

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

November 8, 2021
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (October 25, 2021)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

Liquor Permit:

Not to object to the stock transfer of a C1 and C2 permit to Speedway LLC dba Speedway 1168, 900 N. Court Street, Medina.

Not to object to a new C2 permit to Rivalry Brews LLC, dba Rivalry Brews, 1st Floor, 124 Lafayette Rd. #101, Medina.

Unfinished business.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Motion to suspend the Rules requiring three readings on the following ordinances and resolutions: Ord. 180-21, Ord. 181-21, Ord. 182-21, Or. 183-21, Ord. 184-21, Ord. 185-21

Ord. 179-21

An Ordinance amending and replacing Chapter 145 of the codified ordinances of the City of Medina, Ohio relative to the Historic Preservation Board.

(First Reading)

Ord. 180-21

An Ordinance adopting a Cyber Security Incident Response Policy for the City of Medina.

Ord. 181-21

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 and repealing Ordinance No. 58-18, passed March 26, 2018.

Ord. 182-21

An Ordinance authorizing the Finance Director to repay the following fund advances.

Ord. 183-21

An Ordinance authorizing the expenditure to Main Street Lighting for costs related to repairs and replacement of street luminaries within the Historic District.
(emergency clause requested)

Ord. 184-21

An Ordinance authorizing the purchase of ten (10) MX Performance Plus Matrix Treadmills from Matrix Fitness for the Medina Community Recreation Center.

Ord. 185-21

An Ordinance authorizing the purchase of one (1) 2022 Ford F-250 Super Duty Truck from National Auto Fleet Group for the Parks Department.

Ord. 186-21

An Ordinance amending Ordinance No. 217-20, passed December 14, 2020. (Amendments to 2021 Budget)

Ord. 187-21

An Ordinance authorizing the Finance Director to rollover certain outstanding advances.

Ord. 188-21

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

Council comments.

Adjournment.

MEDINA CITY COUNCIL
Monday, October 25, 2021

Call to Order:

Medina City Council met in regular session on Monday, October 25, 2021 at Medina City Hall. The meeting was called to order at 7:30 p.m. by President of Council Pro-Tem, Jim Shields, who led in the Pledge of Allegiance. Mr. Shields announced that Mr. Coyne is the acting Mayor tonight.

Roll Call:

The roll was called with the following members of Council present J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Also present were the following members of the Administration: Acting Mayor – John Coyne, Greg Huber, Keith Dirham, Nino Piccoli, Patrick Patton, Kimberly Marshall, Police Chief Kinney, and Andrew Dutton.

Minutes:

Mr. Simpson moved that the minutes from the regular meeting on Tuesday, October 12, 2021, as prepared and submitted by the Clerk be approved, seconded by Mr. Rose. The roll was called and the motion passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Hazeltine.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated the Finance Committee met prior to this evening's Council meeting and will meet again in two weeks.

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

Public Properties Committee: Mr. Shields stated they are looking to schedule a meeting sometime in November.

Special Legislation Committee: Mr. Lamb stated that the Finance Committee passed the demolition legislation and will go through three readings and come back to Council for approval. Discussion and hearing on the issue of deer sometime in November.

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

Water & Utilities Committee: Mrs. Hazeltine had no report.

Emerging Technologies Committee: Mr. Rose stated the cyber security policy was passed in the Finance Committee and will move onto Council.

Requests for Council Action:

Finance Committee

21-201-10/25 – Amend Ord. 943.11 – Cemetery Fees

21-202-10/25 – Increase PO #21-329 – MNJ Technologies – Police

21-203-10/25 – Increase PO #21-939 – Rocco Masonry & Concrete – Service

21-204-10/25 – Then & Now – Rudick Forensic Engineering – Law Dept.

21-205-10/25 – Preliminary Legislation ODOT – US42 Signal Timing

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21-206-10/25 – Purchase of Treadmills – MCRC
21-207-10/25 – MCRC Logo Discussion
21-208-10/25 – 2020 Capital Grant – Expend. To Main St. Lighting – Lampposts
21-209-10/25 – Purchase (1) 2022 Ford F250 Truck – Parks Department

Reports of Municipal Officers:

John Coyne, Acting Mayor stated that Trick or Treat is this weekend and will be held in the City of Medina between the hours of 6 p.m. and 8 p.m. on Sunday.

Keith Dirham, Finance Director, stated there is one item that came from Finance and he will address it tonight.

Greg Huber, Law Department, Welcomed Andrew Dutton to his first official Council meeting.

Chief Kinney, Police Department, had no report.

Chief Walters, Fire Department, was not in attendance.

Kimberly Marshall, Economic Development Director, stated they are coming to the home stretch on the community engagement on the Medina Comprehensive Plan Update. Please take online survey at www.medinacompplan2021.wordpress.com need more feedback. Sending out updated schedule soon. Friday, November 5th is the next round of ribbon cuttings starting at 11 a.m. Griddles Café – 986 North Court St., 1 p.m. Medina Sports Training Center – 879 South Progress Drive, 3 p.m. Ohio Gray Baseball – 569 North State Road, and then 4 p.m. Reverie– 56 Public Square. She announced they have changed their notification process – now using Constant Contact to email invites and they are asking people to either accept or decline ribbon cutting invites. November 2nd is next City of Medina Economic Development Committee meeting 8 a.m. in the Multi-Purpose Room at City Hall.

Jansen Wehrley, Parks and Recreation Director, absent.

Cindy Lastuka, Municipal Court, had no report.

Dan Gladish, Building Official, absent.

Nino Piccoli, Service Director, stated the Leaf Program will start Monday, November 1st. Rake your leaves to the end of the tree lawn NOT INTO THE STREET! We will have 3 trucks running through the city daily.

Patrick Patton, City Engineer, had no report.

Andrew Dutton, Planning & Community Development Director, stated he was able to attend the Boards and Commissions meetings on October 14th, notable projects were: site plan approval for facility on Branch Road, McDowell Phillips house received approval from Planning

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Commission and Historic Review Board for some exterior changes in phase one of a larger project.
Thanks to everyone for the warm welcome.

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:

Mr. Simpson moved to suspend the rules requiring three readings on the following ordinances and resolutions, seconded by Mr. Rose: Ord. 170-21, Ord. 171-21, Ord. 172-21, Ord. 173-21, Ord. 174-21, Res. 175-21, Res. 176-21, Ord. 177-21, and Ord. 178-21. The roll was called and the motion passed with the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Hazeltine, and E. Heffinger.

Ord. 170-21:

An Ordinance authorizing the expenditure, and authorizing the Mayor to execute the Government Agency Customer Agreement with Flock Safety for a License Plate Scanning System for the Police and Street Departments. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 170-21, seconded by Mr. Rose. Chief Kinney stated this is for Flock Safety License Plate Recognition Program for the Police and Service Departments. This system will assist the Police Department in the investigation of crimes involving motor vehicles here in the City of Medina. This agreement has been reviewed and approved by the Law Director. The roll was called and Ordinance/Resolution No. 170-21 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Hazeltine, E. Heffinger, and B. Lamb.

Ord. 171-21:

An Ordinance authorizing the Mayor to execute an Agreement consenting to Walter Haverfield, LLC representation of the Medina City Development Corporation (CIC) in relation to matters related to the Liberty View Development Project, waiving any conflict related to that representation. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 171-21, seconded by Mr. Rose. Mr. Huber stated that Todd Hunt from the Walter Haverfield Law Firm is advising the Historic Preservation Board in the upcoming demolition hearing on Dr. Raymond's Building, Greg is presenting the case to the Board. At the same time one of the other partners of this law firm has been assisting Kimberly Marshall with some contractual issues concerning the Liberty View Project and that is for the CIC. The CIC is a separate entity from the City of Medina, and so this authorizes the Mayor to recognize that same law firm is advising two different entities. The roll was called and Ordinance/Resolution No. 171-21 passed by the yea votes of J. Shields, D. Simpson, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

Ord. 172-21:

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. Simpson moved for the adoption of Ordinance/Resolution No. 170-21, seconded by Mr. Rose. Mr. Dirham stated this is to pay an invoice to an engineering firm, the invoice was from September 8th. The roll was called and Ordinance/Resolution No. 170-21 passed by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 173-21:

An Ordinance authorizing the increase of the expenditure to LHI Litchfield Heating, Inc. for the Public Buildings Department. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 170-21, seconded by Mr. Rose. Mr. Piccoli stated they replaced the HVAC rooftop unit a year ago with COVID CARES funding for Phase One. Phase two is the VAV boxes which control the airflow to each area by thermostat. There are 40 boxes in total. The roll was called and Ordinance/Resolution No. 170-21 passed by the yea votes of votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Hazeltine.

Ord. 174-21:

An Ordinance authorizing an appraisal (Fair Market Value Estimates) for the West Smith Reconstruction Project. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 174-21, seconded by Mr. Rose. Mr. Simpson moved that the emergency clause be added to Ordinance/Resolution No. 174-21, seconded by Mr. Rose. Mr. Patton stated the West Smith Road project is receiving some federal funds and it is required that we utilize a certified property negotiator, they have prepared the fair market estimate for the 15 properties that we need to acquire an easement from. We accept these estimates as submitted and authorize the consultant to proceed with negotiations using these values. Emergency is needed because this is requiring the right-of-way which is typically the longest task to be done in federal projects, and would like to get started as soon as they can. 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. Hazeltine, and E. Heffinger. The roll was called and Ordinance/Resolution No. 174-21 passed by the yea P. Rose, J. Shields, D. Simpson, J. Hazeltine, E. Heffinger, and B. Lamb.

Res. 175-21:

A Resolution authorizing the application and acceptance reimbursements from the Patrick Leahy Bulletproof BJA Grant for the purchase of seven (7) bulletproof vests for the Police Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 175-21, seconded by Mr. Simpson. Chief Kinney explained this is to apply and accept the Bureau of Justice Assistance Grant for 7 Bullet proof vests in the amount of \$3,411.50. The roll was called and Ordinance/Resolution No. 175-21 passed by the yea votes of J. Shields, D. Simpson, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

Res. 176-21:

A Resolution authorizing the filing of a grant application to the Office of Criminal Justice Services, State of Ohio for the 2022 Body Worn Camera Grant Program for the Police

Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 176-21, seconded by Mr. Simpson. Chief Kinney stated this is for the Police Department to apply and accept the Office of Criminal Justice Services Grant for body worn camera program. The roll was called and Ordinance/Resolution No. 176-21 passed by the yea votes of D. Simpson, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Ord. 177-21:

An Ordinance authorizing an amendment to the Lease Agreement with Williams Scotsman, Inc., for the lease of a Flex Portable Building for the Medina Municipal Court. Mr. Shields moved for the adoption of Ordinance/Resolution No. 177-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 177-21, seconded by Mr. Simpson. Mrs. Lastuka stated this is an extension of the lease and would take them to May 2022. Emergency clause is requested because the current lease expires at the end of this month. The roll was called on adding the emergency clause and was approved by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 177-21 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Hazeltine.

Ord. 178-21:

An Ordinance amending the codified ordinances of the City of Medina, Ohio, by the addition of a New Chapter 138 relative to establishing the Emerging Technology Advisory Committee. Mr. Shields moved for the adoption of Ordinance/Resolution No. 178-21, seconded by Mr. Simpson. Mr. Rose stated this advisory committee came out of discussion with the Charter Review Committee. Paul feels this is something that is needed. The roll was called and Ordinance/Resolution No. 178-21 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Hazeltine, and E. Heffinger.

Council Comments:

Mrs. Hazeltine stated she will not be able to attend the ribbon cuttings this week. Please go out and vote.

Mr. Simpson reminded everyone to not rake your leaves into the streets, they find their way to the storm sewers which can cause flooding. Dennie encouraged everyone to please vote and good luck to his colleagues running on council. Be kind to one another.

Paul Rose stated he has spoken to a lot of residents over the last few months, in general they are happy with what is going on in the city, and are very happy with Mayor Hanwell. One issue brought up over and over were the deer in the city and we need to look into having something done.

Mr. Lamb also encouraged everyone to get out and vote, one of the wonders of this municipal government that we have here that enables us to work so well together is simply that we are non-partisan.

Mr. Heffinger stated he voted today! Go vote!

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Mr. Shields stated that Mr. Coyne does such a nice job always and thanked him for filling in for the mayor in his absence. He stated that he doesn't have to be President of Council very often because John rarely misses a meeting and the Mayor rarely takes a vacation and he appreciates both of them. Jim also thanked Mr. Piccoli, stating he has been to the city auction over 20 times and Nino runs it every year spending his Saturday there. If you haven't already voted make sure you vote on Tuesday, November 2nd.

There being no further business, the meeting adjourned at 8:02 p.m.

Kathy Patton, Clerk of Council

John M. Coyne, President of Council

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

84189940870 PERMIT NUMBER		STCK TYPE	SPEEDWAY LLC DBA SPEEDWAY 1168 900 N COURT MEDINA OHIO 44256	
ISSUE DATE				
09 03 2021 FILING DATE				
C1 C2 PERMIT CLASSES				
52 TAX DISTRICT	077	C	F26435 RECEIPT NO.	

FROM 10/19/2021

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



MAILED 10/19/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN 11/19/2021

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES

C STCK 8418994-0870

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title) - Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7403935		N		RIVALRY BREWS LLC DBA RIVALRY BREWS 1ST FL 124 LAFAYETTE RD #101 MEDINA OH 44256
PERMIT NUMBER		TYPE		
09 29 2020				
ISSUE DATE		FILING DATE		
C2		PERMIT CLASSES		
52	077	C	C86957	
TAX DISTRICT		RECEIPT NO.		

FROM 10/27/2021

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



MAILED 10/27/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 11/29/2021

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C N 7403935

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

(Signature)

(Title) - Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

ORDINANCE NO. 179-21

AN ORDINANCE AMENDING AND REPLACING CHAPTER 145 OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO RELATIVE TO THE HISTORIC PRESERVATION BOARD.

WHEREAS: That Chapter 145 of the codified ordinances of the City of Medina, Ohio relative to the Historic Preservation Board currently reads as set forth in Exhibit A, attached hereto and incorporated herein; and

WHEREAS: The proposed amendments to Chapter 145 were reviewed and approved by both the Special Legislation Committee on October 14, 2021 and the Finance Committee on October 25, 2021.

