

MEDINA CITY COUNCIL  
Monday, March 26, 2018

**Public Hearing (7:30 p.m.)**

To consider rezoning 1011 Wadsworth Road, (PID# 028-19D-09-087) from R-4, Multi-Family Residential to SPD-3, Special Planning District 3.

**For:** No one spoke in favor of the proposed rezoning.

**Against:** Mayor Hanwell stated Johnathon Mendel asked him to enter this into the record under those opposed portion of the public hearing. The Planning Commission on January 11, 2018 unanimously recommended denial of the Conceptual Development Plan and guidelines to rezone the above properties from R-4 to SPD-3.

Councilman Kolesar stated he is opposed to this as it is in Ward 3 and he represents Ward 3. Mr. Kolesar said he feels this is not the right choice for the neighborhood, and he is against having a storage unit smack dab in the middle of a residential area.

The public hearing was closed at 7:33 p.m.

**Opening:**

Medina City Council met in regular, open session on Monday, March 26th, 2018. The meeting was called to order at 7:33 p.m. by President of Council John Coyne. Boy Scouts from the audience led the Pledge of Allegiance.

**Roll Call:**

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

Also present were the following members of the Administration: Mayor Dennis Hanwell, Keith Dirham, Greg Huber, Patrick Patton, Nino Piccoli, Chief Kinney, Chief Painter, Dan Gladish, Kimberly Marshal, and Jansen Wehrley

**Minutes:**

Mr. Shields moved that the minutes from the regular meeting on March 12, 2018 as prepared and submitted by the Clerk be approved. The roll was called and the minutes were approved by the yeas of J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, and P. Rose.

**Reports of Standing Committees:**

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

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

Public Properties Committee: Mr. Shields had no report but stated they have one item on the agenda tonight relating to the cemetery.

Special Legislation Committee: Mr. Lamb has a meeting scheduled April 3<sup>rd</sup> to discuss the Comprehensive Plan.

Streets & Sidewalks Committee: Mr. Simpson held a meeting prior to the Finance Committee to

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discuss the pedestrian crossings in the Historic District on Public Square.

Water & Utilities Committee: Mrs. Parnell-Cavey had no report.

Emerging Technologies Committee: Mr. Rose had no report.

**Requests for Council Action:**

**Finance Committee**

- 18-063-3/26 – Amend Codified Ord. 141.01 – Board of Control
- 18-064-3/26 – Purchase 2018 Ford F150 – Fire Dept.
- 18-065-3/26 – Expenditure Over \$15,000 – Mercedes Textiles – Fire Dept.
- 18-066-3/26 – Capital Bill Request – FY 2019-2020
- 18-067-3/26 – Bids, 2018 Concrete Street Repair
- 18-068-3/26 – Bids, 2018 Concrete Pavement Joint Sealing
- 18-069-3/26 – Aesthetic Enhancements for S. Elmwood Bridge
- 18-070-3/26 – Amendment #10 – Delta Airport Consultants – N-S Taxiway
- 18-071-3/26 – Release and Discharge of Medina Shopping Center Easement
- 18-072-3/26 – Amend Section 505.071 “Cruelty to Companion Animals”
- 18-074-3/26 – Resolution of Support – Fire District Feasibility Study

**Special Legislation Committee**

- 18-073-3/26 – Comprehensive Plan Update

**Reports of Municipal Officers:**

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

- 1) North Court Street Construction Project - I have had a number of inquiries regarding driveway realignments, some closure of entrances, and restricted turns in and out of commercial areas within the project area. The State/ODOT will invest \$22-\$24m in the project overall to improve and enhance safety. This area was identified as having an unusual number of accidents both for our region and statewide. The project needs to not only create more room for volume of traffic, but also a safer roadway with less accidents. The aforementioned modifications are being taken to accomplish both.
- 2) Bicentennial events:
  - a. Saturday, April 7th - “Civil War Voices” will be readings at St. Paul’s Episcopal Church, 217 East Liberty Street, at 1 p.m.
  - b. Sunday, April 8th - Medina County Historical Society at 206 North Elmwood St. will be open featuring displays of Civil War collections; Civil War ribbons

and diaries; free to public, but donations are accepted. The historical home is not handicap accessible.

