

MEDINA CITY COUNCIL  
Monday, April 10, 2017

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

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

1105, 0129, 1105, 0163, 1113.05(k)(3), 1109.04(C)(10)D, 1123.02, 1123.03, 1123.04, 1123.05, 1125.02, 1125.03, 1125.04, 1125.05, 1131.05, 1137.10, 1141.04, 1147.12, and 1147.14(F).

**For:** Mr. Mendel stated these were brought before the Planning Commission at their February 9<sup>th</sup> meeting and they did recommend these and the Finance Committee reviewed them and forwarded them onto City Council to review and he asks for their approval. These are predominately clean up items.

**Against:** No one spoke against the amendments.

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

**Opening:**

Medina City Council met in regular, open session on Monday, April 10<sup>th</sup>, 2017. The meeting was called to order at 7:41 p.m. by President of Council John Coyne who led the Pledge of Allegiance.

**Roll Call:**

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

Also present were the following members of the Administration: Mayor Dennis Hanwell, Keith Dirham, Greg Huber, Patrick Patton, Nino Piccoli, Chief Painter, Jonathan Mendel, Dan Gladish, Kimberly Marshal, Mike Wright, Jansen Wehrley and Acting Police Chief Lt. Birckbichler.

**Minutes:**

Mr. Shields moved that the minutes from the regular meeting on March 27<sup>th</sup>, as prepared and submitted by the Clerk be approved. The roll was called and the minutes were approved by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

**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 nothing to report but a brief commendation for the Mayor and his pursuit in reference to the Birthing Center that they are planning on removing from Medina Hospital - his efforts in getting responses from some of the big decision makers. He thanked Mayor Hanwell for his work on this.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report. There is a meeting scheduled for 5:30 p.m. on April 19<sup>th</sup> to address some zoning issues.

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

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

Emerging Technologies Committee: Mr. Rose had no report.

**Requests for Council Action:**

**Finance Committee**

- 17-054-4/10 – 538 W. Liberty – Common Pleas Court Proposal
- 17-055-4/10 – Hiring RITA for Income Tax Collection
- 17-056-4/10 – Decorative Street Lights – N. Court Corridor
- 17-057-4/10 – PY16 CHIP Grant Private Rehabilitation Project - 409 E. North St.
- 17-058-4/10 – Then & Now – Expenditure to Walter Haverfield
- 17-059-4/10 – Expenditure – Emergitech, Police Department
- 17-060-4/10 – Lowe’s Charitable & Educational Foundation Grant Application
- 17-061-4/10 – 2016 Financial Audit
- 17-062-4/10 – Partner Marking Agreement(s) – MCRC
- 17-063-4/10 – MCRC Monthly Payment Plan & Miscellaneous Fees
- 17-064-4/10 – MCRC Aquatics Area Only – Day Pass Fee
- 17-065-4/10 – Municipal Pool Rental & Program Rates
- 17-066-4/10 – Resolution Opposing Cleveland Clinic Closing of Birthing Unit

**Public Properties**

- 17-067-4/10 – Kiwanis Concession Stand Sponsorship (Discussion)

**Reports of Municipal Officers:**

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

- 1) Mayor Hanwell stated he had a conference call with Dr. Steven Jones regarding the Birthing Center. Dr. Jones is the President of all the regional hospitals for the Cleveland Clinic. He understands the community and council’s concerns but pretty much said the decision has been made and there is no interest in having public meetings.
- 2) On March 28<sup>th</sup> the Mayor said he spoke with Dr. John Surso, who is the Medical Director for Summa Hospital at Lake Medina, regarding Summa’s possible interest in creating a birthing center for Medina county residents who are being abandoned by the Cleveland Clinic Enterprise. Dr. Surso said he hopes to put together a committee which he assured the Mayor can serve on, to have further discussions regarding Summa opening such a center. March 30<sup>th</sup> the Mayor sent a letter to the CEO of the Cleveland Clinic Dr. Toby Cosgrove laying out various concerns and asking for reconsideration to not close the birthing unit.