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

SEC. 1: That Chapter 145 of the codified ordinances of the City of Medina, Ohio relative to the Historic Preservation Board is hereby amended and replaced in its entirety with the document marked Exhibit B, attached hereto and incorporated herein.

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

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

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

Effective date –

CHAPTER 145

OLD
ORD 179.21
EXH. A

Historic Preservation Board

- 145.01 Establishment.
- 145.02 Purpose.
- 145.03 Board membership.
- 145.04 Responsibility of the Board.
- 145.05 Historic Districts and landmarks.
- 145.06 Rules and procedures.
- 145.07 Design guidelines/demolition criteria.
- 145.08 Designation criteria for Historic Districts or landmarks.
- 145.09 Designation procedures for Historic Districts or landmarks.
- 145.10 Severability.
- 145.11 Wayfinding Event Cabinets.

APPENDIX A: Procedural Manual for Historic Preservation Board.

- CHAPTER I INTRODUCTION AND ORGANIZATION
- CHAPTER II CERTIFICATE OF APPROPRIATENESS
- CHAPTER III CONDITIONAL SIGN PERMIT

CROSS REFERENCES

Authority to establish - see CHTR. Art. V, Sec. 1

145.01 ESTABLISHMENT.

In recognition of the need for the establishment of a public body with authority to act upon changes to buildings and structures in the Historic Districts, and in other parts of the City as established by Council, and in order to encourage changes that are compatible with the restoration movement now in progress, the Historic Preservation Board, hereinafter referred to as the Board, is hereby established.
(Ord. 75-07. Passed 5-14-07.)

145.02 PURPOSE.

Council, being mindful of the proud history of this community and of the importance of beauty in the everyday lives of Medina residents, hereby declares as a matter of public policy that the preservation, restoration, rehabilitation and overall aesthetic improvement of this community are matters of public necessity involving the health, safety, welfare, and prosperity of the people. The purpose of this chapter is to:

- (a) Promote the use and preservation of historic buildings, structures and sites which reflect the cultural, social, economic or architectural heritage of this Municipality for the education and general welfare of the residents of the Municipality;
- (b) Consider and take cognizance of the development of adjacent, contiguous and neighboring buildings and properties for the purpose of achieving safe, harmonious and integrated development of related properties;
- (c) Protect and enhance the attractiveness of the area as it relates to residents, tourists and visitors, serving as a support and stimulant to business, and thereby strengthen the economy for the Municipality and its residents;
- (d) Strive to achieve compatibility of any and all new construction with any and all modifications of existing structures with the historic architectural character of the Municipality;
- (e) Preserve and enhance civic pride of the residents in the beauty of the Municipality and in the notable accomplishments of the past.

(Ord. 75-07. Passed 5-14-07.)

145.03 BOARD MEMBERSHIP.

The Historic Preservation Board shall consist of five members who shall demonstrate a special interest, knowledge, or training in preservation, architecture, history, planning, conservation, landscape architecture, archeology, urban design or closely related field as follows:

- (a) Two (minimum) preservation related professional or academic members to the extent that they are available;
- (b) Two property or business owners from within the district;
- (c) One resident of the City.

Members shall be residents of the City of Medina; professional or academic members may include non-residents if no qualified residents are available. Members shall be appointed by the Mayor and approved by Council and shall serve for four-year terms. Members shall elect a Chair and Vice Chair, each to serve a one-year term. A staff member or designee of the Planning Department shall act as the Board Secretary.

(Ord. 75-07. Passed 5-14-07.)

145.04 RESPONSIBILITY OF THE BOARD.

The Historic Preservation Board, in conjunction with City Planning staff, shall make recommendations to Council regarding design guidelines, rules, and procedures for use in reviewing applications.

(Ord. 75-07. Passed 5-14-07.)

145.05 HISTORIC DISTRICTS AND LANDMARKS.

The Historic Preservation Board will review and act on all proposed changes to the exterior architectural appearance and demolition of all buildings or structures in any Historic District in the City of Medina, any Historic Landmarks, and any areas as established by Council.

(a) Public Square bounded by Smith Road, Jefferson Street, Friendship Street and Elmwood Avenue is hereafter called the Public Square Historic District.

(b) Refer to Section 145.08 and 145.09 for designation of districts and landmarks.

(Ord. 75-07. Passed 5-14-07.)

145.06 RULES AND PROCEDURES.

(a) Preface. The purpose of the City of Medina's Historic Preservation Board is to maintain the architectural integrity of the City's Historic Districts and Historic Landmarks by:

- (1) Encouraging the preservation and rehabilitation of existing buildings or structures;
- (2) Influencing any changes made to them so their inherent character continues to flourish;
- (3) Encouraging the continuous success of the Historic Landmarks and Historic Districts by averting demolition by neglect and purposeful demolition without just cause.

The Board will not establish any single style of architectural features as being preferable but will view all architectural proposals as part of the whole design of the building or structure within the context of the Historic District. The Board will work with property owners to ensure that Medina retains its unique character. Refer to Section 145.07, Appendix A, and *The City of Medina Guidelines for Historic Properties and Districts* for criteria and procedures.

(b) Definitions. The following definitions shall apply to the provisions of the Historic Preservation Board Rules, Procedures, Design Guidelines, and Demolition Criteria:

- (1) "Alter" or "alteration" means any change in the external architectural features of any building or structure.
- (2) "Board" means the Historic Preservation Board established under Chapter 145 of the Codified Ordinances of the City of Medina, Ohio.
- (3) "Certificate of Appropriateness" means a certificate issued by the City to authorize any new construction, demolition, or exterior alteration to any building or structure.
- (4) "Demolition" means the complete razing or removal of any structure or portion of a structure.
- (5) "Guidelines" means the supplemental information in *The City of Medina Design Guidelines for Historic Properties and Districts* (current issue.)
- (6) "Historic District" means a grouping of structures as determined by the Board and approved by Council as an historically or architecturally significant group and located within the limits of the City of Medina. Buildings or structures within this group may or may not be individually so designated. Listings of said structures will be kept for public record by the City Council and available through the Planning Department.
- (7) "Historic Landmark" means any individual building or structure determined by the Board and approved by Council as historically or architecturally significant and located within the limits of the City of Medina. Listings of said structures will be kept for public record by the City Council and available through the Planning Department.

- (8) "National Register of Historic Places" is the national listing of significant buildings, structures, or districts. Listings must have architectural, archeological, or historical significance. Owners of local historic landmarks shall be encouraged to seek listing on the National Register of Historic Places.
- (9) "Maintenance" - general maintenance information is provided in *The City of Medina Guidelines for Historic Properties and Districts* and specific City requirements are in the City of Medina Property Maintenance Code.
- (10) "Member" means any person serving on the Historic Preservation Board.
- (11) "Planning Director" means the person holding the position of Director of Planning and Community Development of the City of Medina.

(Ord. 75-07. Passed 5-14-07.)

(c) General Provisions. The rules of the Board and its procedures are governed by the Codified Ordinances of the City of Medina and its Charter. The rules and procedures to process applications for Certificates of Appropriateness are the following:

- (1) Exclusions. Nothing in these Rules, Procedures, or Guidelines shall be construed to prevent the ordinary maintenance or repair of any building or structure within the Historic District, provided such work involves no alteration to exterior architectural features.
- (2) Geographic area. The geographic area within which a Certificate of Appropriateness is required includes any Historic District or Historic Landmark in the City of Medina and as described in this Chapter 145 .
- (3) When a Certificate of Appropriateness is required. A Certificate of Appropriateness is required for exterior alterations or additions to the exterior of any building or structure that is designated as an Historic Landmark or is located within an Historic District for the construction of a new building or structure within an Historic District, or for the demolition of an existing building or structure within an Historic District.
- (4) Amendments to a Certificate of Appropriateness. At any time prior to completion of work under the Certificate of Appropriateness, an applicant may apply for an amendment to the Certificate. An applicant must apply for an amendment if the design for which the Certificate was issued is altered.
- (5) Expiration. Once a Certificate of Appropriateness has been granted, all other permits must be obtained and construction commenced within one year unless the applicant applies for and receives an extension.

(Ord. 75-07. Passed 5-14-07.)

(d) Application Procedures.

- (1) Submission requirements. In order for an application to be reviewed and approved, the applicant shall submit drawings, photographs, specifications, and material samples as required by the Procedures delineated in the Appendix Chapter II "Certificate of Appropriateness." An application along with supporting documents shall be filed with the Secretary as outlined. Submission shall accurately represent the proposed alterations or additions and new construction. The Secretary will schedule the applicant's submission for consideration at the next Historic Preservation Board meeting and forward the submission copies to all Members. Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code.
- (2) Informal review. Applicant is encouraged to review the Medina Design Guidelines (current edition) to be familiar with design review for historic buildings and structures. Applicant is encouraged to discuss a project and Certificate of Appropriateness with the Planning Director. The Planning Director may provide a list of sources from which applicant may seek guidance prior to formal submission to the Historic Preservation Board. Likewise, an Applicant may request an informal review with the Board prior to formal submission.
- (3) Review process. The Applicant shall attend the scheduled Board meeting to present the proposed project and to be given the opportunity to respond to any questions from Members. The Board will then act upon the submission as prescribed herein:
 - A. The Applicant shall briefly present the proposed project describing the objectives and demonstrating good design principals for historic properties. Guidelines may be used to illustrate

Applicant's effort.

- B. Planning Director shall make recommendations to the Board, providing support for said recommendations.
- C. Chair of the Board shall invite statements from other City Officials and from the public.
- D. The Board shall discuss the proposed project as it meets the criteria outlined in the Guidelines and is specifically appropriate for the subject building or structure and the City of Medina. The Board shall either approve or disapprove the project unless the Applicant requests a time extension in order to modify the application. If the application is approved, a Certificate of Appropriateness will be issued. If the application is denied, the Applicant may modify the documents and re-submit, may appeal the decision (see below), or may wait one year to resubmit an unmodified request for further consideration.
- (e) Penalty.
- (1) Violation, order. If it is found that any of the provisions of this chapter are being violated, all work shall cease upon notification, and no work shall be performed except to correct the violation. All violations shall be corrected within ten (10) days or within an approved extended period from the Planning Director. Any violations not corrected within the specified time may be prosecuted.
- (2) Failure to comply. Whoever constructs, reconstructs or alters any exterior architectural feature or demolishes all or part of any building or structure within an Historic District or any Historic Landmark without a Certificate of Appropriateness from the Historic Preservation Board shall be fined not more than one hundred dollars (\$100.00) per offense. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to restore and reconstruct such features in full detail. Restoration or reconstruction shall be in addition to any criminal penalty and not in lieu thereof.
- (3) Failure to perform. Whoever receives a Certificate of Appropriateness from the Historic Preservation Board and constructs, reconstructs, or alters any exterior architectural feature other than in accordance with the requirements of the Certificate, shall be fined not more than one hundred dollars (\$100.00) per offense. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to make all changes and additions needed to comply with the Certificate. Changes and additions shall be in addition to any criminal penalty and not in lieu thereof.
- (f) Appeals. Any Applicant aggrieved by the enforcement of these Rules, Procedures and Design Guidelines may appeal to the Board of Zoning Appeals within fourteen days of notification in writing of the decision of the Planning Director or Historic Preservation Board. (Ord. 75-07. Passed 5-14-07.)

145.07 DESIGN GUIDELINES/DEMOLITION CRITERIA.

(Refer also to *The City of Medina Guidelines for Historic Properties and Districts.*)

Preface. The purpose of this chapter and of *The City of Medina Guidelines for Historic Properties and Districts* is to preserve the architectural history and integrity of existing buildings or structures and to ensure the procedures and materials used are compatible with the existing building or structure and help to ensure its preservation into the future. These Guidelines are meant to give architects and Owners design direction consistent with Chapter 145 of the Codified Ordinances of the City of Medina. In principle, the Board adopts the United States of America, Secretary of the Interior's Standards for Rehabilitation.

- (a) Preservation/rehabilitation/renovation. With respect to preservation/rehabilitation/renovation generally it is the interest of the Board that buildings within the Historic District be preserved, thus maintaining the character of the Historic District. Consistent with the U.S. Secretary of the Interior, Standards for the Treatment of Historic Properties, the intent of these Guidelines is to preserve and restore the features which establish a building's architectural character while making alterations and renovations necessary for the efficient and contemporary use of the building.

The rehabilitation process assumes that some alterations may be necessary to meet the needs of the building Owner and the health, safety, and welfare of the building occupants. Such alterations should be done so as not to destroy the materials and features which help to define a building's historic, cultural and/or architectural character. The historic materials, features and/or

craftsmanship are important in defining the building character and should be retained, protected, and repaired when possible.

When the preservation of architectural features is not possible, alterations should be done in a manner respectful of the existing character, but done in a manner that is representative of architectural design and construction of contemporary times.

- (b) Additions/new construction. With respect to additions/new construction to existing buildings and all new buildings or structures within Historic Districts, it is generally the interest of the Board that such additions/new construction shall be designed to enhance the character of the Historic District. Consistent with the preface of this Chapter, new buildings and additions should be representative of architectural design and construction of contemporary times.

Additions to existing buildings in the Historic District should be designed so as not to detract from the original character of the building. Whenever possible, additions should be located away from the primary or street face of the building. The addition should be designed so as not to destroy existing architectural features, such that the addition can be removed and the building restored to its original condition.

New buildings in the Historic District shall be designed to be compatible with other structures in the Historic District while still reflecting work of contemporary times. Proximity of existing buildings to the new building will affect the latitude in design constraints. An infill design should be more consistent with adjoining buildings than a freestanding structure.

- (c) Demolition. With respect to demolition, it is the interest of the Board that Landmark Buildings and buildings within Historic Districts be preserved and renovated for economically productive uses. The Board encourages the saving and adaptive re-use of buildings significant to the character of the Historic Districts and the history of the City. Consistent with this intent, the Board also realizes the Historic District is not a static environment, but an ever changing and developing entity. Applications for demolition shall be reviewed based on the overall impact the demolition will have on adjacent Historic Landmarks, Historic Districts, and the community.

