

MEDINA CITY COUNCIL
Monday, May 22nd, 2017

Opening:

Medina City Council met in regular, open session on Monday, May 22nd, 2017. The meeting was called to order at 7:30 p.m. by President of Council John Coyne who led the Pledge of Allegiance.

Roll Call:

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

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. Birekbichler.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on May 8th, 2017 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 B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated they met prior to tonight's council meeting and will meet again in three weeks.

Health, Safety & Sanitation Committee: Mr. Kolesar stated they went over the Sanitation Budget last week.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb is working on scheduling a meeting.

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

17-092-5/22 – Budget Amendments

17-093-5/22 – Then & Now – State Farm Auto Insurance Payment

17-094-5/22 – Then & Now – Arthur J. Gallagher Risk Management Payment

17-095-5/22 – Cooperative Purchase – Case Management Software – Muni Court

17-096-5/22 – Amend Res. 59-16 – CT Consultants

17-097-5/22 – Expenditure Over \$15,000 – Technology Engineering Group – IT

17-098-5/22 – Resolution of Intent – OPWC – Wadsworth Waterline, Phase 2

17-099-5/22 – Request to Authorize Temporary Position – Finance Dept.

Special Legislation

17-100-5/22 – Develop Plan to Clean-up Blighted Areas

Streets & Sidewalks

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported the following:

- 1) Friday, May 19th, 7 p.m. Sea of Blue recognized police in country who have given their lives and was held at the Performing Arts Center due to the weather. Thanks to Annie and Trevor Satterwaite.
- 2) Rolling Thunder hosted a Candlelight Vigil on Medina Public Square Saturday, May 20th from 7:30 p.m. to 8:30 p.m. for those Veterans who were MIA-POW.
- 3) Farmers Markets on Public Square start at 9 a.m. on Saturday, May 27th to October 14th. 9 a.m. to 1 p.m. each Saturday.
- 4) Saturday, May 27th 6:30 a.m. to 11 a.m. - Medina County Roadrunners Club will host Medina Half Marathon and 5k event. Many visitors to city as a result.
- 5) Band Concerts on Medina Public Square - Start Friday, June 2nd at 8:30 p.m. and are held every Friday night thereafter in June and July, as well as July 4th.
- 6) Main Street Medina and City host the Kids Day of Play at Medina Square Saturday, June 3rd from 9 a.m. to 1 p.m.
- 7) Medina Community Design Committee will host a rock show event on Saturday, June 10th from 8 p.m. to 11 p.m. on Medina Public Square.

Keith Dirham, Finance Director, stated they are working through the budget process and have some changes of personnel which they will talk about in the agenda.

Greg Huber, Law Director, had no report.

Lt. Birckbichler, Acting Police Chief, reported that recently the Medina County Emergency Management Agency along with other public safety agencies, changed the mass notification system to a company called WENS. If you are interested in connecting with this, there is a link under the quick links on the Medina City website.

Kimberly Marshall, Economic Development Director, had no report.

Jonathon Mendel, Planning Community Director, had no report.

Chief Painter, Fire Chief, had no report.

Mike Wright, Recreation Center Director, reported the new outdoor Memorial Pool is scheduled to open this Saturday at 11 a.m. There will also be a Grand Opening celebration at

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Memorial Pool on Friday, June 2nd at 10 a.m. The first 100 patrons through the gate are free courtesy of Armstrong Cable and there will also be free hot dogs, chips and water donated by Discount Drug Mart. Thank you to both of these companies for their generous donations. The next Rec Center Advisory Board Committee is Thursday, June 15th at 7:30 a.m. at the Rec. Center.

Jansen Wehrley, Parks and Recreation Director, stated the splashpads open this Memorial Day weekend.

Dan Gladish, Building Official, had no report.

Patrick Patton, City Engineer, gave updates on two major construction projects. The US 42 North Court St. project is now one lane each direction. Hillview way is now closed for 30 days while it is reconstructed. West Smith project had concrete placed on the northbound lane of State Road today.

