

Opening:

Medina City Council met in regular, open session on Monday, June 12th, 2017. The meeting was called to order at 7:30 p.m. by President of Council John Coyne. Andrew Ross from The First Christian Church of Medina and Troop 507 led the Pledge of Allegiance.

Roll Call:

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

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, and Jansen Wehrley. Members of the press Kevin McManus, Bob Finnan, and Ann Coleman.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on May 22nd, 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 yeas of P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, and B. Lamb.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated they met prior to tonight's council meeting and will meet again right after this meeting.

Health, Safety & Sanitation Committee: Mr. Kolesar stated they do not have a meeting scheduled but have a large item on the agenda tonight in reference to our fire services.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report.

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

Water & Utilities Committee: Mr. Hilberg was absent.

Emerging Technologies Committee: Mr. Rose reported a meeting on June 20th to discuss case management software for the Municipal Court at 6 p.m. following the budget meeting at 5:30 p.m.

Requests for Council Action:

Finance Committee

17-101-6/12 – 2017 Codification Update

17-102-6/12 – Budget Amendment

17-103-6/12 – Amend Codified Ord. 339.26 – Truck Routes

17-104-6/12 – Fire Services Contract w/ Medina Township

17-105-6/12 – Expenditure Over \$15,000 – Wingfoot Commercial Tire

17-106-6/12 – Job Creation Grant Payment for Sandridge Food Corp.

17-107-6/12 – PY17 CDBG Allocation Grant Application

17-108-6/12 – PY16 CHIP Private Rehabilitation – 4144 St. James Dr.

- 17-109-6/12 – Amend P&Z Code, Chapter 1127, Sections 1127.04 and 1127.05
- 17-110-6/12 – Amend S&B Code 31.04 & Accept Job Description Tree Care Technician
- 17-111-6/12 – Accept Conservation Easements for Champion Creek Restoration Project
- 17-112-6/12 – 2017 Concrete Pavement General Services Program
- 17-113-6/12 – Revise Civil Service Rule VIII (K) – Promotional Probationary Period
- 17-116-6/12 – Amend S&B Code – Cable TV, Asst. Producer/Tech. Operations Director
- 17-118-6/12 – Then & Now – Legal Fee Payment

Health, Safety & Sanitation Committee

- 17-114-6/12 – Amend S&B Code Re: First and Second Assistant Fire Chief Positions
- 17-115-6/12 – Amend S&B Code Sec. 31.05 – Addition of Two Fire Lieutenant Positions
- 17-117-6/12 – Curbside Recycling Program (Kolesar)

Emerging Technologies Committee

- 17-095-5/22 – Case Management Software – Medina Municipal Court

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported the following:

- 1) Memorial Pool Grand Opening was Friday, June 2, at 10 a.m. Thanks to Armstrong Cable and Drug Mart for providing free entry to the first 100 people as well as free lunch. Well received by community and special recognition of Macy Hallock and Robert Rieffer for their efforts in getting original pool open at this location.
- 2) Band Concerts continue on Friday evenings at 8 p.m. This Friday, June 16th concert will commemorate Flag Day.
- 3) Farmer’s Market each Saturday morning from 9 a.m. to 1 p.m. June 17th Medina will host the annual Pizza Palooza. Service agencies will be on the square to share their programs and a chance to try and vote for the best pizza.
- 4) Many activities and visitors to our square and many positive comments.
- 5) Proclamation to Stephanie Mueller to designate Wednesday, June 21st as the “Longest Day” to bring awareness and recognition to those afflicted with Alzheimer’s Disease.

Keith Dirham, Finance Director, reported there is a budget meeting on Wednesday.

Greg Huber, Law Director, had no report.

Lt. Birckbichler, Acting Police Chief, had no report.