In reviewing an application, the Board will also consider the impact of the proposed use of the site on the Historic District. Demolition of existing buildings which are not a significant loss to the Historic District to allow for the construction of new development which enhances the Historic District may be acceptable.

(Ord. 75-07. Passed 5-14-07.)

145.08 DESIGNATION CRITERIA FOR HISTORIC DISTRICTS OR LANDMARKS.

In considering the designation of any place, building, structure, work of art, or similar object in the City as an Historic District or Landmark, the Historic Preservation Board shall apply the following criteria with respect to such property:

- (a) Its character, interest or value shall be part of the development, heritage or cultural characteristics of the City, State or the United States;
- (b) Its location shall be a site of a significant historical event;
- (c) Its identification shall be with a person who significantly contributed to the culture and development of the City;
- (d) Its exemplification shall be of the cultural, economic, social or historic heritage of the City;
- (e) Its portrayal shall be of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (f) Its embodiment shall be of elements or architectural design, detail, materials or craftsmanship which represents architecture of significant character, charm, or grandeur;
- (g) Its relationship shall be to other distinctive areas which are eligible for preservation or conservation;
- (h) Its unique location or singular physical characteristics shall be representative of an established and familiar visual feature of a neighborhood or of the City.

(Ord. 75-07. Passed 5-14-07.)

145.09 DESIGNATION PROCEDURES FOR HISTORIC DISTRICTS OR LANDMARKS.

- (a) A property (building, structure, place, or object) may be nominated as an Historic Landmark or a group of properties may be nominated as an Historic District by an individual, group, or by the Historic Preservation

Board. For individual buildings, the property owner shall approve the nomination. For a district, dissention by property owners shall be less than 25%. Each owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns and regardless of whether the property contributes to the significance of the district.

(b) When a proposal to establish an Historic District or to designate an individual property or site as a Landmark for protection is received by or initiated by the Historic Preservation Board, the owner or owners of included properties shall be notified.

(c) The Historic Preservation Board shall consider the proposal in terms of the criteria provided in Section 145.08. Properties shall be documented to meet at least one of the criteria listed. The Board shall make a recommendation to City Council.

(d) City Council shall give due consideration to the findings and recommendations of the Historic Preservation Board in making its determination with respect to the proposed designation of place, building, structure, or object as an Historic District or Landmark.

(Ord. 75-07. Passed 5-14-07.)

145.10 SEVERABILITY.

If a court of competent jurisdiction shall adjudge any provision of this chapter invalid or unenforceable, then the remaining provisions of this chapter shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

(Ord. 75-07. Passed 5-14-07.)

145.11 WAYFINDING EVENT CABINETS.

The purpose of the City of Medina Wayfinding Event Cabinets is to promote downtown events and festivals. The postings are intended for viewing by pedestrians in the immediate vicinity of the kiosks.

(a) The event cabinets will be used for the posting of events and festivals open to the general public occurring within the nine block Historic District.

(b) The City of Medina will maintain a general calendar of events within a portion of the cabinet throughout the year.

(c) Event postings are limited to a two week period prior to the scheduled event and shall be removed within 48 hours of the close of the event.

(d) The Mayor or designee and Main Street Medina Executive Director or designee are the only representatives permitted to access and update the event posting cabinets.

(e) Requested postings shall be submitted to the City of Medina for placement in the cabinets by City staff or Main Street Medina.

(f) All postings shall be graphically printed in a professional manner subject to the approval of the Planning and Community Development Director.

(Ord. 117-10. Passed 7-12-10.)

APPENDIX A

Procedural Manual For Historic Preservation Board

Chapter I Introduction and Organization

Chapter II Certificate of Appropriateness

Chapter III Conditional Sign Permit

CHAPTER I

INTRODUCTION AND ORGANIZATION

1. INTRODUCTION.

This Procedural Manual is a public document and is adopted by the Historic Preservation Board of Medina, Ohio to describe its organization and the procedures which govern its activities. The Manual, together with the Design Guidelines and Rules and Procedures for use in reviewing applications found in Chapter 145 of the Codified Ordinances of the City of Medina, its Charter and the laws of the State of Ohio, shall be the official policies of the Board. (Ord. 75-07. Passed 5-14-07.)

2. ORGANIZATION.

The organization, terms of office and vacancies of the Board are established in accordance with Chapter 145 of the Codified Ordinances of the City of Medina.

3. ORGANIZATIONAL MEETING OF THE BOARD.

The Board shall hold an organizational meeting annually during the month of January and elect a Chairperson and Vice-Chairperson by majority vote of the members present. The term of office of each shall be for the current calendar year and consistent with Chapter 145. The Chairperson shall preside at the meetings and decide all points of order and procedures. The Vice-Chairperson shall preside as Acting Chairperson in the absence of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the Secretary shall call the meeting to order and a Chair Pro Tempore shall be elected by the Board to preside at the meeting.

(Ord. 75-07. Passed 5-14-07.)

A staff member or designee of the Planning Department shall act as the Board Secretary. The Secretary, subject to the direction of the Chair of the Board, shall keep all records, conduct all correspondence of the Board and generally supervise the clerical work of the Board. The Secretary shall not be eligible to vote upon any matter. The Secretary shall also arrange the agenda of each meeting, prepare and keep minutes of each meeting and shall prepare for public inspection an annual report of the Board's activities, cases, decisions, special projects, attendance of the Board members and qualifications of members.

Revised: January 17, 2002

4. CONFLICT OF INTEREST.

Prior to the beginning of the discussion of any application, any Board member whose participation would constitute a conflict of interest shall disclose the nature of the conflict, shall remove himself/herself from any discussion concerning the application and shall not vote on said application. Board Members shall be subject to the Ohio Revised Code Chapter 102, Section 2921.42 and all opinions issued by the Ohio Ethics Commission. (Ord. 75-07. Passed 5-14-07.)

5. COMMITTEES.

Unless otherwise provided, and subject to approval by the Board, the Chairperson of the Board may appoint special committees. The Board shall determine the size, the duties, and the duration of service of such committees at the time of their establishment.

6. FILLING A BOARD VACANCY.

Any vacancy caused by resignation, death or other means shall be filled for the unexpired term within sixty (60) days by Mayoral appointment and approval of City Council. *Revised: January 17, 2002*

7. DUTIES OF THE BOARD.

The Historic Preservation Board shall have the following responsibilities:

- A. Board will promote interest and educate Medina citizens in historic preservation by conducting or supporting educational sessions on an annual basis and preparing informational material as appropriate.
- B. Board shall issue Certificates of Appropriateness for construction, preservation, restoration, reconstruction, rehabilitation, and/or demolition of any building, structure, or object within the City's Historic Districts and other areas as established by City Council, according to the procedures set forth for such matters in Section 145.06 and 145.07 of the Codified Ordinances.
- C. Board shall advise other officials and departments in Medina City government regarding the protection of local historic resources.
- D. Board shall act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.
- E. Board shall encourage its members to attend workshops, seminars and other educational programs on historic preservation to stay abreast of design, enforcement, funding, and other issues relevant to the proper performance of their duties.
- F. Board shall review proposed National Register nominations for properties within the jurisdiction.
 - G. When the Board considers a National Register nomination, or other action, which is normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Board, the Board may, upon authorization of City Council, seek expertise in this area before rendering its decision. It may be advised by technical consultants, under contract executed by the City as City finances permit, to assist it in performing its functions.

H. Board shall be responsible for maintaining a system (Ohio Historic Inventory Form) for the survey and inventory of historic properties and cultural resources within the City of Medina. All inventory material shall be recorded according to Ohio Historic Preservation Office guidelines, maintained securely, and made accessible to the public. The inventory shall be updated periodically to reflect alterations and demolitions.

(Ord. 75-07. Passed 5-14-07.)

8. AGENDA.

The Board shall consider no application or report unless it has been received by the Secretary and placed on the agenda. Copies of the agenda shall be mailed or otherwise sent by the Secretary to each Board member, the local newspaper, and other parties as may be determined by the Secretary or Board. Applicants shall be sent a notice of hearing. Any item placed on the agenda shall be heard and action taken, unless the Applicant requests that the issue be removed from the Agenda. (Ord. 75-07. Passed 5-14-07.)

9. QUORUM.

A majority of the Board shall constitute a quorum, and such quorum shall be capable of conducting any business before the Board. However, an affirmative vote by a majority of the quorum is necessary to act on an application.

10. MEETING.

The Board shall hold a regular public meeting once each month in the Medina Municipal Building or other public place if so directed by the Chairperson and the Secretary. The regular monthly meeting will be held on the dates established by the Board at its annual organizational meeting.

Special meetings of the Board may be called by the Chairperson, provided a notice of and the agenda for such meetings are mailed to or otherwise sent and received by the Members and the local newspaper not less than forty-eight (48) hours prior to time and place of the special meeting.

Whenever there is no business for the Board, the Chairperson may dispense with a regular meeting by giving notice to all Members not less than twenty-four (24) hours prior to the time set for the meeting.

(Ord. 75-07. Passed 5-14-07.)

11. ORDER OF BUSINESS.

The business of the Board shall be considered in the following order:

- A. Call to order
- B. Approval of minutes of last meeting
- C. Announcements
- D. Committee reports
- E. Old business
- F. New business
- G. Adjournment

Revised: January 17, 2002

12. ANNUAL REPORT.

The Board shall prepare and submit an annual report of Board activities, cases, decisions and special projects to the Planning Commission, the Mayor, and City Council. The Annual Report shall be kept on file for public inspection.

(Ord. 75-07. Passed 5-14-07.)

13. AMENDMENTS.

Amendments to Chapter 145 of the Codified Ordinance of the City of Medina shall be recommended to City Council by a majority vote of the entire Board at any regular or special meeting, providing notice and contents of the proposed change are mailed, or otherwise disseminated to, and received by each Member of the Board by the Secretary at least five (5) days prior to the meeting. The proposed amendments shall not be included in the Ordinance until approved by City Council.

Amendments to *The City of Medina Guidelines for Historic Properties and Districts* (supplemental document) may be made by majority vote of the Board after open discussion in a minimum of two meetings of the Historic Preservation Board. Amendments to the Guidelines shall be presented to the City Council for information, review and acceptance. (Ord. 75-07. Passed 5-14-07.)

14. REPEALER.

This Manual shall supersede all rules and statements of the Board or Secretary heretofore adopted, or in effect by practice, which are in conflict with the Manual.

Revised: January 17, 2002

15. ADOPTION DATE.

This Manual is hereby adopted by the Board and shall take effect thirty (30) days following passage by City Council.

(Ord. 75-07. Passed 5-14-07.)

CHAPTER II

CERTIFICATE OF APPROPRIATENESS

Certificates of Appropriateness shall be issued by the Historic Preservation Board, in accordance with the standards and regulations of Chapter 145 of the Codified Ordinances of the City of Medina.

1. REQUIRED DATA.

To accomplish the Board's review of an application for a Certificate of Appropriateness, copies of all data specified in Chapter 145 of the Codified Ordinances of the City of Medina and the application shall be required. Number of copies and samples required shall be listed on the procedural information provided by the City.

A. Alterations and change of color.

1. Photographs of existing conditions.
2. Drawings indicating any changes to the physical appearance.
3. An outline describing work and the procedures to be performed.
4. Material samples and manufacturer's literature for major materials and products to be incorporated in the building.

B. New buildings.

1. Photographs (8"x 10") of the proposed site and context including adjacent structures.
2. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.
3. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

C. Additions to existing buildings.

1. Photographs (8"x 10") of the existing building and adjacent buildings or structures.
2. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.
3. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

D. Demolition, partial demolition, or moving.

1. Photographs (8"x 10"), of the existing building in detail including context and site.
2. A Site Plan depicting the site of the subject building and its context.
3. A written request from the Owner indicating reasons for the demolition, partial demolition, or moving.
4. Include the following information:
 - Status - National Historic Landmark, National Landmark Historic District;
 - Status - Listing on the U.S. National Register of Historic Places or determination of eligibility for the National Register;
 - Status - Historic Landmark (Medina), Historic District (Medina);
 - Form of Ownership of the property, amount paid for property, date of purchase, party from whom it was purchased, and description of relationship between Owner and Applicant;
 - Cost of proposed Demolition;
 - The fair market value for the property and the anticipated market value after rehabilitation;

- An analysis of the feasibility of rehabilitation, including the costs of rehabilitation, and the income and expense likely to be produced by the property after rehabilitation;
 - A list of alternatives that were considered and reasons why alternatives were dismissed;
 - Board may request other information specific to the project.
5. The Applicant may provide additional financial information supporting the case for demolition. This information may include:
- In the case of income-producing properties, provide the annual gross income from the _____ previous two years and itemized expenses for the same time period; _____
 - Price asked and offers received within the previous two years.
6. If Applicant claims lack of structural or architectural integrity as the reason for demolition, he/she must offer evidence prepared by a licensed engineer or architect as to the structural soundness of the building or structure.
(Ord. 75-07. Passed 5-14-07.)

2. APPLICATION.

The Applicant shall complete the application and submit all required data to the Secretary. The official date of the application shall be the date of the next regular Board meeting after all required data and fees have been submitted to the Secretary and at which the Applicant is scheduled to appear.

(Ord. 75-07. Passed 5-14-07.)

3. REVIEW AND BOARD ACTION.

Upon completion of the application, the Secretary shall place the application on the agenda of the next regular Board meeting and notify the Applicant in writing. The Board shall review the application as it appears on the agenda.

The Board shall act on the application by resolution and shall vote to approve, approve with amendment, or disapprove the application. The applicant shall be advised in writing of the Board's decision. Such action shall be taken immediately following the review of the application, unless the Applicant requests a time extension to modify or elaborate upon his/her proposal. When the applicant indicates to the Secretary that the modifications are complete, the extended proposal shall be deliberated at the next regular Board meeting or a special meeting called for this purpose. If more than one year has passed, Applicant must file a new application. If the Board denies the application wholly or in part, the applicant shall be notified of the reason.