- c. Monday, April 9<sup>th</sup> - The Medina County Historical Society will hold its monthly meeting at A.I. Root Community Room, 623 West Liberty Street, at 7 p.m. Joann King, local author of “Medina County Coming of Age 1810-1900” will present program entitled “Fame, Fortune, and Felony” regarding H.G Blake, Letha E. House, and William Pancoast.
- d. Bicentennial Website- [www.medina200.com](http://www.medina200.com)

**Keith Dirham, Finance Director**, reminded all of city income tax and how the city has switched from CCA to RITA. All residents still need to file, there is no change in the rate. Exemption forms for individuals that have no taxable income are available on RITA’s website or we have paper forms here at City Hall. Taxpayer assistance from RITA will be at the Rec Center Saturday, April 7<sup>th</sup> from 9 a.m. – 5 p.m.

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

**Chief Kinney, Police Department**, had no report.

**Kimberly Marshall, Economic Development Director**, Friday, March 30<sup>th</sup> celebrations: Cleveland Clinic Medina Hospital’s Emergency Department Expansion & Renovation at 8:30 a.m., ABC Supply Company expansion and moving to 1035 Industrial Parkway at 1 p.m., Brookdale Medina North Senior Living grand re-opening at 49A Leisure Lane at 4:30 p.m.

**Jonathan Mendel, Planning Community Director**, absent.

**Chief Painter, Fire Department**, stated the new Fire Truck that was approved for purchase in the fall of 2016 has been completed and we will be accepting delivery of it on this Wednesday afternoon and anticipate several weeks to a month to get the equipment mounted and get the guys trained on it before it goes into service.

**Mike Wright, Recreation Center Director**, - Absent

**Jansen Wehrley, Parks and Recreation Director**, stated they have a few projects going on at Fred Greenwood Park as well as Reagan Park. The Disc Golf community lost a great volunteer when Leroy Jenkins passed away a week ago. He expressed his condolences to the family.

**Dan Gladish, Building Official**, updated Building Department activity stating for the first quarter of this year they have exceeded by 55% the volume of work they did last year at this time.

**Patrick Patton, City Engineer**, stated they have two projects currently out to bid, the Guilford Blvd. Bridge due to open up on April 9<sup>th</sup> and the second is the East Smith Reconstruction the first phase of that opening up April 6<sup>th</sup>. ODOT’s project on North Court Street is gearing up to start the final phase of construction and the project will be completed in mid-October. During this, there

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will be some closures on side streets.

**Nino Piccoli, Service Director**, stated the Gas Company has completed their project with respect to the installation on South Court St. between Washington and Smith, and we will be working with them for the final asphalt replacement there once the plants open up. Starting this Wednesday, March 28<sup>th</sup> the Gas Company contract will be moving to East Smith Rd. between South Court Street and Broadway for a 6 inch gas line installation upgrade requiring the closure of that section for approximately 4 weeks.

**Notices, Communications and Petitions:**

**Liquor Permit:**

Not to object to the transfer of a D1, D2 and D3 permit from Medina Steakhouse Inc., dba Medina Steakhouse & Saloon & Porch & Patio, 538 W. Liberty Street to Recovery Center of Medina County, dba Serenite Restaurant & Porch & Patio, 538 W. Liberty Street.

Mr. Shields moved not to object, seconded by Mr. Simpson. Mayor Hanwell stated there was community concern on what was going to be done there, how it was going to be done, and what the programs were going to be. During all the meetings and the entire process, the only discussions on food were breakfast and lunch never dinner and absolutely never alcohol. The Banker's Row residents group sent a series of about 57 questions to the Chief Probation Officer of the Common Pleas Court Veronica Perry who is administering this grant, and #50 was a specific question asking whether or not alcohol consumption would be permitted at the premises and her answer to that question was that it would not be. Mayor Hanwell stated that his concern is you can't represent one thing to the public and then come back and change the whole dynamic of what is going to be happening there, so he respectfully asks Council not to approve this transfer of the liquor permit for that reason. In over 3 1/2 decades of law enforcement, as well as being in his second term as a board member representing the County Commissioners on the Alcohol Drug and Mental Health Board, he has never ever seen a recovery center that wants to have alcohol on the premises of those trying to recover from substance abuse.