- 3) April 3<sup>rd</sup> Ohio Senate President Larry Obhoff, Representative Steve Hambley and the Mayor met again with Dr. Jones at the Clinic along with their government relations representatives and they discussed the concerns and our objections for nearly 90 minutes. It was clear the Clinic had no interest in hosting community meetings or any interest in reconsideration. Today, the Mayor stated he received a letter from Dr. Cosgrove of the Clinic indicating that he is personally monitoring the situation and he will attempt to achieve the best results for all.
- 4) The National Day of Prayer events are scheduled for Thursday, May 4<sup>th</sup> at 7 a.m. beginning with a breakfast at Williams On the Lake. Tickets are \$15 and are available at Medina Community Church or the Mayor's office. Speaker will be Rev. Arthur Ruffin from the Second Baptist Church who will have noon prayer service on the Square, or for a rain location, United Church of Christ Congregation. Then a 7 p.m. evening service at Heartland Community Church, 3400 Weymouth Rd.

**Keith Dirham, Finance Director**, Stated all residents are required to file a city income tax return and the forms are available here at city hall or you can get them online. We do not collect the income tax ourselves it is collected by CCA a Cleveland income tax agency. Something Keith would like to address today is the State of Ohio runs a website called The Finder, where you can look up an address and supposedly it will tell you if that address is in the city or not. He is asking that you do not use that website as it is incorrect on a troubling frequent basis.

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

**Lt. Birckbichler, Acting Police chief**, had no report.

**Kimberly Marshall, Economic Development Director**, reported the National Asphalt Pavement Association also known as NAPA announced that the Kokosing Materials Incorporated Medina Plant has earned the NAPA's Diamond Achievement commendation for excellence in asphalt plant and site operations. This is a nationally recognized and respected program that encourages and recognizes responsible asphalt operation practices and cultivates good community relations.

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

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

**Mike Wright, Recreation Center Director**, reported they now have a survey available on their website, or you can fill one out at the Rec. Center, for the new fitness addition. There are only seven questions and then a space for additional comments and suggestions. The survey also includes bullet points about how the addition is going to be funded and some other miscellaneous information. Please take the time to fill out the survey and give your feedback on a new addition and any additional equipment you would like to see at the Rec. Center. The new Spring/Summer brochure will be available on our website tomorrow afternoon, it will also be inserted in the Post

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Newspaper this Saturday, April 15th, and copies will be available at the Recreation Center on Sunday, April 16th! The new outdoor Memorial Pool presale season passes will start being sold this Saturday, April 15th at the Recreation Center, with an opening date scheduled for Memorial Day weekend. Lastly, the next Rec Advisory Board meeting is Thursday, April 20th, at 7:30 a.m. at the Rec. Center.

**Jansen Wehrley, Parks and Recreation Director**, stated with the improved weather, the activities in the parks are picking up and the Medina Youth Baseball Association and Medina Soccer Association both began their seasons this week. The Medina Begataway Festival is April 22<sup>nd</sup> through the 23<sup>rd</sup> and will be held at various locations throughout the town. We are expecting thousands of attendees and approximately 120 teams from three different states.

The Forestry Spring Tree Planting Project will begin next week planting trees at a variety of locations throughout town and most of these are for the Emerald Ash Bore tree replacements.

**Dan Gladish, Building Official**, stated he would like to give Council and the public a quick update on the Building Department's activities so far this year. We are off to a record setting year. For the first three months of this year the Building Department seen an increase of more than 50% in the number of permits issued as compared to the first three months for last year. This represents a continued investment and reinvested into the community both by the residents and the business community.

**Patrick Patton, City Engineer**, updated all on West Smith Rd. Starting tomorrow there will be a traffic pattern change. At the intersection of West Smith and State, traffic traveling south on State will no longer be able to make a left turn to go East onto Smith Rd.

Court Street's change in traffic pattern has been delayed a couple of times, ODOT is telling us that will take effect on Monday April 17<sup>th</sup> limiting traveling to one lane in each direction with minimal left turning movements at intersections.

**Nino Piccoli, Service Director**, stated they are finalizing plans for a yard waste program. Information will be mailed out in the April water bills. The intent is to pick up leaves, twigs, branches, shrubbery and grass clippings. There will be details with respect to the days of pick up as well as the preparation for the same.

### **Confirmation of Council appointment**

Income Tax Review Board – Keith Hughes – Expiring 12/31/19

Mr. Shields moved to confirm council's appointment, seconded by Mr. Simpson. The roll was called and the appointment was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

**Notices, Communications and Petitions:**

**Liquor Permit:**

Mr. Shields moved not to object to the transfer of a D-1, D-2, D-3 and D-6 permit from Twisted Restaurant Group LLC dba Twisted Sushi Grill Bar & Sushi on the Roll, 985 Boardman Alley & Patio to Pappas Restaurant Group LLC, 985 Boardman Alley & Patio. Motion seconded by Mr. Simpson and approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**Unfinished Business:**

There was none.