Nino Piccoli, Service Director, reported the Sanitation Department kicked off the Yard Waste Program today picking up grass clippings, leaves, twigs, branches and shrubbery. We will not pick up rocks, dirt, plastic bags or food waste and gravel. Information is on the city website. The plan is to pick up yard waste the same day as the regular trash route.

Confirmation of Mayoral Appointments:

Mike Jenks – Income Tax Review Board – Term Exp. 12/31/19

Mike Ryan – Records Commission – Term Exp. 12/31/17

Mildred Medley – Tax Incentive Review Council – Term Exp. 12/31/17

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

Confirmation of Finance Director's Appointment:

Deputy Director of Finance – Lori Bowers

Keith Durham recognized Lori Bowers in the audience and stated his former Deputy Director of Finance for the last five years Rich Petrunyak has taken a position Cuyahoga County and we wish him the best. Mr. Shields moved to confirm the Finance Director's appointment, seconded by Mr. Simpson. The roll was called and passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Notices, Communications and Petitions:

There were none.

Unfinished Business:

There was none.

Introduction of Visitors:

There were none.

Introduction and Consideration of Ordinances and Resolutions:

Ord. 069-17:

An Ordinance amending Section 133.01 of the Codified Ordinances of the City of Medina, Ohio relative to Association Memberships. Mr. Shields moved for the adoption of Ordinance/Resolution No. 069-17, seconded by Mr. Simpson. Mr. Dirham stated there are two organizations they are adding, Main Street Medina which we are already a part of as a city and for the Police Dept. the International Association of Property and Evidence. The roll was called and Ordinance/Resolution No. 069-17 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 070-17:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the 2017 Concrete Pavement Joint Sealing Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 070-17, seconded by Mr. Simpson. Mr. Patton stated this is their annual project it is a maintenance program for our concrete streets. The roll was called and Ordinance/Resolution No. 070-17 passed by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 071-17:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the 2017 Concrete Street Repair Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 071-17, seconded by Mr. Simpson. Mr. Patton stated this is an annual program that removes and replaces concrete panels in various locations throughout the city. We are asking for \$375,000.00 for this year's project. The roll was called and Ordinance/Resolution No. 071-17 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 072-17:

An Ordinance ratifying the Collective Bargaining Agreement between the City of Medina and the Ohio Patrolmen's Benevolent Association for the Police Sergeants and authorizing the Mayors to execute said Agreement. Mr. Shields moved for the adoption of Ordinance/Resolution No. 072-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 072-17, seconded by Mr. Simpson. Mayor Hanwell asked to address Ordinances 72, 73, 74, 75, 79, 80, & 84 together. Other than the Sergeants, the wages for each of the union agreements and what is being requested of Council to pass onto the non-union staff is 2.5% retroactive to January 1st, 2017, 2.25% in 2018, 2.0% in 2019. No increase to city for health care in 2017, proposed in the four contracts for union and non-union employees, a 1% increase of employee share in 2018, and 1% in 2019 dependent on City's insurance rates increasing by at least a percent or greater. Another change is every two weeks employees will get a portion of what they would earn for vacation. The Sergeants now will get a 1% increase and will not take effect until the contracts are executed. The roll was called on adding

the emergency clause and was approved by the yeas of P. Rose, J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb. The roll was called and Ordinance/Resolution No. 072-17 passed by the yeas of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar.