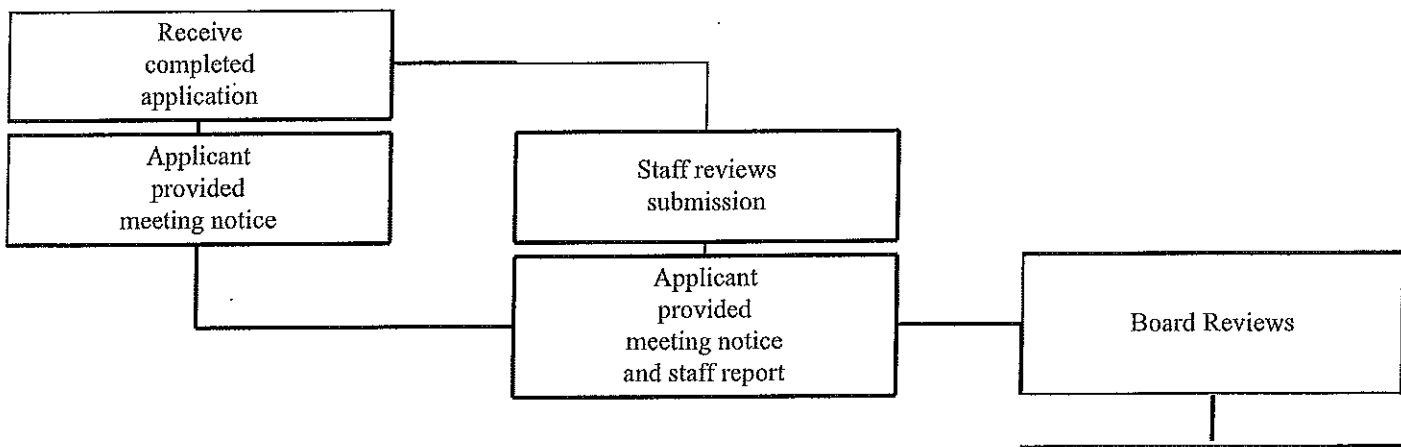
(Ord. 75-07. Passed 5-14-07.)

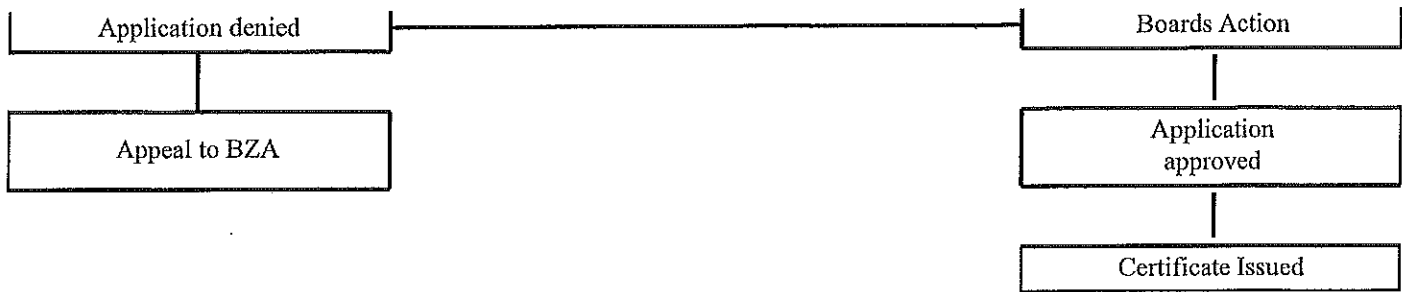
4. CERTIFICATE OF APPROPRIATENESS.

Upon approval of the application by the Board, the Secretary shall issue a Certificate of Appropriateness. This Certificate of Appropriateness, however, does not exempt the applicant from provisions of the Building Code, Sign Code or other applicable laws of the City, County or State. The Certificate of Appropriateness shall become void if construction has not commenced within one (1) year after the date of approval. (Chapter 145 of the Codified Ordinances).

(Ord. 75-07. Passed 5-14-07.)

**Historic Preservation Board
Certificate of Appropriateness**





CHAPTER III

CONDITIONAL SIGN PERMIT

Conditional sign permits may be issued by the Historic Preservation Board in accordance with the standards and regulations of Chapter 1147 of the Zoning Code.

1. REQUIRED DATA.

To accomplish the Board's review of an application for a Conditional Sign Permit, copies of all data specified in Chapter 1147 of the Zoning Code and the application shall be provided. Number of copies and samples required shall be listed on the procedural information provided by the City.

(Ord. 75-07. Passed 5-14-07.)

2. APPLICATION.

The applicant shall complete the application and submit all required data and fees to the Secretary. The official date of the application shall be the date of the next regular Board meeting after all required data and fees have been submitted to the Secretary.

Submission requirements include:

- A. Photographs of existing conditions.
- B. Elevation drawings depicting the proposed signage of the building with sign and building dimensions noted.
- C. Color and material samples for the proposed sign.

(Ord. 75-07. Passed 5-14-07.)

3. REVIEW AND BOARD ACTION.

Upon completion of the application, the Secretary shall place the application on the agenda of the next regular Board meeting and notify the applicant. The Board shall review the application as it appears on the agenda.

The Board shall act on the application by resolution and shall vote to approve, approve with amendment, or disapprove the application. The applicant shall be advised in writing of the Board's decision. Such action shall be taken immediately following the review of the application, unless the Applicant requests a time extension to modify or elaborate upon his/her proposal. When the applicant indicates to the Secretary that the modifications are complete, the extended proposal shall be deliberated at the next regular Board meeting or a special meeting called for this purpose. If more than one year has passed, Applicant must file a new application. If the Board denies the application wholly or in part, the applicant shall be notified of the reason.

(Ord. 75-07. Passed 5-14-07.)

4. CONDITIONAL SIGN PERMIT.

Upon approval by the Board of the application, the Secretary shall issue a Conditional Sign Permit. This Conditional Sign Permit, however, does not exempt the applicant from provisions of the Building Code, Sign Code or other applicable laws of the City, County or State. The Conditional Sign Permit shall become void if construction has not begun within six (6) months after the date of the permit. (Section 1147.16 of the Zoning Code).

Revised: January 17, 2002

Ord. 179-21
Redline (NEW)
Fkh.-B.

Proposed Amendments to Chapter 145

CHAPTER 145

Historic Preservation Board

- 145.01 Establishment.
- 145.02 Purpose.
- 145.03 Board membership.
- 145.04 Responsibility of the Board.
- 145.05 Historic Districts and landmarks.
- 145.06 Rules and procedures.
- 145.07 Design guidelines/demolition criteria.
- 145.08 Designation criteria for Historic Districts or landmarks.
- 145.09 Designation procedures for Historic Districts or landmarks.
- 145.10 Severability.
- 145.11 Wayfinding Event Cabinets.

APPENDIX A: Procedural Manual for Historic Preservation Board.

CHAPTER I INTRODUCTION AND ORGANIZATION

CHAPTER II CERTIFICATE OF APPROPRIATENESS

-CHAPTER ~~III~~ III CONDITIONAL SIGN PERMIT

145.01 ESTABLISHMENT.

In recognition of the need for the establishment of a public body with authority to act upon changes to buildings and structures in the Historic Districts, and in other parts of the City as established by Council, and in order to encourage changes that are compatible with the restoration movement now in progress, the Historic Preservation Board, hereinafter referred to as the Board, is hereby established.

145.02 PURPOSE.

Council, being mindful of the proud history of this community and of the importance of beauty in the everyday lives of Medina residents, hereby declares as a matter of public policy that the preservation, restoration, rehabilitation and overall aesthetic improvement of ~~this community~~ this community are matters of public necessity involving the health, safety, welfare, and prosperity of the people. The purpose of this chapter is to:

(a) Promote the use and preservation of historic buildings, structures and sites which reflect the cultural, social, economic or architectural heritage of this Municipality for the education and general welfare of the residents of the Municipality;

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- (b) Consider and take cognizance of the development of adjacent, contiguous and neighboring buildings and properties for the purpose of achieving safe, harmonious and integrated development of related properties;
- (c) Protect and enhance the attractiveness of the area as it relates to residents, tourists and visitors, serving as a support and stimulant to business, and thereby strengthen the economy for the Municipality and its residents;
- (d) Strive to achieve compatibility of any and all new construction with any and all modifications of existing structures with the historic architectural character of the Municipality;
- (e) Preserve and enhance civic pride of the residents in the beauty of the Municipality and in the notable accomplishments of the past.

145.03 BOARD MEMBERSHIP.

The Historic Preservation Board shall consist of five members who shall demonstrate a special interest, knowledge, or training in preservation, architecture, history, planning, conservation, landscape architecture, archeology, urban design or closely related field as follows:

- (a) ~~—(a)—~~Two (minimum) preservation related professional or academic members to the extent that they are available;
- (b) ~~—(b)—~~Two property or business owners from within the district;
- (c) ~~—(c)—~~One resident of the City.

Members shall be residents of the City of Medina; professional or academic members may include non-residents if no qualified residents are available. Members shall be appointed by the Mayor and approved by Council and shall serve for four-year terms. Members shall elect a Chair and Vice Chair, each to serve a one-year term. A staff member or designee of the Planning Department shall act as the Board Secretary.

145.04 RESPONSIBILITY OF THE BOARD.

The Historic Preservation Board, in conjunction with City Planning staff, shall make recommendations to Council regarding design guidelines, rules, and procedures for use in reviewing applications.

145.05 HISTORIC DISTRICTS AND LANDMARKS.

The Historic Preservation Board will review and act on all proposed changes to the exterior architectural appearance and demolition of all buildings or structures in any Historic District in the City of Medina, any Historic Landmarks, and any areas as established by Council.

(a) ~~(a)~~—Public Square bounded by Smith Road, Jefferson Street, Friendship Street and Elmwood Avenue is hereafter established as and called the Public Square Historic District.

(b) ~~(b)~~—Refer to ~~Section 145.~~Sections 145.08 and 145.09 for designation of districts and landmarks.

145.06 RULES AND PROCEDURES.

(a) Preface. The purpose of the City of Medina's Historic Preservation Board is to maintain the architectural integrity of the City's Historic Districts and Historic Landmarks by:

~~(1)~~ (1)—Encouraging the preservation and rehabilitation of existing buildings or structures;

~~(2)~~ (2)—Influencing any changes made to them so their inherent character continues to flourish;

~~(3)~~ (3)—Encouraging the continuous success of the Historic Landmarks and Historic Districts by averting demolition by neglect and purposeful demolition without just cause.

The Board will not establish any single style of architectural features as being preferable but will view all architectural proposals as part of the whole design of the building or structure within the context of the Historic District. The Board will work with property owners to ensure that Medina retains its unique character. (Refer to Section 145.07, Appendix A, and The City of Medina Guidelines for Historic Properties and Districts for criteria and procedures.)

(b) Definitions. The following definitions shall apply to the provisions of this chapter and the Historic Preservation Board Rules, Procedures, Design Guidelines, and Demolition Criteria:

~~(1)~~ —(1)—"Alter" or "alteration" means any change in the external architectural features of any building or structure.

~~(2)~~ —(2)—"Board" means the Historic Preservation Board established under Chapter 145 of the Codified Ordinances of the City of Medina, Ohio.

~~(3)~~ —(3)—"Certificate of Appropriateness" means a certificate issued by the City to authorize any new construction, demolition, or exterior alteration to any building or structure.

~~(4)~~ —(4)—"Demolition" means the complete razing or removal of any structure or portion of a structure.

~~(5)~~ —(5)—"Guidelines" means the supplemental information in The City of Medina Design Guidelines for Historic Properties and Districts (current issue.)

~~(6)~~ —(6)—"Historic District" means a grouping of structures as determined by the Board and approved by Council as ~~an~~ a historically or architecturally significant group and located within the limits of the City of Medina. Buildings or structures within this group may or may not be individually so designated. Listings of said structures will be kept for public record by the City Council and available through the Planning Department.

~~(7)~~ —(7)—"Historic Landmark" means any individual building or structure determined by the Board and approved by Council as historically or architecturally

significant and located within the limits of the City of Medina. Listings of said structures will be kept for public record by the City Council and available through the Planning Department.

~~(8)~~ — ~~(8)~~ — “National Register of Historic Places” is the national listing of significant buildings, structures, or districts. Listings must have architectural, archeological, or historical significance. Owners of local ~~historic landmarks~~ Historic Landmarks shall be encouraged to seek listing on the National Register of Historic Places.

~~(9)~~ — ~~(9)~~ — “Maintenance” ~~refers to the~~ general maintenance information that is provided in The City of Medina Guidelines for Historic Properties and Districts and specific City requirements are in the City of Medina Property Maintenance Code.

~~(10)~~ — ~~(10)~~ — “Member” means any person serving on the Historic Preservation Board.

~~(11)~~ — ~~(11)~~ — “Planning Director” means the person holding the position of Director of Planning and Community Development of the City of Medina.

(c) General Provisions. The rules of the Board and its procedures are governed by the Codified Ordinances of the City of Medina and its Charter. The rules and procedures to process applications for Certificates of Appropriateness are the following:

~~(1)~~ — ~~(1)~~ — Exclusions. Nothing in these Rules, Procedures, or Guidelines shall be construed to prevent the ordinary maintenance or repair of any building or structure within the Historic District, provided such work involves no alteration to exterior architectural features.

~~(2)~~ — ~~(2)~~ — Geographic area. The geographic area within which a Certificate of Appropriateness is required includes any Historic District or Historic Landmark in the City of Medina and as described or defined in this Chapter 145.

~~(3)~~ — ~~(3)~~ — When a Certificate of Appropriateness is required. A Certificate of Appropriateness is required for exterior alterations or additions to the exterior of any building or structure that is designated as ~~an a~~ a Historic Landmark or is located within an Historic District for the construction of a new building or structure within an Historic District, or for the demolition of an existing building or structure within ~~an a~~ a Historic District.

~~(4)~~ — ~~(4)~~ — Amendments to a Certificate of Appropriateness. At any time prior to completion of work under the Certificate of Appropriateness, an applicant may apply for an amendment to the Certificate. An applicant must apply for an amendment if the design for which the Certificate was issued is altered.

~~(5)~~ —~~(5)~~—Expiration. Once a Certificate of Appropriateness has been granted, all other permits must be obtained and construction commenced within one year unless the applicant applies for and receives an extension from the Board.

(d) Application Procedures.