**Introduction of Visitors:**

Charles Ramer 141 S. Prospect representing the Bankers Row Historic Neighborhood Association, broadly defined as West Liberty and West Washington down from the Square to State Road. Collectively, they would like to register their objection to Medina County Commissioners intended use of the former Medina Steak and Seafood Restaurant as an opioid addiction recovery facility. As an association, they greatly support addiction recovery programming, however, they believe this proposed location is wrong and believe there are better alternatives that exist and less expensive and far more appropriate.

Reason #1 - This is a historically significant building. As our councilmen, you have a responsibility to ensure that the value and integrity of our remaining historic structures are maintained. This building is the third oldest structure in Medina operating as a restaurant for over 160 years.

Reason #2 - Proposed location is in a family neighborhood. There have been major recent private investments made in the Spitzer House Bed and Breakfast, and the adjoining Carriage House in addition to converting three commercial buildings back to residential.

Reason #3 - This will have a major negative impact on the quality of life and the property values on the west end. An alcoholic treatment facility and a halfway house for criminals already exist on West Liberty and we are afraid this additional will further stigmatize the neighborhood.

Reason #4 - A negative impact on tourism and retail and will generate no sales tax, no property tax revenue for the city, and could potentially require additional police presence.

Reason #5 - There are far more appropriate buildings in areas of the city that exist in densely commercial areas.

Kevin Young from the City of Lakewood, Ohio 1598 Elber Avenue, stated he is happy the Mayor has gone through the steps necessary to rectify the situation and that he has approached Summa about bringing you a birthing center. He encourages you to stand behind the Mayor and other city officials as they go to work to solve this problem. This is a good time to put together a petition and get signatures. Now is not the time to relax. The Cleveland Clinic will do everything they can to even foil an attempt by a competitor to come in to a territory they consider their own.

Erica Graffein from the County Auditor's Office spoke of the Pet Adopt-A-Thon being the 20<sup>th</sup> annual and the location is at the Brunswick Recreation Center on the first Saturday in May the 6<sup>th</sup> from 10 a.m. to 2 p.m. Most organizations at this event will not let you leave with a pet, but you can start the adoption process that day.

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Secondly, the residency issue people have with their income tax returns generates a lot of calls to us. We encourage them to call us and not use the website the State uses (The Finder) because like Keith stated, it is incorrect.

Delane Nagel, 504 West Liberty St. (Spitzer House Bed & Breakfast) agrees they are all in favor of the recovery center and it was very nice having Judge Collier at the Finance meeting, he was very good at changing the subject. The subject isn't whether our community promotes rehabilitation, the subject is do we know enough about this entering and are we comfortable putting it into a residential area. She feels the residents are getting contradicting information, and the city needs to get to the bottom of it and make sure they understand what is going on. Ms. Nagel submitted a list of questions that she gave to Clerk of Council Kathy Patton.

Jessica Hazeltine resides at 515 Blake Ave. stated they are not in disagreement that we do need a facility, just not in the spot they want to put it. She addressed concerns and opposition of the opiate recovery centers' proposed location. She respectfully asks that this City explore other locations.

Mary Sibley resides at 245 W. Washington St. and came to represent the views of the members of the Bankers Rows Historic Neighborhood Association.

Judy Gillespie from 23003 Chandlers Lane, Olmsted Falls brought up the fact that the Clinic is not interested in supporting public meetings which is contradictory between monitoring the situation and then denying the public gathering. They are taking your voice away by not having public meetings, but you have something concrete when you have a petition.

Ron Ross, 1023 Ashwood Ln. thanked Dolly Yowler and her group and the Mayor of Medina for bringing a lot of attention to the Birthing Center issue. Ask yourself if taking away the birthing center takes away the greatness of our healthcare. We need to push back!

Fletcher Burch, 403 W. Washington St. moved here 12 years ago and it's been great. He feels crime will rise and when the crime rises, don't be surprised when us in our community start taking matters into our own hands.

Randy Schmidt resides at 360 Halifax Ln. has worked with criminal justice system in the state of California. Randy feels there has to be a better place to put the recovery facility.

Nancy Matty resides at 510 Wadsworth Rd. and feels there is a need for a recovery facility but not in the middle of a neighborhood where these families are living and growing. There are many empty buildings and this should be in a more commercial type area.