Ord. 073-17:

An Ordinance ratifying the Collective Bargaining Agreement between the City of Medina and the Ohio Patrolmen's Benevolent Association for the Patrol Officers and authorizing the Mayor to execute said Agreement. Mr. Shields moved for the adoption of Ordinance/Resolution No. 073-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 073-17, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yeas of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 073-17 passed by the yeas of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Ord. 074-17:

An Ordinance ratifying the Collective Bargaining Agreement between the City of Medina and the Ohio Patrolmen's Benevolent Association for the Communication Officers and authorizing the Mayor to execute said Agreement. Mr. Shields moved for the adoption of Ordinance/Resolution No. 074-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 074-17, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yeas of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. -17 passed by the yeas of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 075-17:

An Ordinance ratifying the Agreement between the City of Medina and the International Brotherhood of Teamsters, Local 436. Mr. Shields moved for the adoption of Ordinance/Resolution No. 075-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 075-17, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yeas of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar. The roll was called and Ordinance/Resolution No. 075-17 passed by the yeas of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 076-17:

An Ordinance authorizing the purchase of one (1) 2013 Freightliner Model M-2 VAC All Cab and Chassis from Best Equipment Company, to be used by the Street Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 076-17, seconded by Mr. Simpson. Mr. Piccoli stated that currently the Street Department has two street sweepers in the fleet and one is a 1993 and the other is 2012. This new unit will replace the 1993 that has served the city well. This unit is a street sweeper, a vacuum for catch basins and it also has leaf collection option which will be helpful in the fall. The roll was called and Ordinance/Resolution No. 076-17 passed by the yeas of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Ord. 077-17:

An Ordinance authorizing the purchase of one (1) 2018 Freightliner 114 SD Conventional Cab and Chassis Dump Truck from Valley Freightliner for the Water Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 077-17, seconded by Mr. Simpson. Mr. Piccoli stated this is for the Water Department. They are looking to replace the 2000 tandem axil dump truck that has been in service for 17 years and has served the city well. The roll was called and Ordinance/Resolution No. 077-17 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Ord. 078-17:

An Ordinance prohibiting cultivators, processors and retail dispensaries licensed under Chapter 3796 of the Revised Code within the City of Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 078-17, seconded by Mr. Simpson. Mr. Huber stated that it is administratively the recommendation that we prohibit this activity at this time until the Federal Government acts with respect to marijuana possession and use. Currently federal law classifies marijuana as a drug of abuse, it's illegal to possess under federal statutes and the states have proceeded with authorizing activities that involve retail dispensaries and cultivation and processing without really addressing the fact that the federal law prohibits these activities. He and the Mayor have been sworn to uphold the laws of the state of Ohio and also sworn to uphold the laws of the United States and to simply ignore the fact that the federal law prohibits these activities and prohibits marijuana possession. Until the federal government acts, there is no exemption to possessing marijuana. His recommendation is to prohibit these activities until the federal government clarifies this issue. Mr. Kolesar stated for clarification the city had a 6 month moratorium on this issue and he voted in favor of that because it would give the legal department some time to catch up on what the state put into place. To put an overall ban on this knowing that it is a taboo subject here but he is not comfortable voting for. Mr. Lamb feels that what the State is doing and what the federal law is doing is in conflict with each other. Mr. Simpson will be voting against this partially for the same reason that Mark is voting against it. He feels since medical marijuana, which from his understanding will not be smoked, it will be an oil base and would benefit some people medically. He would have moved forward to extend the Moratorium but not banning. Mr. Coyne concurs with Mr. Simpson, having been through a few cases of cancer with close family members and others, the recreational use of marijuana he feels there is no place for that, but medical marijuana provides unique challenges and unique opportunities for those who desperately need pain relief. It is difficult to make a decision when you see people in those situations. Mr. Hilberg wants to clarify some things because he has been approached and asked why would he not be in favor of the use of medical marijuana for medical purposes, he stated this ordinance isn't saying the city is going to ban the use of medical marijuana but it is banning the cultivation and growing of it in the City of Medina. He agrees with Mr. Huber and the Mayor and for those reasons he will vote for this. Mr. Rose will be voting for this for the very reasons that Mr. Hilberg brought up. The roll was called and Ordinance/Resolution No. 078-17 passed by the yea votes of B. Hilberg, B. Lamb, P. Rose, and J. Shields. M. Kolesar, J. Coyne, and D. Simpson cast a nay vote.