(1) —~~(1)~~—Submission requirements. In order for an application to be reviewed and approved, the applicant shall submit drawings, photographs, specifications, and material samples as required by the Procedures delineated in the Appendix Chapter II "Certificate of Appropriateness."Appropriateness. An application along with supporting documents shall be filed with the Secretary of the Board as outlined. Submission shall accurately represent the proposed alterations or additions and new construction. The Secretary will schedule the applicant's submission for consideration at the next Historic Preservation Board meeting and forward the submission copies to all Members. Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code.

~~(2)~~ —~~(2)~~—Informal review. ~~Applicant~~ The applicant is encouraged to review the Medina Design Guidelines (current edition) to be familiar with design review for historic buildings and structures. ~~Applicant~~ The applicant is encouraged to discuss a project and Certificate of Appropriateness with the Planning Director. The Planning Director may ~~provide~~ provide a list of sources from which applicant may seek guidance prior to formal submission to the Historic Preservation Board. Likewise, an ~~Applicant~~ applicant may request an informal review with the Board prior to formal submission.

(3) —~~(3)~~—Review process. The ~~Applicant~~ applicant shall attend the scheduled Board meeting to present the proposed project and to be given the opportunity to respond to any questions from Members. The Board will ~~then~~ act upon the submission as prescribed herein:

A. —~~A.~~—The ~~Applicant~~ applicant shall briefly present the proposed project describing the objectives and demonstrating good design ~~principals~~ principles for historic properties. Guidelines may be used to illustrate ~~Applicant's~~ the applicant's effort.

B. ~~B.~~—The Planning Director shall make recommendations to the Board, providing support for said recommendations.

C. ~~C.~~—The Chair of the Board shall invite statements from other City ~~Officials~~ officials and from the public.

D. The Board shall review and discuss the proposed project and take the following action, as applicable:

- (i) ~~—D.—~~ The Board shall discuss the proposed project as it meets the criteria outlined in the Guidelines and is specifically appropriate for the subject building or structure and the City of Medina. The Board shall either approve or disapprove the project unless the Applicant For alterations or additions to existing buildings or the construction of a new building, the Board shall approve the application, deny the application, or approve the applications with conditions, unless the applicant requests a time extension in order to modify the application. If the application is approved, a Certificate of Appropriateness will be issued. If the application is denied, the Applicant or is approved with conditions that the applicant does not accept, the applicant may modify the documents and re-submit/submit them for Board approval, may appeal the decision (see below under Section 145.06(f), or may wait one (1) year to resubmit an unmodified request for further consideration.
- (ii) For demolitions of buildings and structures, the Board shall approve the application, deny the application, or approve the application with conditions, unless the applicant requests a time extension in order to modify the application. If the application is approved, a Certificate of Appropriateness will be issued. If the application is denied or is approved with conditions that the applicant does not accept, the applicant may modify the documents and resubmit them for Board approval, may appeal the decision under Section 145.06(f), or may wait one (1) year to resubmit an unmodified request for further consideration.
- (iii) The Board may impose such reasonable conditions on the approval of an

application that are reasonably related to the purpose of this Chapter as set forth in Section 145.02.

(e) Penalty.

(1) —~~(1)~~—Violation, order. If it is found that any of the provisions of this chapter are being violated, all work shall cease upon notification, to the applicant or its contractor(s) by the City and no work shall be performed except to correct the violation. All violations shall be corrected within ten (10) days or within an approved extended period from the Planning Director. Any violations not corrected within the specified time may be prosecuted for a criminal violation.

(2) —~~(2)~~—Failure to comply. Whoever constructs, reconstructs or alters any exterior architectural feature or demolishes all or part of any building or structure within an Historic District or any Historic Landmark without a Certificate of Appropriateness from the Historic Preservation Board shall be fined not more than one hundred dollars (\$100.00) per offense. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to restore and reconstruct such features in full detail. Restoration or reconstruction shall be in addition to any criminal penalty and not in lieu thereof.

(3) —~~(3)~~—Failure to perform. Whoever receives a Certificate of Appropriateness from the Historic Preservation Board and constructs, reconstructs, or alters any exterior architectural feature other than in accordance with the requirements of the Certificate, shall be fined not more than one hundred dollars (\$100.00) per offense. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to make all changes and additions needed to comply with the Certificate. Changes and additions shall be in addition to any criminal penalty and not in lieu thereof.

(f) Appeals. Any ~~Applicant~~ applicant aggrieved by the enforcement of these Rules, Procedures and Design Guidelines and the provisions of this chapter or by a final decision of the Board may appeal to the Board of Zoning Appeals within fourteen (14) days of notification in writing of the decision of the Planning Director or Historic Preservation Board.

145.07 DESIGN GUIDELINES/DEMOLITION CRITERIA.

(Refer also to The City of Medina Guidelines for Historic Properties and Districts.)

Preface. The purpose of this chapter and of The City of Medina Guidelines for Historic Properties and Districts is to preserve the architectural history and integrity of existing buildings or structures and to ensure the procedures and materials used are compatible with the existing building or structure and help to ensure its preservation into the future. These Guidelines are meant to give architects and ~~Owners~~ property owners design direction consistent with Chapter 145 of the Codified Ordinances of the City of Medina. In principle, the Board adopts the United States of America, Secretary of the Interior's Standards for Rehabilitation.

(a) Preservation/rehabilitation/renovation. With respect to preservation/rehabilitation/renovation-~~u~~ generally it is the interest of the Board that buildings within the Historic District be preserved, thus maintaining the character of the Historic District. Consistent with the U.S. Secretary of the Interior, Standards for the Treatment of Historic Properties, the intent of these Guidelines is to preserve and restore the features which establish a building's architectural character while making alterations and renovations necessary for the efficient and contemporary use of the building.

The rehabilitation process assumes that some alterations may be necessary to meet the needs of the building ~~Owner~~ owner and the health, safety, and welfare of the building ~~'s~~ occupants. Such alterations should be done so as not to destroy the materials and features which help to define a building's historic, cultural and/or architectural character. The historic materials, features and/or craftsmanship are important in defining the building character and should be retained, protected, and repaired when possible.

When the preservation of architectural features is not possible, alterations should be done in a manner respectful of the existing character, but done in a manner that is representative of architectural design and construction of contemporary times.

(b) Additions/new construction. With respect to additions/new construction to existing buildings and all new buildings or structures within Historic Districts, it is generally the interest of the Board that such additions/new construction shall be designed to enhance the character of the Historic District. Consistent with the preface of this Chapter, new buildings and additions should be representative of architectural design and construction of contemporary times.

Additions to existing buildings in the Historic District should be designed so as not to detract from the original character of the building. Whenever possible, additions should be located away from the primary or street face of the building. The addition should be designed so as not to destroy existing architectural features, such that the addition can be removed and the building restored to its original condition. New buildings in the Historic District shall be designed to be compatible with other structures in the Historic District while still reflecting work of contemporary times. Proximity of existing buildings to the new building will affect the latitude in design constraints. An infill design should be more consistent with adjoining buildings than a freestanding structure.

(c) Demolition and Relocation. With respect to demolition and relocation of buildings and structures, it is the interest of the Board that Historic Landmark Buildings ~~buildings~~ and buildings and structures within Historic Districts be preserved and ~~renovated~~ restored for economically productive uses. The Board encourages the saving and adaptive re-use of buildings and structures significant to the character of the Historic Districts and the history of the City. Consistent with this intent, the Board also realizes the Historic District is not a static environment, but an ever changing and developing entity. Applications for demolition shall be reviewed based on the overall impact the demolition will have on adjacent Historic Landmarks, ~~Historic Districts,~~ and ~~the community.~~ the Historic District, and the community, as well as whether preservation is economically feasible and whether the denial would result in unnecessary financial hardship that would deprive the

applicant of all reasonable use of the land or building involved.

For applications proposing the demolition or relocation of a building or structure in a Historic District or a Historic Landmark, other than for emergency demolition of a building or structure ordered by the Planning Director or other authorized Medina City administrative officials that poses an immediate danger to human life or health, the following provisions apply:

(1) Factors to be Considered. In reviewing an application to demolish or relocate a building or other structure located within the Historic District or a Historic Landmark, the Historic Preservation Board shall consider the following factors in making its decision to approve or deny the request:

A. The architectural and historic significance of the subject building or structure;

B. The significance of the building or structure in contributing to the architectural or historic character of its environs;

C. In the case of a request to relocate a building or structure, the relationship between the current location of the subject building or structure and its overall significance to the Historic District;

D. The presence of conditions on the subject property that are dangerous or are detrimental to the immediate area and cannot be reasonably remedied other than by the proposed demolition;

E. The degree to which the applicant proposes to salvage and facilitate reuse of buildings or structures proposed for demolition; and

F. The quality of design, significance and appropriateness of the proposed re-use of the property in the Historic District.

(2) Standards for Demolition and Relocation. The Board may approve or approve with conditions an application for the demolition or relocation of a building or structure that is a Historic Landmark or in a Historic District when, based on the Board's consideration and analysis of the following standards, it finds that the applicant has demonstrated by credible evidence that the applicant will suffer an unnecessary financial hardship if the application is denied:

A. Whether all economically viable use of the property will be deprived without approval of the application or approval with conditions;

B. Whether the reasonable investment-backed expectations of the property owner will be maintained without approval of the application; and

C. Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the foregoing standards for unnecessary economic hardship, the Board may consider any or all of the following:

A. The property owner's current level of economic return from the property;

B. Any listing of the property for sale or rent, the price asked, and offers received, if any, within the two (2)

previous years, including testimony thereof and any relevant documents;

C. The feasibility of alternative uses for the property that could earn a reasonable return and whether it would be feasible to obtain authorization for an alternative use that may not comply with the current zoning regulations applicable to the property;

D. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance and/or repair of the property;

E. The property owner's knowledge of the building's or structure's landmark designation, or potential designation, or its inclusion within a Historic District at the time of the acquisition of the property; provided, however, that the property owner will be deemed to have had constructive knowledge of the property's inclusion in a Historic District if the property was located within a Historic District at the time of the owner's acquisition of the property; and/or

F. The availability of economic incentives and/or funding available to the applicant through federal, state, city or private sources.

(3) Timing and Nature of Action. The Board may delay action, for a period of not more than six (6) months for the demolition or relocation of a building or structure in order to allow any economic viability studies to be conducted, as well as to allow interested parties the opportunity to explore alternatives to the proposed action. At the end of the six (6)-month period,

the Board shall either approve, disapprove, or approve with conditions the request to demolish or relocate. Notwithstanding the foregoing, if the Board determines that an additional delay of up to six (6) months may be useful in securing an alternative to the proposed demolition or relocation, the Board may delay action for a second and final period of not more than six (6) months. At the end of such second and final period, the Board shall either approve, deny, or approve with conditions the application.

(d) The Board has the authority to engage professional consultants for advice and recommendations with respect to the foregoing design guidelines, criteria, factors, and standards.

~~— In reviewing an application, the Board will also consider the impact of the proposed use of the site on the Historic District. Demolition of existing buildings which are not a significant loss to the Historic District to allow for the construction of new development which enhances the Historic District may be acceptable.~~

145.08 DESIGNATION CRITERIA FOR HISTORIC DISTRICTS OR LANDMARKS.

In considering the designation of any place, building, structure, work of art, or similar object in the City as ~~an~~ a Historic District or Historic Landmark, the Historic Preservation Board shall apply the following criteria with respect to such property:

(a) ~~—(a)—~~Its character, interest or value shall be part of the development, heritage or cultural characteristics of the City, State or the United States;

(b) ~~—(b)—~~Its location shall be a site of a significant historical event;

(c) ~~—(c)—~~Its identification shall be with a person who significantly contributed to the culture and development of the City;

(d) ~~—(d)—~~Its exemplification shall be of the cultural, economic, social or historic heritage of the City;

(e) ~~—(e)—~~Its portrayal shall be of the environment of a group of people in an era of history characterized by a distinctive architectural style;

(f) ~~—(f)—~~Its embodiment shall be of elements or architectural design, detail, materials or craftsmanship which represents architecture of significant character, charm, or grandeur;

(g) ~~—(g)—~~Its relationship shall be to other distinctive areas which are eligible for preservation or conservation;

(h) ~~—(h)—~~Its unique location or singular physical characteristics shall be representative of an established and familiar visual feature of a neighborhood or of the City.

145.09 DESIGNATION PROCEDURES FOR HISTORIC DISTRICTS ~~OR AND~~ HISTORIC LANDMARKS.

(a) A property (building, structure, place, or object) may be nominated as ~~an a~~ Historic Landmark or a group of properties may be nominated as an Historic District by an individual, group, or by the Historic Preservation Board. For individual buildings or structures, the property owner shall approve the nomination. For a ~~district~~ the disapproval of a Historic District, dissent, disapproval by property owners in the District shall be less greater than 25% of the property owners. Each owner of private property in a ~~district~~ District has one (1) vote regardless of how many properties or what part of one (1) property that party owns and regardless of whether the property contributes to the significance of the ~~district~~ District.

(b) When a proposal to establish ~~an~~ a Historic District or to designate an individual property or site as a Historic Landmark for protection is received by or initiated by the Historic Preservation Board, the owner or owners of included properties shall be notified.

(c) The Historic Preservation Board shall consider the proposal in terms of the criteria provided in Section 145.08. Properties shall be documented to meet at least one (1) of the criteria listed. The Board shall make a recommendation to City Council.

(d) City Council shall give due consideration to the findings and recommendations of the Historic Preservation Board in making its determination with respect to the ~~proposed~~ designation of a place, building, structure, or object as an Historic Landmark or to establish a Historic District or Landmark.

145.10 SEVERABILITY.

If a court of competent jurisdiction shall adjudge any provision of this chapter invalid or unenforceable, then the remaining provisions of this chapter shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

145.11 WAYFINDING EVENT CABINETS.

The purpose of the City of Medina Wayfinding Event Cabinets is to promote downtown events and festivals. The postings are intended for viewing by pedestrians in the immediate vicinity of the kiosks.

(a) ~~—(a)—~~The event cabinets will be used for the posting of events and festivals open to the general public occurring within the nine block Historic District.

(b) ~~—(b)—~~The City of Medina will maintain a general calendar of events within a portion of the cabinet throughout the year.

(c) ~~—(c)—~~Event postings are limited to a two week period prior to the scheduled event and shall be removed within 48 hours of the close of the event.