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

##### **Ord. 044-17:**

**An Ordinance authorizing the Mayor to enter into a contract with Evans, Mechwart, Hambleton & Tilton, Inc. (EMH&T Engineers) for the Guilford Boulevard Bridge Replacement Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 044-17,**

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seconded by Mr. Simpson. Mr. Patton stated they were awarded funds from ODOT to replace the bridge. This company is the most qualified for this project and as such we are recommending to award them the project. The roll was called and Ordinance/Resolution No. 044-17 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

**Ord. 045-17:**

**An Ordinance authorizing the expenditure of \$8,500.00 to the Medina County Society for the prevention of Cruelty to Animals (SPCA) for animal related services for the year 2017.**

Mr. Shields moved for the adoption of Ordinance/Resolution No. 045-17, seconded by Mr. Simpson. Mr. Rose stated they have made a huge improvement in what was presented to them two years ago. Mayor Hanwell stated the city does not have an animal control officer so for this minimal donation we have a great collaborative relationship with the SPCA. The roll was called and Ordinance/Resolution No. 045-17 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose and J. Shields.

**Ord. 046-17:**

**An Ordinance authorizing the Mayor to enter into a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) for the Medina Champion Creek Bicycle route project.**

Mr. Shields moved for the adoption of Ordinance/Resolution No. 046-17, seconded by Mr. Simpson. Mr. Patton stated the City was awarded a grant a couple years ago for the Champion Creek Bike Path Project and as part of that, the funds are being administered from NOACA through ODOT and we are asking ODOT to let us be the managers of those funds and to bid and award for the project and act as project administrator. The roll was called and Ordinance/Resolution No. 046-17 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

**Ord. 047-17:**

**An Ordinance authorizing the expenditure not to exceed \$35,000 to Walter Haverfield, LLP for legal services during the year 2017, and 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.**

Mr. Shields moved for the adoption of Ordinance/Resolution No. 047-17, seconded by Mr. Simpson. Mayor Hanwell stated Walter Haverfield have provided legal services to the city for litigation involving our Board of Zoning Appeals as well as a recently passed legislation by the State of Ohio taking away the home rule authority of the city to block cell tower locations within our right-of-way with no oversight of city at all. Emergency is needed because these services have already been provided and would like payment for the law firm. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 047-17, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg. The roll was called and Ordinance/Resolution No. 047-17 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Res. 048-17:**

**A Resolution strongly opposing the announcement by the Cleveland Clinic to close the**

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**Family Birthing Center at Medina Hospital. I would like to give council and the public a quick update on the Building Departments activity.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 048-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 048-17, seconded by Mr. Simpson. Mr. Simpson will abstain from the voting due to being employed by the Cleveland Clinic. Mr. Kolesar stated they are passing a resolution showing unity against this decision to remove the Birthing Center at Medina Hospital. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb. The roll was called and Ordinance/Resolution No. 048-17 passed by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar.

**Council Comments:**

Mr. Rose took advantage of the parks system and thanked Jansen for a nice job, however, he would like to mention the inconsiderate dog owners need to have a conversation with the considerate dog owners. There will be a cleanup on April 22<sup>nd</sup> in the morning on Hillview Way. Patrick Evans is organizing a group of people to clean up all the litter there. Mr. Piccoli will be assisting in getting some supplies, and if anybody would like to join in, you are more than welcome to.

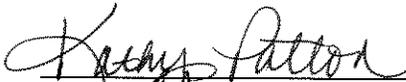
Mr. Rose stated he fully supports everything with the Birthing Center and would like to add, when it comes to emergencies and elective surgeries, you don't have to go to the Cleveland Clinic, some insurances require you to, but if you have a choice, then choose someplace else. Vote with your wallet and send a message that way. We can do everything we want to legislatively and pleadingly negotiating but the community can vote with their wallet.

Mr. Kolesar stated that on April 29<sup>th</sup>, he will hold an Earth Day/Arbor Day Cleanup at Roscoe Ewing Park from 9 a.m. - 12 p.m. The park can use your help.

Mr. Lamb stated they've worked with great cooperation from the city administration to do everything we can do to ensure that these neighborhoods are well maintained and friendly and welcoming. He has met with residents of Ward 1 on the issue of the recovery facility and its proposed location. If in fact the facility does go in, then he feels it's important to understand that we need to do everything we can do to ensure that the things that are not good about it that could happen, we want to work to make sure those things don't happen and work cooperatively to continue to improve the neighborhood.

**Adjournment:**

There being no further business before Council, the meeting adjourned at 8:40 p.m.

  
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Kathy Patton, CMC - Clerk of Council

  
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John M. Coyne, President of Council