Ord. 079-17:

An Ordinance amending Section 31.13 of the Salaries and Benefits Code of the City of Medina, Ohio relative to Vacations. Mr. Shields moved for the adoption of Ordinance/Resolution No. 079-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 079-17, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 079-17 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 080-17:

An Ordinance amending Section 31.16 of the Salaries and Benefits Code of the City of Medina, Ohio relative to Group Hospitalization. Mr. Shields moved for the adoption of Ordinance/Resolution No. 080-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 080-17, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar. The roll was called and Ordinance/Resolution No. 080-17 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 081-17:

An Ordinance amending Ordinance No. 167-16, passed December 12, 2016, (Amendments to 2017 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 081-17, seconded by Mr. Simpson. Mr. Dirham stated this is to appropriate a donation and some wellness funds as well. The roll was called and Ordinance/Resolution No. 081-17 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

Ord. 082-17:

An Ordinance of the Council of the City of Medina, Ohio, certifying the 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. 082-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 082-17, seconded by Mr. Simpson. Mr. Dirham stated this expenditure arises out of a vehicle accident and we are asking for the emergency clause because the vendor has completed the work. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 082-17 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Ord. 083-17:

An Ordinance of the Council of the City of Medina, Ohio, certifying the 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. 083-17, seconded by Mr. Simpson. Mr. Shields moved

that the emergency clause be added to Ordinance/Resolution No. 083-17, seconded by Mr. Simpson. Mr. Dirham stated this is to pay the insurance that we are already into the policy. 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. 083-17 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Hilberg.

Ord. 084-17:

An Ordinance amending Section 31.03 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Salary Schedules for employees not covered under current union contracts for the years 2017, 2018, and 2019. Mr. Shields moved for the adoption of Ordinance/Resolution No. 084-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 084-17, seconded by Mr. Simpson. 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, B. Hilberg, M. Kolesar, and B. Lamb. The roll was called and Ordinance/Resolution No. 084-17 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, and M. Kolesar.

Ord. 085-17:

An Ordinance amending Section 31.02 and 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Finance Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 085-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 085-17, seconded by Mr. Simpson. Mr. Dirham explained that it will be necessary to bring the former Deputy Finance Director Mr. Petrunyak back on a consulting basis as a part-time employee to train as necessary. He gave a two week notice but the training for this job is a bit more than that. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 085-17 passed by the yea votes of D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

Council Comments:

Mr. Simpson reminded everyone this Saturday will be the soft opening of the Memorial Pool at Memorial Park. He thanked the Mayor and all department heads for all their hard work. You will be proud when you see what they have done.

Mr. Rose reminded everyone that Monday is Memorial Day and to honor our veterans.

Mr. Lamb thanked the Service Department for adding the yard waste program to pickups. It's one way that the city residents can participate and make all this work out better.

Mr. Lamb also announced that the local community band Stylee Wild will perform a concert on the square June 10th from 8 p.m. – 11 p.m. Before the concert starts, the South Court Historic Neighborhood Association has their annual Rock-In the Court from 4 p.m. to 7 p.m. with about 20 bands playing within two blocks along with food trucks. The Community Design Committee's annual Garden Party is on the 24th of June being held in two different homes. Tickets are available

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at Miss Molly's, Boyert's Nursery and Cool Beans.

Mr. Shields thanked Kathy Patton and the Mayor for helping with 600 third graders over the last few weeks that came in to learn about local Government.

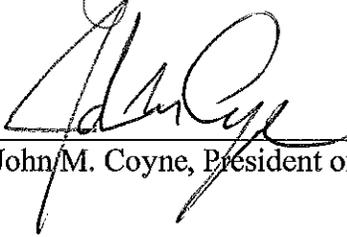
Mr. Shields also thanked all involved with getting the Memorial Pool ready to open.

Adjournment:

There being no further business before Council, the meeting adjourned at 8:13 p.m.



Kathy Patton, CMC - Clerk of Council



John M. Coyne, President of Council