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 updates on the pool since it's opening on May 27th. \$25,565 in revenues YTD, including season passes of \$13,430, daily admissions of \$10,696, concession stand revenues of \$1,369 and 2 Cabana rentals so far. YTD daily admission of patrons is 677. Sold 260 (5) visit punch cards and have had 429 pass scans which is members using the facility. YTD we now have 80 season passes sold and 323 season pass holders. Side note: 2 sexual offenders have been blocked from using the facility with the ID Policy in place. The next Rec Advisory Committee meeting is Thursday, August 17th.

Jansen Wehrley, Parks and Recreation Director, had no report.

Dan Gladish, Building Official, reported the Building Department is extremely busy with both construction and property maintenance code enforcement. Construction includes 5 new homes, 5 medical projects, 2 industrial projects, 3 large multi-family projects and one commercial project.

Patrick Patton, City Engineer, reported West Smith Rd. had its second main line pour. This week, weather permitting, they will be pouring the second main line pour on State Rd. and will open prior to the Fair. On North Court Street, the contractor is paving the South bound lanes this week and also continuing work on Reagan Parkway both east and west and Hillview Way. They anticipate flipping traffic sometime in mid-July. No room for a left turn lane from Reagan (on either direction) to Court Street; it is not permitted and you will get a ticket if you turn there. There is signage up stating no turns.

Nino Piccoli, Service Director, had no report.

Confirmation of Mayoral Appointments:

Shade Tree Commission – Benjamin E. Ott, Expiring 12/31/2018

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

Notices, Communications and Petitions:

There were none.

Motion to appoint Delegate & Alternate to the Regional Council of Governments:

Mayor Dennis Hanwell – Delegate
Keith Dirham - Alternate

Mr. Shields moved to appoint the Delegate and Alternate, seconded by Mr. Simpson. The roll was called and approved by the yea votes of D. Simpson, J. Coyne, M. Kolesar, B. Lamb, P. Rose, and

J. Shields.

Mr. Coyne explained this is for the RITA Board for the change we are making from CCA for our tax collector to RITA, taking effect January 1st, 2018.

Unfinished Business:

There was none.

Introduction of Visitors:

Bob Russell resides at 641 Tremain Place. He stated there is growing concern over Osborne Inc. cement crushing at 795 South Progress Dr. Mr. Russell addressed the history of the issue. He spoke of the HOA of Liberty Woods who filed a civil law suit to minimize the impact of Osborne's operations on the development. Resulting in 96 settlement agreement which clearly outlines how Osborne can operate. How the tracks behind the homes would no longer be used after Oct. 31st unfortunately the tracks are still being used. We can't ignore the 300 households and neighboring businesses that are directly impacted by this on a daily basis.

Beth Bugner resides at 1118 Alexandria. She stated she is here to represent the Medina Half Marathon. They thanked the city for all their support for this event. Over the last four years they have been able to generate enough money to donate \$80,000 to local Medina Run charitable organizations. They anticipate breaking the \$100,000 mark. Average age of runners is 38. There were 443 runners from Medina and 1,207 total registered runners, representing 23 states. She thanked the Mayor and the Police Dept.

Lee Martin, 963 Pine Tree Court, spoke of the Osborne issue and because of what is going on he has decided to move. When the realtors came out (2 different ones), they both stated that the noises they heard would definitely be a problem selling his home and now he anticipates the value of his home went down due to the noise issue.

Charles Reno resides at 673 Cornwallis Ct. and came to ask why Osborne is Osborne continuing to operate without a license, why haven't they been sited, why haven't they been shut down. Whose job is it to do this and who is running this program.

Chris Starcher, 887 Bunker Hill stated that Mr. Russell did a fine job of conveying all the issues that most the residents have that surround Osborne Inc. She wanted to represent the Yorktown Subdivision. She thanked city officials for the jobs they do and has the utmost respect for them. The conditional zoning certificate 1153.03 should be repealed for the same reasons as mentioned above. The trains are so loud they feel like they are in her backyard. It happens all hours of the night. She believes the city officials will handle this with the best interest of the residents affected and for their health, wellbeing and welfare, and uphold the laws regarding this.