(d) ~~—(d)—~~The Mayor or designee and Main Street Medina Executive Director or designee are the only representatives permitted to access and update the event posting cabinets.

(e) ~~—(e)—~~Requested postings shall be submitted to the City of Medina for placement in the cabinets by City staff or Main Street Medina.

(f) ~~—(f)—~~All postings shall be graphically printed in a professional manner subject to the approval of the Planning and ~~Community Development~~ Director.

APPENDIX A
Procedural Manual For Historic Preservation Board
Chapter I Introduction and Organization
Chapter II Certificate of Appropriateness
Chapter III Conditional Sign Permit

CHAPTER I
INTRODUCTION AND ORGANIZATION

1. INTRODUCTION.

This Procedural Manual is a public document and is adopted by the Historic Preservation Board of Medina, Ohio to describe its organization and the procedures which govern its activities. The Manual, together with the Design Guidelines and Rules and Procedures for use in reviewing applications found in Chapter 145 of the Codified Ordinances of the City of Medina, its Charter and the laws of the State of Ohio, shall be the official policies of the Board.

2. 2.—ORGANIZATION.

The organization, terms of office and vacancies of the Board are established in accordance with Chapter 145 of the Codified Ordinances of the City of Medina.³---

3. ORGANIZATIONAL MEETING OF THE BOARD.

The Board shall hold an organizational meeting annually during the month of January and elect a Chairperson and Vice-Chairperson by majority vote of the members present. The term of office of each shall be for the current calendar year and consistent with Chapter 145. The Chairperson shall preside at the meetings and decide all points of order and procedures. The Vice-Chairperson shall preside as Acting Chairperson in the absence of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the Secretary shall call the meeting to order and a Chair Pro Tempore shall be elected by the Board to preside at the meeting.

A staff member or designee of the Planning Department shall act as the Board Secretary.

The Secretary, subject to the direction of the Chair of the Board, shall keep all records, conduct all correspondence of the Board and generally supervise the clerical work of the Board. The Secretary shall not be eligible to vote upon any matter. The Secretary shall also arrange the agenda of each meeting, prepare and keep minutes of each meeting and shall prepare for public inspection an annual report of the Board's activities, cases, decisions, special projects, attendance of the Board members and qualifications of members.

4. 4.—CONFLICT OF INTEREST.

Prior to the beginning of the discussion of any application, any Board member whose participation would constitute a conflict of interest shall disclose the nature of the conflict, shall remove himself/herself from any discussion concerning the application and shall not vote on said application. Board Members shall be subject to the Ohio Revised Code Chapter 102, Section 2921.42 and all opinions issued by the Ohio Ethics Commission, (~~Ord. 75-07. Passed 5-14-07.~~)

5. 5.—COMMITTEES.

Unless otherwise provided, and subject to approval by the Board, the Chairperson of the Board may appoint special committees. The Board shall determine the size, the duties, and the duration of service of such committees at the time of their establishment.

6. 6.—FILLING A BOARD VACANCY.

Any vacancy caused by resignation, death or other means shall be filled for the unexpired term within sixty (60) days by Mayoral appointment and approval of City Council.

7. 7.—DUTIES OF THE BOARD.

The Historic Preservation Board shall have the following responsibilities:

A. —A.—Board will promote interest in, and aid and educate Medina citizens in

historic preservation by conducting or supporting educational sessions on an annual basis and preparing informational material as appropriate.

B. —~~B.~~—Board shall issue Certificates of Appropriateness for construction, preservation, restoration, reconstruction, and/or rehabilitation, and/or demolition or relocation of any building, structure, or object within the City's Historic Districts and other areas as established by City Council, according to the procedures set forth for such matters in Section 145.06 and 145.07 of the Codified Ordinances.

C. —~~C.~~—Board shall advise other officials and departments in Medina City government regarding the protection of local historic resources.

D. —~~D.~~—Board shall act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.

E. Board shall encourage its members to attend workshops, seminars and other educational programs on historic preservation to stay abreast of design, enforcement, funding, and other issues relevant to the proper performance of their duties.

F. Board shall review proposed National Register nominations for properties within the jurisdiction.

G. When the Board considers a National Register nomination, or other action, which is normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Board, the Board may, upon authorization of City Council, seek expertise in this area before rendering its decision. It may be advised by technical consultants, under contract executed by the City as City finances permit, to assist it in performing its functions.

H. Board shall be responsible for maintaining a system (Ohio Historic Inventory Form) for the survey and inventory of historic properties and cultural resources

within the City of Medina. All inventory material shall be recorded according to Ohio Historic Preservation Office guidelines, maintained securely, and made accessible to the public. The inventory shall be updated periodically to reflect alterations and demolitions.

8. 8.—AGENDA.

The Board shall consider no application or report unless it has been received by the Secretary and placed on the agenda. Copies of the agenda shall be mailed or otherwise sent by the Secretary to each Board member, the local newspaper, and other parties as may be determined by the Secretary or Board. Applicants shall be sent a notice of hearing. Any item placed on the agenda shall be heard and action taken, unless the ~~Applicant~~ applicant requests that the issue be removed from the Agenda.

9. QUORUM.

A majority of the Board shall constitute a quorum, and such quorum shall be capable of conducting any business before the Board. However, an affirmative vote by a majority of the quorum is necessary to act on an application.

10. MEETING.

The Board shall hold a regular public meeting once each month in the Medina Municipal Building or other public place if so directed by the Chairperson and the Secretary. The regular monthly meeting will be held on the dates established by the Board at its annual organizational meeting.

Special meetings of the Board may be called by the Chairperson, provided a notice of the agenda for such meetings are mailed to or otherwise sent and received by the Members and the local newspaper not less than forty-eight (48) hours prior to time and place of the special meeting.

Whenever there is no business for the Board, the Chairperson may dispense with a regular meeting by giving notice to all Members not less than twenty-four (24) hours prior to the time set for the meeting.

11. ORDER OF BUSINESS.

The business of the Board shall be considered in the following order:

- A. Call to order
- B. Approval of minutes of last meeting
- C. Announcements
- D. Committee reports
- E. Old business
- F. New business
- G. Adjournment

12. ANNUAL REPORT.

The Board shall prepare and submit an annual report of Board activities, cases, decisions and special projects to the Planning Commission, the Mayor, and City Council. The Annual Report shall be kept on file for public inspection.

13. AMENDMENTS.

Amendments to Chapter 145 of the Codified Ordinance of the City of Medina shall be recommended to City Council by a majority vote of the entire Board at any regular or special meeting, providing notice and contents of the proposed change are mailed, or otherwise disseminated to, and received by each Member of the Board by the Secretary at least five (5) days prior to the meeting. The proposed amendments shall not be included in the Ordinance until approved by City Council.

Amendments to The City of Medina Guidelines for Historic Properties and Districts (supplemental document) may be made by majority vote of the Board after open discussion in a minimum of two meetings of the Historic Preservation Board.

Amendments to the Guidelines shall be presented to the City Council for information, review and acceptance.

14. REPEALER.

This Manual shall supersede all rules and statements of the Board or Secretary heretofore adopted, or in effect by practice, which are in conflict with the Manual.

15. ADOPTION DATE.

This Manual is hereby adopted by the Board and shall take effect thirty (30) days following passage by City Council.

CHAPTER II

CERTIFICATE OF APPROPRIATENESS

Certificates of Appropriateness shall be issued by the Historic Preservation Board, in accordance with the standards and regulations of Chapter 145 of the Codified Ordinances of the City of Medina.

1. REQUIRED DATA.

To accomplish the Board's review of an application for a Certificate of Appropriateness, copies of all data specified in Chapter 145 of the Codified Ordinances of the City of Medina and the application shall be required. Number of copies and samples required shall be listed on the procedural information provided by the City.

A. Alterations and change of color.

1. —~~1.~~—Photographs of existing conditions.—~~2.~~—
2. Drawings indicating any changes to the physical appearance.—~~3.~~—
3. An outline describing work and the procedures to be performed.—~~4.~~—
4. Material samples and manufacturer's literature for major materials and products to be incorporated in the building.

B. New buildings.

1. —~~1.~~—Photographs (8"x 10") of the proposed site and context including adjacent structures.—~~2.~~—
2. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials,

finishes and other features accurately representing the proposed design.

~~3.~~ —~~3.~~—Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

C. Additions to existing buildings.

~~1.~~ —~~1.~~—Photographs (8"x 10") of the existing building and adjacent buildings or structures.—~~2.~~—

~~2.~~ Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.

~~3.~~ —~~3.~~—Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.

D. Demolition, partial demolition, or moving.

~~1.~~ —~~1.~~—Photographs (8"~~8~~" x 10"), of the existing building in detail including context and site.

~~2.~~ —~~2.~~—A Site Plan depicting the site of the subject building and its context.—~~3.~~—

~~3.~~ A written request from the Owner indicating reasons for the demolition, partial demolition, or moving.

~~4.~~ —~~4.~~—Include the following information:

- ~~■~~ ~~■~~—Status - National Historic Landmark, National Landmark Historic District;
- ~~●~~ ~~●~~—Status - Listing on the U.S. National Register of Historic Places or determination of eligibility for the National Register;
- ~~■~~ ~~■~~—Status - Historic Landmark (Medina), Historic District (Medina);
- ~~●~~ ~~●~~—Form of Ownership of the property, amount paid for property, date of purchase, party from whom it was purchased, and description of relationship between ~~Owner~~ owner and Applicant~~applicant~~;
- ~~●~~ ~~●~~—Cost of proposed Demolition;
- ~~●~~ ~~●~~—The fair market value for the property and the anticipated market value after rehabilitation;

- ~~1~~—An analysis of the feasibility of rehabilitation, including the costs of rehabilitation, and the income and expense likely to be produced by the property after rehabilitation;
- ~~2~~—A list of alternatives that were considered and reasons why alternatives were dismissed;
- ~~3~~—Board may request other information specific to the project.

—5. The ~~Applicant~~applicant may provide additional financial information supporting the case for demolition. This information may include:

- ~~1~~—In the case of income-producing properties, provide the annual gross income from the previous two years and itemized expenses for the same time period;
- ~~2~~—Price asked and offers received within the previous two years.

—6. If ~~Applicant~~applicant claims lack of structural or architectural integrity as the reason for demolition, he/she must offer evidence prepared by a licensed engineer or architect as to the structural soundness of the building or structure.

2. ~~2.~~—APPLICATION.

The ~~Applicant~~applicant shall complete the application and submit all required data to the Secretary. The official date of the application shall be the date of the next regular Board meeting after all required data and fees have been submitted to the Secretary and at which the ~~Applicant~~applicant is scheduled to appear.~~3.~~—

3. REVIEW AND BOARD ACTION.

Upon completion of the application, the Secretary shall place the application on the agenda of the next regular Board meeting and notify the ~~Applicant in~~applicant in writing. The Board shall review the application as it appears on the agenda.

The Board shall act on the application by resolution and shall vote to approve, approve with amendment, approve with conditions or disapprove the application. The applicant

shall be advised in writing of the Board's decision. Such action shall be taken immediately following the review of the application, unless the ~~Applicant~~ applicant requests a time extension to modify or elaborate upon his/her proposal. When the applicant indicates to the Secretary that the modifications are complete, the extended proposal shall be deliberated at the next regular Board meeting or a special meeting called for this purpose. If more than one year has passed, ~~Applicant~~ applicant must file a new application. If the Board denies the application wholly or in part, the applicant shall be notified of the reason.4.—

4. CERTIFICATE OF APPROPRIATENESS.

Upon approval of the application by the Board, the Secretary shall issue a Certificate of Appropriateness. This Certificate of Appropriateness, however, does not exempt the applicant from provisions of the Building Code, Sign Code or other applicable laws of the City, County or State. The Certificate of Appropriateness shall become void if construction has not commenced within one (1) year after the date of approval. (Chapter 145 of the Codified Ordinances).

**Historic Preservation Board
Certificate of Appropriateness**

Receive completed application			
Applicant provided meeting notice		Staff reviews submission	
		Applicant provided meeting notice and staff report	Board Reviews

Application denied				Boards Action
Appeal to BZA				Application approved
				Certificate Issued

CHAPTER III
CONDITIONAL SIGN PERMIT

Conditional sign permits may be issued by the Historic Preservation Board in accordance with the standards and regulations of Chapter 1147 of the Zoning Code.

1. ~~1.~~ REQUIRED DATA.

To accomplish the Board's review of an application for a Conditional Sign Permit, copies of all data specified in Chapter 1147 of the Zoning Code and the application shall be provided. Number of copies and samples required shall be listed on the procedural information provided by the City.

2. ~~2.~~

2. APPLICATION.

The applicant shall complete the application and submit all required data and fees to the Secretary. The official date of the application shall be the date of the next regular Board meeting after all required data and fees have been submitted to the Secretary.

Submission requirements include:

- A. ~~A.~~—Photographs of existing conditions.~~B.~~
- B. Elevation drawings depicting the proposed signage of the building with sign and building dimensions noted.
- C. ~~C.~~—Color and material samples for the proposed sign.

3.—

3. REVIEW AND BOARD ACTION.

Upon completion of the application, the Secretary shall place the application on the agenda of the next regular Board meeting and notify the applicant. The Board shall review the application as it appears on the agenda.

The Board shall act on the application by resolution and shall vote to approve, approve with amendment, or disapprove the application. The applicant shall be advised in writing of the Board's decision. Such action shall be taken immediately following the review of the application, unless the ~~Applicant~~ applicant requests a time extension to modify or elaborate upon his/her proposal. When the applicant indicates to the Secretary that the modifications are complete, the extended proposal shall be deliberated at the next regular Board meeting or a special meeting called for this purpose. If more than one year has passed, ~~Applicant~~ the applicant must file a new application. If the Board denies the application wholly or in part, the applicant shall be notified of the reason.

4.—

4. CONDITIONAL SIGN PERMIT.

Upon approval by the Board of the application, the Secretary shall issue a Conditional Sign Permit. This Conditional Sign Permit, however, does not exempt the applicant from provisions of the Building Code, Sign Code or other applicable laws of the City, County or State. The Conditional Sign Permit shall become void if construction has not begun within six (6) months after the date of the permit. (Section 1147.16 of the Zoning Code).