Mr. Coyne allowed one person/representative of the group to speak in favor and one person/representative to speak against. No one person came forward to speak in favor at this time. Representing the group against the liquor permit was Chip Jenkins and he stated that he resides at 107 Elmwood in Seville. He spoke of how he lost his son to addiction a few years ago. There was no place in Medina for him to go to even attempt to recover. Adding alcohol to a recovery place is ridiculous, they need to be able to feel safe where they can recover. We need to help these people that are addicted.

Councilman Kolesar spoke against serving liquor at a rehab facility. He stated he will be voting no tonight, he does not agree on serving alcohol at a place where people are trying to grip getting back into the mainstream and getting away from these addictions. It's an avenue, a temptation too close to home.

Councilman Lamb stated he was shocked when he heard of this because he thought something

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beneficial had been accomplished, a center had been created that really provided a safe place. He will be voting no as well. It fundamentally is just not right.

Councilman Rose spoke of rehabilitation facilities, and how nowadays there aren't too many places to go and this place offers the people working to recover a place to practice life skills and gives them a place to work with the public. This is not the place or time for alcohol and he will be voting no.

Mr. Simpson stated he has some conflicting emotions with this. They were told that this facility would not be serving alcohol, but they were also told the grant to start the recovery center, which he feels is a much needed facility in our county, would be a \$300,000 grant to open the facility and their plans for sustaining the facility in keeping it open was to start this culinary project by training recoveries. The Serenite Restaurant is going to be upscale and serve mainly French cuisine, most upscale restaurants serve alcohol. He understands it goes against the recovery process of serving alcohol in that facility, but alcohol is legal. There are not too many places that a recovering person will be able to go whether it be a gas station, a convenient store, where there is not going to be alcohol available to them, it doesn't mean that they are going to partake in it and hopefully they won't. Temptation is there all throughout society, and they will have to deal with that.

Councilwoman Laura Parnell-Cavy stated she also has struggled with this issue once she found out about the alcohol component. She was involved with Robby's and the idea of the culinary institute before it even got started. She spoke with those in charge at the recovery center to see what and how they were going to do this. She heard compelling arguments as to why this is necessary for a person in recovery if you are going to be working with alcohol you're going to need to learn to manage those temptations and work through it. Having said that, she stated her gut reaction was not to support that and she will be voting no.

The roll was called and the motion failed by the nay votes of M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, and J. Coyne. D. Simpson cast a yea vote.

**Unfinished Business:**

There was none.

**Introduction of Visitors:**

Tammy Kirby resides at 246 W. Friendship St. She spoke of Robby's Voice and how hard they worked with the city and the county and said she is very disappointed how everything was pulled out from underneath them. She also mentioned the Water Tower 5K on April 21<sup>st</sup> on Earth Day at 9 a.m. and stated they are looking for volunteers, if anyone would be interested.

Nam P. -- For the past 10 years her family has struggled with the opiate addiction. Grateful for LACADA in Medina County. It's important for us to keep this recovery center clean. At some point these folks can be around alcohol when they are strong enough, but in the beginning it's cruel to ask them to be near something that can take them back to old habits.

Tom Varga explained he lost everything years ago, he got it all back through this community.

Carrie McGinty spoke of being an addict and having a daughter in recovery as well.

Jim Burman – recovering alcoholic/addict spoke of his addiction and recovery. He struggled with just seeing alcohol in the grocery store aisle, and feels they certainly shouldn't be around it especially in the beginning. Robby's Place was designed to be a recovery place, a rehab.