Mr. Huber stated that Osborne Inc. is located in an industrial district and because of that it allows heavy manufacturing. We have been involved in almost 3 years' worth of litigation with Fetchko Excavating over whether or not rock crushing even requires a conditional zoning permit. It's not crystal clear. Just recently they have received a decision from the Common Pleas Court that stated

that in fact, in the Judge's decision, rock crushing does require a conditional zoning permit. We are in the process right now after 3 years of litigation the Common Pleas Court has backed up the City of Medina in determining that rock crushing is a heavy manufacturing process that requires a conditional zoning permit up until this decision last month that was not clear. So now Osborn is in the process of applying for a conditional zoning permit. The Planning Commission will have to make a decision about how to deal with containing or balancing the issues being presented with this industrial process as compared to the residents living next door. The city has hired an expensive expert testing firm to test the issues with respect to noise, dust and impact.

Michael Kennedy, 884 Cornell Court asked when was that zoned heavy industrial?

Rebecca Conley, 664 Terrain Place, stated she was under the impression from attending the Planning Commission meetings that it is in fact not heavy manufacturing zoned and that's the reason for the conditional zoning certificate.

Jim Henzey, 885 Cornell Court and his property borders the Osborne facility. Back in 2015, he did some refinancing of the property and specifically the appraiser came in and noticed the noise and said that it would adversely affect the price at which they could refinance their home.

Introduction and Consideration of Ordinances and Resolutions:

Res. 086-17:

A Resolution amending Resolution No. 59-16, passed April 25, 2016, relative to the Partnership Agreement with the City of Brunswick for grant assistance for a PY 16 Community Housing Impact and Preservation Program (CHIP) Grant. Mr. Shields moved for the adoption of Ordinance/Resolution No. 086-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 086-17, seconded by Mr. Simpson. Mr. Mendel stated this helps them execute their CHIP Program. Some wording was left out of the original agreement and exhibit B would incorporate the appropriate text so that we can execute a portion of the project. Emergency clause is needed to begin the home building repair activity as soon as possible. The roll was called on adding the emergency clause and was approved by the yeas votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, J. and Coyne. The roll was called and Ordinance/Resolution No. 086-17 passed by the yeas votes of J. Coyne, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Res. 087-17:

A Resolution declaring the official intent and reasonable expectation of the City of Medina on behalf of the State of Ohio (the borrower) to reimburse its Stormwater/Street Fund 108 for the Wadsworth Road Waterline, Phase 2 Project, with the proceeds of tax exempt debt of the State of Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 087-17, seconded by Mr. Simpson. Mr. Patton stated Council authorized us to apply for a zero interest loan to complete Phase 2 of the Wadsworth Rd. Waterline Project. The roll was called and Ordinance/Resolution No. 087-17 passed by the yeas votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and M. Kolesar.

Ord. 088-17:

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. 088-17, seconded by Mr. Simpson. Mr. Dirham stated the court wished to transfer some excess funds from one of their court funds that are funded by fees to another one. The roll was called and Ordinance/Resolution No. 088-17 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, and B. Lamb.

Ord. 089-17:

An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances of the City of Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 089-17, seconded by Mr. Simpson. This is the annual update of the codified ordinances and we modify them as the ordinances are passed and we update our books. The roll was called and Ordinance/Resolution No. 089-17 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb and P. Rose.

Ord. 090-17:

An Ordinance of the Council of the City of Medina, 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. Mr. Shields moved for the adoption of Ordinance/Resolution No. 090-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 090-17, seconded by Mr. Simpson. Mr. Dirham stated this is for legal services and the emergency clause is needed due to services rendered. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, M. Kolesar, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 090-17 passed by the yea votes of D. Simpson, J. Coyne, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

To be added to the agenda:

Mr. Shields moved to add Ord. 091-17 to the agenda, seconded by Mr. Simpson. Motion passes by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 091-17