ORDINANCE NO. 180-21

AN ORDINANCE ADOPTING A CYBER SECURITY INCIDENT RESPONSE POLICY FOR THE CITY OF MEDINA.

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

- SEC. 1:** That the Cyber Security Incident Response Policy for the City of Medina is hereby adopted, subject to the final approval by the Law Director.
- SEC. 2:** That a copy of the Cyber Security Incident Response Policy is marked Exhibit A, attached hereto and incorporated herein.
- SEC. 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 4:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

CITY OF MEDINA
CYBER SECURITY INCIDENT RESPONSE POLICY

PURPOSE AND SCOPE

This policy ensures the City of Medina is prepared to respond to cyber security incidents, to protect systems and data, and prevent disruption of government services by providing the required controls for incident handling, reporting, and monitoring, as well as incident response training, testing and assistance.

An incident, as defined in National Institute of Standard and Technology (NIST) Special Publication 800-61, is a violation or imminent threat of violation of computer security policies, acceptable use policies, or standard computer security practices. An incident response capability is necessary for rapidly detecting incidents, minimizing loss and destruction, mitigating the weaknesses that were exploited, and restoring computing services.

RESPONSIBILITIES

All users of City of Medina computing resources shall be aware of what constitutes a cyber security incident and shall understand incident reporting procedures.

Incident response support resources may include, for example, IT Help Desk and access to forensic services.

AGENCY MANAGEMENT, INFORMATION TECHNOLOGY ORGANIZATION:

Develop organization and system-level cyber security incident response procedures to ensure management and key personnel are notified of cyber security incidents as required.

Organizations that support information systems shall develop incident response plans and/or procedures that:

- Provide the organization with a roadmap for implementing its incident response capability
- Describes the structure and organization of the incident response capability
- Provides a high-level approach for how the incident response capability fits into the overall organization

- Meets the unique requirements of the organization, which relate to mission, size, structure, and functions
- Defines reportable incidents
- Provides metrics for measuring the incident response capability within the organization
- Defines the resources and management support needed to effectively maintain and mature an incident response capability
- Is reviewed and approved by the Mayor or his designee

Revise the incident response plan/procedures to address system/organizational changes or problems encountered during implementation, execution, or testing.

Distribute copies of the incident response plan/procedures to incident response personnel.

Communicate incident response plan/procedure changes to incident response personnel and other organizational elements as needed.

Provide incident response training to information system users consistent with assigned roles and responsibilities before authorizing access to the information system or performing assigned duties, when required by information system changes; and annually thereafter.

Organizations that support information systems shall implement an incident handling capability for cyber security incidents that includes preparation, detection and analysis, containment, eradication, and recovery.

Coordinate incident handling activities with contingency planning activities.

Track and document information system security incidents. Retain and safeguard cyber security incident documentation as evidence for investigation, corrective actions, potential disciplinary actions and/or prosecution.

Promptly report cyber security incident information to appropriate authorities in accordance with organization incident reporting procedures.

Organizations that support information systems shall provide an incident response support resource integral to the organizational incident response capability that offers advice and assistance to users of the information system for the handling and reporting of security incidents.

Possible implementations of incident support resources in an organization include a help desk or an assistance group and, when required, access to forensics services.

EMPLOYEES:

Employees are the biggest threat to an organization's cyber security. They can cause damage either purposefully or through unintentional acts. Layers of security must be implemented to compensate for this. Steps to protect against these issues include the following:

- Limit user access to only appropriate systems
- Never share login credentials with coworkers or others
- Limit user access to employees that are disciplined or reassigned.
- Physically secure technology and information assets so that only authorized individuals have access.

ACCESS CONTROL:

Controlling access to critical information is required to protect assets from unauthorized disclosure or modification. Access control is the permissions assigned to users of the system that are authorized to access specific resources. Access control is implemented by utilizing user ID and passwords.

User and Network Access:

Users are required to have unique credentials (user ID and password) for system access. Credentials should be confidential and should not be shared with management, supervisors, other employees or anyone outside the City. Users must comply with the following rules for creating and maintaining passwords.

- Passwords should not be posted near computers nor written down where they are easily accessible
- Passwords should not contain words that are found in dictionaries. These are easily cracked by hackers
- Windows passwords must change every 90 days
- Windows user accounts will be frozen after 5 failed login attempts
- Windows password complexity must involve at least three different character sets (e.g., uppercase characters, lowercase characters, numbers, or symbols) and be 10 characters long.
- Windows accounts will be set to an automatic screen lock after 10 minutes of inactivity
- User IDs will be suspended after 90 days of inactivity

Connecting to Third-Party Systems:

Connecting to third-party systems requires a secure connection to allow for the safe exchange of information.

Third-party refers to vendors, consultants and business partners that need to exchange digital information with the City. Third-party system connections are to be used only for business purposes of the organization by authorized third-party employees. Third-party connections will be reviewed annually to determine if they are still valid connections.

This policy applies to all new third-party connection requests and any existing third-party connections. Any existing third-party system connections that do not meet the requirements will need to be redesigned.

Any third-party connection requests must be submitted in writing and approved by the IT Manager.

Remote Access:

Users must be authorized to remotely access the City's network. Remote access is given to employees, contractors and business partners of the City that have an authorized business purpose to access computers, programs, copy files or exchange information. All remote connections must be authorized and secure by City standards.

CYBER SECURITY BEST PRACTICE:

DO:

- Lock your computer when not in use
- Stay alert to suspicious activity
- Password protect all devices
- Use hard to guess passwords
- Be cautious of suspicious or unknown e-mails or links
- Ask questions when in doubt

DON'T:

- Be tricked into giving away confidential information
- Use an unprotected computer
- Leave sensitive information or passwords lying around
- Plug in personal devices without permission
- Install unauthorized programs

ORDINANCE NO. 181-21

**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 AND REPEALING
ORDINANCE NO. 58-18, PASSED MARCH 26, 2018.**

WHEREAS: Section 943.11 of the codified ordinances of the City of Medina, Ohio *presently reads* as follows relative to the Schedule of Charges and Fees for 2021 Spring Grove Cemetery:

943.11 SCHEDULE OF CHARGES AND FEES.

LOT FEES PER GRAVE:			
Lot Type	No. of Lots	Resident	Non-Resident
A	per grave	\$550.00	\$650.00
B	per grave	\$750.00	\$850.00
C	per grave	\$650.00	\$750.00
Cremains Section	per grave	\$200.00	\$250.00
Baby Section	per grave	\$200.00	\$250.00
DESCRIPTION OF SALEABLE LOTS:			
Class "A" lots, single or multiple graves: All Sections except 14, 17, 18 and 19			
Class "B" lots, single graves: Section 14 and 17			
Class "C" lots, single graves: Section 18 and 19			
Cremains Section: Section specifically located in Section 8			
Baby Section: Single grave only, available in sequential order			
INTERMENT FEES:			
Interment of Residents or Non-residents	Before 2:00 p.m. Weekdays	After 2:00 p.m. Weekdays and until 12:00 Noon Saturday	After 12:00 Noon Saturday or Sunday (Court Ordered) Approved Holidays Passed on 12-11-2017 Ord. 184-17
Adult	\$500.00	\$650.00	\$750.00
Cremains Section	\$250.00	\$350.00	\$500.00
Baby Section	\$250.00	\$350.00	\$500.00
Crypt Sealing	\$150.00	\$250.00	\$400.00
DISINTERMENT AND REINTERMENT FEES:			
	Adult Vault	Adult Cremains	Infant
Disinterment	\$1,050.00	\$300.00	\$400.00
FOUNDATION FEES:			
A fee of \$0.50 shall be charged per square inch of surface material of concrete. All footers shall have a two inch (2") border around the entire base. Flush markers shall not have a mandatory border.			
COLUMBARIUM/NICHE WALL: (cremains interments only)			

One (1) Niche - \$950.00

CLBM-2 One (1) Niche – Top Row - \$1,350.00

CLBM-2 One (1) Niche – Middle Row - \$ 1,250.00

CLBM-2 One (1) Niche – Bottom Row - \$ 1,150.00

Interment - \$250.00 per opening (max. two (2) per Niche)

Engraving - actual cost

ADDITIONAL SERVICES:

1. Upon request, the Director of Public Service shall give written estimates of work to be done by cemetery employees on the cemetery grounds not covered in the foregoing schedules.
2. There shall be a \$50.00 charge for chapel use for a funeral or memorial service.
3. Endowment Fee. There shall be a one (1) time Special Lot Endowment Fee of \$1,000.00 to provide for special care of a grave or lot on Memorial Day and Christmas.
4. There shall be a \$30.00 Transfer of Lot Fee for all lot transfers.

NOTE: NOTICE OF NOT LESS THAN FORTY-EIGHT (48) HOURS SHALL BE GIVEN FOR OPENING OF A GRAVE. PER CITY ORDINANCE NUMBER 943.04-J

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

SEC. 1: That Section 943.11 of the codified ordinances of the City of Medina, Ohio *shall be amended to read* as follows pertaining to Columbarium/Niche Wall pricing for Spring Grove Cemetery:

943.11 SCHEDULE OF CHARGES AND FEES.

LOT FEES PER GRAVE:			
Lot Type	No. of Lots	Resident	Non-Resident
A	per grave	\$650.00	\$750.00
B	per grave	\$850.00	\$950.00
C	per grave	\$750.00	\$850.00
Cremains Section	per grave	\$300.00	\$350.00
Baby Section	per grave	\$300.00	\$350.00
DESCRIPTION OF SALEABLE LOTS:			
Class "A" lots, single or multiple graves: All Sections except 14, 17, 18 and 19			
Class "B" lots, single graves: Section 14 and 17			
Class "C" lots, single graves: Section 18 and 19			
Cremains Section: Section specifically located in Section 8			
Baby Section: Single grave only, available in sequential order			
INTERMENT FEES:			
Interment of Residents or Non-residents	Before 2:00 p.m. Weekdays	After 2:00 p.m. Weekdays and until 12:00 Noon Saturday	After 12:00 Noon Saturday or Sunday (Court Ordered) <small>Approved Holidays Passed on 12-11-2017 Ord. 184-17</small>
Adult	\$600.00	\$900.00	\$1,200.00
Cremains Section	\$350.00	\$450.00	\$700.00
Baby Section	\$350.00	\$450.00	\$700.00

Crypt Sealing	\$250.00	\$350.00	\$500.00
DISINTERMENT AND REINTERMENT FEES:			
	Adult Vault	Adult Cremains	Infant
Disinterment	\$2,000.00	\$600.00	\$500.00
FOUNDATION FEES:			
A fee of \$0.50 shall be charged per square inch of surface material of concrete. All footers shall have a two inch (2") border around the entire base. Flush markers shall not have a mandatory border.			
COLUMBARIUM/NICHE WALL: (cremains interments only)			
One (1) Niche - \$950.00			
CLBM-2 One (1) Niche – Top Row - \$1,350.00			
CLBM-2 One (1) Niche – Middle Row - \$ 1,250.00			
CLBM-2 One (1) Niche – Bottom Row - \$ 1,150.00			
Interment - \$350.00 per opening (max. two (2) per Niche)			
Engraving - actual cost			
ADDITIONAL SERVICES:			
1. Upon request, the Director of Public Service shall give written estimates of work to be done by cemetery employees on the cemetery grounds not covered in the foregoing schedules.			
2. There shall be a \$100.00 charge for chapel use for a funeral or memorial service.			
3. There shall be a \$50.00 Transfer of Lot Fee for all lot transfers.			

NOTE: NOTICE OF NOT LESS THAN FORTY-EIGHT (48) HOURS SHALL BE GIVEN FOR OPENING OF A GRAVE. PER CITY ORDINANCE NUMBER 943.04-J

SEC. 2: That Ordinance No. 58-18, passed March 26, 2018 is hereby repealed.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 182-21

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO REPAY THE FOLLOWING FUND ADVANCES.

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

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

- \$150,000.00 from the Grant Fund (#125) to the General Fund (#001)
- \$1,000,000.00 from the Grant Fund (#109) to the General Fund (#001)
- \$27,000.00 from the Cemetery Improvement Fund (#821) to the General Fund (#001)
- 116,000.00 from the Stormwater/Street Fund (#108) to the General Fund (#001)

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

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

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 183-21

AN ORDINANCE AUTHORIZING THE EXPENDITURE TO MAIN STREET LIGHTING FOR COSTS RELATED TO REPAIRS AND REPLACEMENT OF STREET LUMINARIES WITHIN THE HISTORIC DISTRICT, AND DECLARING AN EMERGENCY.

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

SEC. 1: That the expenditure to Main Street Lighting for costs related to repairs and replacement of street luminaries within the Historic District is hereby authorized.

SEC. 2: That the funds to cover this expenditure in the amount of \$113,000 are available in Account No. 001-0140-53321.

SEC. 3: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

SEC. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 5: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason full approval of the grant project was received on October 14, 2021; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 184-21

AN ORDINANCE AUTHORIZING THE PURCHASE OF TEN (10) MX PERFORMANCE PLUS MATRIX TREADMILLS FROM MATRIX FITNESS FOR THE MEDINA COMMUNITY RECREATION CENTER.

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

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

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

SEC. 1: That the purchase of ten (10) MX Performance Plus Matrix Treadmills from Matrix Fitness, through Johnson Heath Tech North America on Ohio DAS State Term Schedule #800848 Index #STS650, is hereby authorized to be used by Medina Community Recreation Center, and is subject to the final approval of the contract by the Law Director.

SEC. 2: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

SEC. 3: That the funds to cover this purchase, in the amount of \$102,900.00, are available in Account No. 574-0351-54413.