Sandra Thomas has lived in Medina for 14 years and has been in and out of the program. Opening Robby's place was amazing and they pulled out because the agenda changed when the restaurant decided to serve alcohol. Not everybody is on the same path, not everyone is strong enough to walk into a place or job that serves alcohol.

Mary Hilberg – 246 W. Homestead stated she and her family have been in support of the recovery center from day one. Thanked Council and the Mayor for their support at this time. She understands they need to make money to sustain the business, and I'm sure it will come up again in the future.

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

#### **Ord. 049-18:**

**An Ordinance authorizing the purchase of one (1) 2018 Ford AWD Interceptor Sedan from Lebanon Ford, Inc. to be used by the Municipal Court.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 049-18, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 049-18, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yeas of L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, and B. Lamb. The roll was called and Ordinance/Resolution No. 049-18 passed by the yeas of B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, J. Coyne, and M. Kolesar.

#### **Ord. 050-18:**

**An Ordinance authorizing the payment to Jenmet Construction LLC for the Private Home Rehabilitation at 749 N. Huntington Street, Medina, Ohio as part of the PY16 CHIP Grant Program.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 050-18, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 050-18, seconded by Mr. Simpson. Mrs. Marshall stated this is to authorize payment to Jenmet Construction for the private home rehab at above address. Emergency is needed to pay the vendor. The roll was called on adding the emergency clause and was approved by the yeas of J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, and P. Rose. The roll was called and Ordinance/Resolution No. 050-18 passed by the yeas of P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb, and L. Parnell-Cavey.

#### **Ord. 051-18:**

**An Ordinance authorizing the payment to Jenmet Construction LLC for the Private Home Rehabilitation at 527 Bronson Street, Medina, Ohio as part of the PY16 CHIP Grant Program.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 051-18, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No.

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051-18, seconded by Mr. Simpson. Mrs. Marshall stated this is to authorize payment to Jenmet Construction for the private home rehab at above address. Emergency is needed to pay the vendor. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 051-18 passed by the yea votes of D. Simpson, J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, and J. Shields.

**Ord. 052-18:**

**An Ordinance establishing a Public Bidding Procedure for Design-Build Bids for a two-level Parking Facility adjacent to Medina City Hall.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 052-18, seconded by Mr. Simpson. Mr. Patton stated he looked at several different methods for building the parking deck right outside of city hall. They are recommending going with a Design Build Project and this will be identical to the process they used for the previous parking deck at Medina Court House. In order to proceed with that they need this approved which allows them to begin this Design Build process. The roll was called and Ordinance/Resolution No. 052-18 passed by the yea votes of B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, and J. Coyne. M. Kolesar cast a nay vote.

**Ord. 053-18:**

**An Ordinance authorizing the Mayor to commence a Qualifications Based Selection Process (QBS) to select a Criteria Developer for a Design Build Parking Facility adjacent to Medina City Hall.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 053-18, seconded by Mr. Simpson. Mr. Patton stated the next step is to select an architect engineer that will guide us through the design build process. At this point they are not asking for any funds from Council, this is just a selection process. When done with this process, they will be coming back with recommendation to enter into a contract with that criteria developer and at that point they will need funds. The roll was called and Ordinance/Resolution No. 053-18 passed by the yea votes of B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, and J. Coyne. M. Kolesar cast a nay vote.

**Ord. 054-18:**

**An Ordinance amending Sections 31.05 and 31.07 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Recreation Center, and accepting the updated job descriptions of Program Manager and Program Specialist.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 054-18, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 054-18, seconded by Mr. Simpson. Jansen Wehrley stated this lowers two pay grades for the Medina Community Recreation Center specifically the Program Manager and the Program Specialist. The Program Manager position became vacant earlier this year due to a resignation. These changes will save the Rec approximately \$25,000 the first year and the pay for the position will be in line with the industry standards. Emergency is needed due to this position being vacant and the replacement has already been exceptionally appointed. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb, and L. Parnell-Cavey. The roll was called and Ordinance/Resolution No. 054-18 passed by the yea votes of L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, and B. Lamb.

