby authorized for the Street Department.

SEC. 2: That the funds to cover this purchase, in the amount of \$27,227.43, are available in Account No. 105-0610-54417

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 the package is being installed on a truck purchased last year; 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. 47-14

**AN ORDINANCE AMENDING ORDINANCE NO. 208-13,
PASSED DECEMBER 9, 2013. (Amendments to 2014 Budget)**

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

SEC. 1: That Ordinance No. 208-13, passed December 9, 2013, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
301-0707-56615 (Ref. Ord. 30-14)	290,984.12 *
134-0454-52215 (Champion Creek)	197,075.00 *
001-0707-56615 (Gen Fund-Advances Out)	197,075.00 *
134-0454-56615 (Champion Creek-Advances Out)	197,075.00 *

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

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

* - new appropriation

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

RESOLUTION NO. 48-14**A RESOLUTION AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY.**

WHEREAS: Section 5513.01(B) provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges or Universities to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.

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

SEC. 1: That the Mayor hereby requests authority in the name of the City of Medina to participate in the Ohio Department of Transportation contracts for sodium chloride (rock salt), Contract 018 and agrees:

- 1) To purchase an estimated salt tonnage of 5,000 tons (stockpile capacity 1,600 tons) exclusively from the vendor awarded the sodium chloride contract for the county in which said political subdivision is located;
- 2) To be bound by the terms and conditions of the contract;
- 3) To be responsible for payment directly to the vendor for the quantities purchased under the contract; and
- 4) To be responsible for resolving disputes arising out of participation in the contract and, to the extent allowable under Ohio law, hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in the contract pursuant to Ohio Revised Code Section 5513.01(b).

Minimum Order = 1 truckload/22 tons without piler or 200 tons with piler

Stockpile Location: 781 West Smith Road
Medina, OH 44256
Stockpile Capacity: 1,600 tons
Tons Required: 5,000 tons (estimated)

Participating Political Subdivisions are intended beneficiaries under this contract and are real parties in interest with the capacity to sue and be sued in their own name without joining the state of Ohio, Ohio Department of Transportation. By signing and returning this agreement, you will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. A participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of the contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of this contract may invalidate participation for the following winter season.

Political subdivisions will be required to submit a new participation agreement form every year indicating storage capacity and stating salt needs for the contract period.

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

SEC. 3: That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to the Ohio Department of Transportation, Office of Contracts, Purchasing Services, prior to the mailing of Invitation 018 each year.

SEC. 4: 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. 5: 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 contract is due by April 8, 2014; 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

Ohio Department of Transportation- Office of Contract Sales, Purchasing Services
Cooperative Purchasing Program Participation Agreement- Sodium Chloride (Rock Salt)
(Continued)

Participating Political Subdivisions are intended beneficiaries under these contracts and are real parties in interest with the capacity to sue and be sued in their own name without joining the state of Ohio, Ohio Department of Transportation. By signing and returning this agreement, you will be bound to participate in these contracts (as applicable to each Political Subdivision) during the upcoming Summer fill up and winter season, upon award of the contract by ODOT to a successful vendor. A participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of each contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of these contracts may invalidate participation for the following summer or winter season contracts.

This Participation Agreement must be received by the Ohio Department of Transportation, Office of Contracts, Purchasing Services prior to the mailing of the Invitation to bid. Political subdivisions will be required to submit a new participation agreement form every year, indicating storage capacity and stating salt needs for the contract period.

Nino Piccoli Nino Piccoli SERVICE DIVISION 3/12/2014
(Authorized Agent's Original Signature and Title) (Cannot be typed) (Date)

Nino Piccoli
(Print Exactly as Signed Above)

CITY OF MEDINA - MEDINA COUNTY
(Political Subdivision and County)

132 N. ELMWOOD AVE 703
(Street) (P.O. Box)

MEDINA OHIO 44258-0703
(City) (State) (Zip plus 4)

GARY RUMBLEY 330 - 722 - 9037
(Contact Name Responsible for Ordering Salt) (Phone Number)

gramley@medinaoh.org
npiccoli@medinaoh.org
(E-Mail Address) (This email address will be used to contact your entity for participation in future salt contracts)

npiccoli@medinaoh.org
(E-Mail Address)

COMPLETED PARTICIPATION AGREEMENT AND RESOLUTION/ORDINANCE DUE BACK TO ODOT NO LATER THAN Tuesday APRIL 8TH. WE WILL ONLY BE ACCEPTING COMPLETED PARTICIPATION AGREEMENTS BY MAIL OR EMAIL (NO FAXES):

Email this completed participation agreement along with a resolution/ordinance adopted by your legislative body to: contracts.purchasing@dot.state.oh.us

or

Mail completed participation agreements along with resolutions/ordinances to:

Ohio Department of Transportation
Purchasing Services, Mail Stop 4110
Attn: Jim Schurch
1980 West Broad St.
Columbus, OH 43223

Salt Use for the City of Medina

Season	Supplier	Estimate	80%	100%	120%	Ordered	Cost	Schools	COMMENTS
009-2010	Cargill	6000	4800	6000	7200	4368	\$48.49		Paid \$2 per ton for 432 ton short of 80%
010-2011	Cargill	6500	5200	6500	7800	5247	\$47.88		
011-2012	Morton	5500	4400	5500	5400	3947	\$46.31	226.91	Paid \$5 per ton for 452 ton short of 80%
012-2013	Cargill	4500	3600	4500	5400	4197	\$38.20	234.00	
013-2014	Cargill	4500	3600	4500	5400	5400	\$34.32	322.63	
!!! NEW !!!; winter season salt contract changes from the usual 80/120 to 90/110 !!!									
			90%	100%	110%				
014-2015	Low Bid	5000	4500	5000	5500		?????		I expect high storage prices if the 90% is not ordered so it should be as low as possible

ORDINANCE NO. 49-14

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE CERTAIN FUND ADVANCES.

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

SEC. 1: That the Finance Director is hereby authorized to make the following fund advances:

- \$197,075.00 from (001) General Fund to (134) newly created Section 319(h) Nonpoint Source Grant Fund.

SEC. 2: That the Clerk of Council is hereby authorized to forward a certified copy of this Ordinance to the Medina County Auditor.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this 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