An Ordinance authorizing the Mayor to enter into a Contract for Fire Services with Medina Township. Mr. Shields moved for the adoption of Ordinance/Resolution No. 091-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 091-17, seconded by Mr. Simpson. Mayor Hanwell stated he and Chief Painter have been reviewing the possibility of the city providing contractual fire services for Medina Township for some time. The City has provided contractual fire services to the Township of Montville which is larger in population for over 5 decades and we have analyzed the calls in the past three years, both fire and EMS related calls, that went to the fire departments, analyzed which stations between the 3 in the city the one in Montville and the two in Medina Township would be best suited to staff. The City of Medina currently staffs three members during the day at 8 hour shifts to complement 3 full time members and then we staff 4 members in the afternoon shift from 4 to midnight. We are proposing adding an additional staff member during the day for a total of 8, and the second

shift an additional 2 members going from 4 members to 6 members. Dividing that staff member between the Nettleton Rd. Station which is Medina Township and the other location would be our Station One which is near the Regal Cinema. Mr. Bill Ostmann (Chairman of the Board of Medina Township Trustees) stated they formed a committee to look at the needs of the fire services of Medina Township. They met several times last year and determined they needed to look at other options. Mr. Coyne thanked everyone for their efforts, this has been discussed for many years and we hope the goal of course is to provide the best service possible to the residents with the most efficient response times and in the most cost effective way. 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, and B. Lamb. The roll was called and Ordinance/Resolution No. 091-17 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and M. Kolesar.

Council Comments:

Mr. Rose commented in regard to how our Police Department interacts with the community. He attended the Let's Make a Difference Medina sign up. Lenny Katesco, Ed Kenney they were with the crowds and interacting with the children, Derek Crooks and Mike English that were taking a couple of the kids to school and basketball. Just doing an excellent job.

Mr. Rose stated that some residents he spoke to from Ward 4 had high praises for our sanitation workers.

Mr. Rose stated that for the past 7 years he has had the honor and privilege of representing everybody as Council at Large and is putting his hat in the ring for another four years.

Mr. Simpson thanked Mr. Ostmann for attending tonight's meeting. He stated he sees nothing but positive effects with this contract for Fire Services and realizes it has not been easy.

Mr. Simpson also reminded residents that if you have not made it to Medina's new Municipal Pool you should make it a point to go. It's done, it's open and it's spectacular!

Mr. Kolesar stated he has always been a supporter of collaboration and a Fire District. We've tried to hit this hurdle in years past and he appreciates the Trustees coming together and hopefully have a consensus to move forward on that and he thanked the administration for working diligently to make this happen. His main concern as a council member is to make sure people are safe and if that can be done in a more efficient manner, that is even better.

Mr. Kolesar was able to be at the Municipal Pool for the Grand Opening and it was nice to see a line of residents and kids.

Council members commented on the nice "Cannon Ball" Mr. Kolesar christened the new pool with! Mr. Kolesar said he attended the South Court Street Music Festival and it's a great thing that Mr. Lamb and the neighborhood has put together.

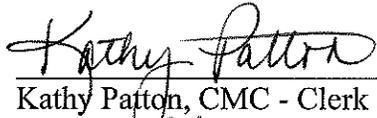
Mr. Lamb recalled the big weekend of music in Medina this past weekend. Lots of supporters, lots of donors, lots of sponsors and so much help putting it all together. He thanked the city for their assistance with the stage and some of the logistics.

Mr. Lamb said he is thrilled to hear the numbers with the attendance and income at the pool.

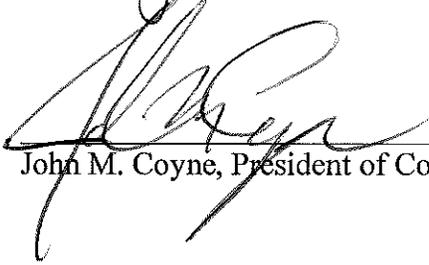
Medina City Council
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Adjournment:

There being no further business before Council, the meeting adjourned at 8:46 p.m.



Kathy Patton, CMC - Clerk of Council



John M. Coyne, President of Council