**Ord. 055-18:**

**An Ordinance amending Section 917.04 of the codified ordinances of the City of Medina, Ohio relative to Water Rates.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 055-18, seconded by Mr. Simpson. Mr. Dirham stated he and some of the administration attended a meeting with Avon Lake Municipal Utilities, it is an annual meeting where they announce their rate increases. Under our contract with them, they have to give us 6 months of notice of rate increases. We have an increase that will take effect in July of 3%. The roll was called and Ordinance/Resolution No. 055-18 passed by the yeas votes of J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, and P. Rose.

**Ord. 056-18:**

**An Ordinance amending Ordinance No. 177-17, passed December 11, 2017. (2017 Carryforward)** Mr. Shields moved for the adoption of Ordinance/Resolution No. 056-18, seconded by Mr. Simpson. Mr. Dirham stated this represents appropriations from the 2017 budget that were unspent and they are being re-appropriated so those departments heads that saved that money will be able to use it for those purchases that have been delayed until this year. The roll was called and Ordinance/Resolution No. 056-18 passed by the yeas votes of D. Simpson, J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, and J. Shields.

**Ord. 057-18:**

**An Ordinance amending Section 943.08(c) of the codified ordinances of the City of Medina, Ohio relative to the Allocation of Funds from Columbarium Niche Sales.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 057-18, seconded by Mr. Simpson. Jansen stated this ordinance and the one that follows is pertaining to the columbarium wall at Spring Grove Cemetery. This will change the percentages from 53% to 58% to hopefully be able to completely fund a third wall in the near future. Included in this is changing the percentage that goes into the operating fund from 17% to 12% and then the final 30% of every lot sale in that columbarium wall goes into the perpetual ordinary care fund. The roll was called and Ordinance/Resolution No. 057-18 passed by the yeas votes of J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, and D. Simpson.

**Ord. 058-18:**

**An Ordinance amending Section 943.11 of the codified ordinances of the City of Medina, Ohio relative to the Schedule of Charges and Fees for Spring Grove Cemetery.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 058-18, seconded by Mr. Simpson. Jansen stated this is changing their fee structure for the new columbarium wall from a single set fee to a tiered system, and they arrived at that pricing schedule after surveying a number of other communities with columbarium walls. There is a cost increase to purchase a niche in the new columbarium wall. The roll was called and Ordinance/Resolution No. 058-18 passed by the yeas votes of M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Council Comments:**

Mr. Kolesar stated on behalf of Ward 3 he expressed his condolences to the Jenkins family. Leroy was a great employee here with the City in the Water Department. He made a great impact with the Disc Golf courses in the city parks.

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Laura Parnell-Cavey informed the public that the next Joint Ward 1 & Ward 2 meeting is on April 3<sup>rd</sup> at Fire Station #1 from 7 to 8 p.m.

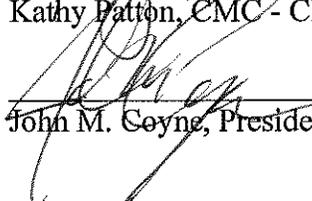
Mr. Lamb spoke of his non-profit organization called the Community Orchard Project and how they've had a pruning class and raised about a thousand dollars. He received a commitment from a property owner that raises fruit trees, and he has offered us an additional acre of land next fall to plant fruit trees. The fruit will be donated to Feeding Medina County. Their first tree planting in the city will be Monday, April 16<sup>th</sup>.

Bill stated that Sustainable Medina County came to a Finance Committee meeting a few weeks ago asking for funds to do air quality testing at the compression station being built with the new Nexus Pipeline. We did not give them the money, but we offered to talk to agencies that have already turned them down. Mr. Lamb stated that he and Mark Kolesar made some phone calls, to Senator Obhoff's office, the Ohio EPA, and with the Regional Air Quality in Akron resulting in what the group had already been told, that the compression station was permitted by the Ohio EPA, and they were not going to do any further testing.

**Adjournment:**

There being no further business before Council, the meeting adjourned at 8:45 p.m.

  
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Kathy Patton, CMC - Clerk of Council

  
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John M. Coyne, President of Council