SEC. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 5: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORD. 184-21

QUOTE

MATRIX

Date: 10/18/2021
 Quote #: QUO-109943-X8M7K1
 Expires On: 11/17/2021

Primary Sales Contact
 Tom Varga
 P: 330-267-8741 F: 608-839-5689
 Tom.Varga@matrixfitness.com

Alternate Sales Contact
 Travis Gebhart
 P: F:
 Travis.Gebhart@johnsonfit.com

Bill To:
 Medina Community Recreation Center
 Christy Moats
 855 Weymouth Rd
 Medina, OH 44256-2039
 US
 (330) 721-6900 - cmoats@mcrc.medinaoh.org

Ship To:
 Medina Community Recreation Center
 855 Weymouth Rd
 Medina, OH 44256-2039
 US

Comments:

OHIO DAS State Term Schedule
 SCHEDULE #800848
 INDEX #STS650

Rebate check to MCRC
 5 Family Memberships - \$2,820

Shipping Notes:

Qty	Model Number	Description (Sell sheet hyperlinks in Blue)	List Price	Net Unit Price	Ext. Price
10	T-PP-TouchXL	MX Perf. Plus TouchXL Treadmill Bk Matt	\$21,980.00	\$10,770.00	\$107,700.00

List Price Total	\$219,800.00	Equipment Sales Price	\$107,700.00
Customer Savings	\$112,100.00	FRT/ASM/DEL	\$0.00
		Used Equipment Trade In Discount	(\$4,800.00)

Customer Subtotal (before tax)	\$102,900.00
Tax (Estimated,subject to change)	\$0.00
Total Amount Due (USD)(including tax)	\$102,900.00

Sign Below to accept this order and acknowledge receipt and acceptance of the JHTNA Terms and Conditions of the sale, and the JHTNA Electrical (treadmill only) & cabling (entertainment only) requirements and the JHTNA Strategic Partner Warranty

PRICES SUBJECT TO CHANGE - PRICES BASED UPON TOTAL PURCHASE - ALL DELIVERY, TRAINING OR CONSULTING SERVICES TO BE BILLED AT PUBLISHED RATES - FREIGHT QUOTES ARE SUBJECT TO CHANGE BASED ON INFORMATION CONTAINED IN THE SITE SURVEY - ADDITIONAL CHARGES MAY APPLY

Payments must be made payable to:
Johnson Health Tech North America Inc

USPS only
Johnson Health Tech NA Inc
27829 Network Place
Chicago, IL 60673-1278

Fed-Ex, UPS, etc
JPMorgan Chase
c/o Johnson Health Tech NA Inc. LBX # 27829
131 S. Dearborn, 6th Floor
Chicago, IL 60603

Quote #: QUO-109943-X3M7K1

Quote Amount: \$102,900.00

Payment Terms: 100% PTS

Signature: _____

Print Name: _____

Facility Name: _____

Date of Acceptance: _____

Deposit Amount: _____

NOTWITHSTANDING ANY DIFFERENT OR ADDITIONAL TERMS THAT MAY BE CONTAINED IN PURCHASER'S PURCHASE ORDER, IF ANY, THIS ACCEPTANCE OF PURCHASER'S ORDER IS EXPRESSLY CONDITIONED UPON PURCHASER'S ASSENT TO THE TERMS AND CONDITIONS SET FORTH HEREIN AND TO THE ATTACHED TERMS AND CONDITIONS (COLLECTIVELY, THE "AGREEMENT"). IN THE EVENT THAT ANY OF THE TERMS OR CONDITIONS SET FORTH IN THE AGREEMENT CONFLICT OR ARE INCONSISTENT WITH ANY OF THE TERMS OR CONDITIONS CONTAINED IN PURCHASER'S PURCHASE ORDER, THEN PURCHASER EXPRESSLY ACKNOWLEDGES AND AGREES THAT THE TERMS AND CONDITIONS SET FORTH IN THE AGREEMENT SHALL SUPERSEDE AND CONTROL THIS TRANSACTION.

JHTNA TERMS AND CONDITIONS OF SALE

1. Acceptance and Governing Provisions. This writing constitutes an offer by Johnson Health Tech North America, Inc., a Wisconsin corporation ("JHTNA"), to sell the products and/or services described herein (collectively, the "Goods") to the purchaser to which it is addressed (the "Purchaser"), subject to the terms and conditions set forth on the face and reverse sides hereof and as set forth in the attached JHTNA Quote and the attached Power Requirements for Matrix Equipment (collectively, the "Agreement"). Acceptance of this Agreement is limited to said terms and conditions; and JHTNA hereby objects to any additional and/or different terms which may be contained in any of Purchaser's purchase order, acknowledgment or other forms, or in any other correspondence from Purchaser. In the event that any of the terms or conditions set forth in the Agreement conflict or are inconsistent with any of the terms or conditions contained in Purchaser's purchase order, acknowledgment, other forms, or in any other correspondence from Purchaser, then Purchaser expressly acknowledges and agrees that the terms and conditions set forth in the Agreement shall supersede and control this transaction. This offer expires thirty (30) days from its date or upon JHTNA's prior written notification thereof to Purchaser, unless Goods are subsequently shipped by JHTNA and accepted by Purchaser. All contracts are subject to acceptance by JHTNA only at Cottage Grove, WI, and sales, however ordered, are understood to be fully made and consummated at Cottage Grove, WI.

2. Payment. The purchase price, including any and all related costs, is due in full and must be received by JHTNA before shipment of the Goods, unless Purchaser has been approved by JHTNA for open credit. To apply for open credit, Purchaser must complete the JHTNA Credit Application and submit to MatrixAR@johnsonfit.com for review and approval. JHTNA will determine credit based on the completed Credit Application, and may also rely on reference checking, D&B and Credit Safe Reports and review of complete Financials of Purchaser. Except as otherwise provided for herein, Purchaser shall pay the invoices in full, without deduction or set-off for any reason, in accordance with the payment terms set forth herein and in the invoices. Any amounts not received by JHTNA within thirty (30) days of Purchaser's receipt of JHTNA's invoice shall be past due. Interest shall be payable at the rate of eighteen (18%) per year (but not more than the highest rate permitted by applicable law) on all amounts past due. Unless otherwise prohibited by law, if at all, Purchaser agrees to pay JHTNA's actual attorney's fees and all costs incurred by JHTNA in connection with enforcing JHTNA's rights under this Agreement, including without limitation any non-payment of amounts owed and collections costs, whether or not litigation is commenced. If in JHTNA's sole judgment a Purchaser's financial condition at any time does not justify selling to Purchaser on open credit, JHTNA may require full payment in advance before proceeding with the order. If Purchaser defaults in any payment when due, then the entire purchase price shall become immediately due and payable in full or JHTNA may at its option, without prejudice to other lawful remedies, defer delivery or cancel the order.

3. Taxes and Other Charges. Any manufacturer's tax, occupation tax, use tax, sales tax, excise tax, duty, custom, inspection or testing fee, or any other tax, fee or charge of any nature whatsoever imposed by any governmental authority on JHTNA and/or Purchaser, or measured by the transaction between JHTNA and Purchaser shall be invoiced by JHTNA and paid by Purchaser in addition to the Product prices quoted or invoiced. In the event JHTNA is required to pay any such tax, fee or charge, Purchaser shall immediately reimburse JHTNA therefore upon demand by JHTNA.

4. Delivery, Claims and Force Majeure. Purchaser has the right to choose a carrier for delivery of Goods to Purchaser's facility. If Purchaser chooses a carrier, Purchaser has the obligation to and shall schedule pickup with JHTNA for pickup from one of JHTNA's facilities, Purchaser shall be solely responsible for all payments, cost and expenses related to scheduling, logistics and delivery. If Purchaser chooses to have JHTNA coordinate delivery of the Goods, JHTNA will do so pursuant to the terms of the Agreement. Delivery of Goods to a carrier at JHTNA's facility or other loading point designated by Purchaser or JHTNA (as the case may be) shall constitute delivery of title to Purchaser; and regardless of shipping terms or freight payment, all risk of loss or damage in transit shall be borne by Purchaser. JHTNA reserves the right to make delivery in installments; all such installments shall be separately invoiced and paid for by Purchaser when due per invoice, without regard to subsequent deliveries. Delay in delivery of any installment shall not relieve Purchaser of its obligations to accept remaining deliveries. Claims for shortages or other errors in delivery must be made in writing to JHTNA within five (5) business days after Purchaser's receipt of shipment of the Goods. Purchaser's failure to give such written notice to JHTNA shall constitute the unqualified acceptance of the Goods by Purchaser, and Purchaser shall be deemed to have waived all such claims for shortages or other errors relative to the delivered Goods. JHTNA is not responsible for any loss or damage to Goods during transit or delivery. Claims for loss or damage to Goods in transit shall be made by Purchaser to the carrier and not to JHTNA.

Purchaser's request for delivery reschedules shall be subject to JHTNA's prior written approval and thirty (30) days prior written notice.

All delivery dates of JHTNA are approximate. Further, JHTNA shall not be liable for any damage, loss, liability or expense as a result of any delay or failure to deliver due to any cause that is not reasonably foreseeable and that is outside JHTNA's reasonable control, including, without limitation, any act of God, act of the Purchaser, federal or state declarations, pandemics, embargo or other governmental act, regulation or request, fire, accident, strike, slowdown, war, riot, delay in transportation, unusually severe weather conditions, theft, or inability to obtain necessary labor, materials or manufacturing facilities. In the event of any such delay, the date of delivery shall be extended for a period equal to the time lost because of the delay.

5. Cancellation or Modification. Purchaser may cancel its order, reduce quantities, revise specifications or extend scheduled delivery only upon terms accepted by JHTNA in writing. If cancellation or modification of an order is approved by JHTNA in writing, Purchaser shall compensate JHTNA for all damages resulting therefrom, including, but not limited to, restocking fees and costs, out-of-pocket expenses and loss of profit and allocable overhead. In no event shall Purchaser cancel or modify an order after delivery of the Goods. Minimum order quantities and quantity discounts shall be applied to approved reduced quantities and current pricing shall be applied to revised specifications and rescheduled deliveries.

6. Changes. JHTNA may at any time make such changes in design and construction of products as shall constitute an improvement in the judgment and sole discretion of JHTNA. JHTNA may furnish suitable substitutes for materials unobtainable or rendered economically or otherwise impractical because of priorities or regulations established by governmental authority, non-availability or shortages of materials from suppliers or price changes.

7. Warranties. JHTNA warrants the Goods manufactured by JHTNA and supplied to Purchaser hereunder to be free from material defects in materials and workmanship, under normal use and service, for a time period in accordance with JHTNA's published warranty for the product then in effect at the time Purchaser's order is placed. If within the applicable warranty period any such product shall be proved to JHTNA's satisfaction to be nonconforming due to a material manufacturer's defect in materials or workmanship, such product shall be repaired or replaced at JHTNA's option and cost. Subject to any other obligations JHTNA may have under this Agreement, such repair or replacement shall be JHTNA's sole obligation and Purchaser's exclusive remedy and shall be conditioned upon JHTNA's receiving written notice of any alleged defect within ten (10) days after its discovery and, at JHTNA's option, return of such product(s) to JHTNA, FOB JHTNA's designated location.

THIS WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, STATUTORY OR OTHERWISE; AND JHTNA EXPRESSLY DISCLAIMS AND EXCLUDES ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

Any description of the products, whether in writing or made orally by JHTNA or JHTNA's agents, specifications, samples, models, bulletins, drawings, diagrams, engineering sheets or similar materials used in connection with Purchaser's order are for the sole purpose of identifying the products and shall not be construed as an express warranty. Any suggestions by JHTNA or JHTNA's agents regarding use, application or suitability of the products shall not be construed as an express warranty.

8. Returns. Products may be returned to JHTNA only when JHTNA's written permission shall be obtained by Purchaser in advance and upon JHTNA's issuance of an RMA number. Returned products must be fully insured by Purchaser up to the purchase price and securely packaged to reach JHTNA without damage, and any cost incurred by JHTNA to put products into marketable condition will be charged to Purchaser.

9. Assumption of Risk for Use. Purchaser and each user of the Goods sold by JHTNA pursuant to this Agreement shall be solely responsible for the proper use of such Goods. Purchaser acknowledges and agrees that use of such Goods may result in personal injury or death. The purchase of such Goods by Purchaser shall constitute Purchaser's acknowledgement and acceptance of any and all responsibility and liability that may result from use of the Goods. Purchaser's assumption of risk and liability shall not include liability that results solely from JHTNA's gross negligence, willful misconduct or breach of this agreement, including any material defect in the manufacturing of the Goods by JHTNA.

10. Limitation of Liability and Other Damages. Except as otherwise provided herein, JHTNA's liability hereunder and with respect to the Goods sold shall be limited to the warranty referred to in section 7 hereof, and, with respect to other performance of this Agreement, unless otherwise set forth herein, shall in no event exceed the total of the amounts paid to JHTNA by Purchaser.

JHTNA SHALL IN NO EVENT BE LIABLE TO PURCHASER FOR ANY INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL OR PUNITIVE DAMAGES OF ANY KIND, EVEN IF JHTNA HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ARISING OUT OF OR RELATED IN ANY WAY TO THIS AGREEMENT OR THE PERFORMANCE OR BREACH OF THIS AGREEMENT, NOR SHALL JHTNA BE SUBJECT TO ANY OTHER OBLIGATIONS OR LIABILITIES, WHETHER ARISING OUT OF BREACH OF CONTRACT OR WARRANTY, NEGLIGENCE OR OTHER TORT OR ANY THEORY OF STRICT LIABILITY, WITH RESPECT TO PRODUCTS SOLD OR SERVICES RENDERED BY JHTNA, OR ANY UNDERTAKINGS, ACTS, OR OMISSIONS HEREUNDER OR RELATING THERETO.

Without limiting the generality of the foregoing, JHTNA specifically disclaims any liability for property or personal injury damages, including without limitation, death or disability, penalties, special or punitive damages, damages for lost profits or revenues, loss of use of products or any associated equipment, cost of capital, cost of substitute products, facilities or services, downtime, shutdown or slowdown costs, or for any other types of economic loss, and for claims of Purchaser's customers or any third party for any such property or personal injury damages; provided, however, that if such property or personal injury damages are solely the result of JHTNA's gross negligence, willful misconduct or breach of this

Agreement, including a material defect in the manufacture of the Goods, then JHTNA shall defend, hold harmless and indemnify Purchaser from and against such liability resulting from JHTNA's gross negligence, willful misconduct or breach of this Agreement. However, JHTNA's liability shall not extend to any damages, including property or personal injury damages, that are shown to result from, in whole or in part, any alteration of the Goods by Purchaser or any other unauthorized third party, improper placement of the Goods by Purchaser or any other unauthorized third party, improper maintenance of the Goods by Purchaser or any other unauthorized third party or improper use of the Goods.

11. **Indemnification.** Purchaser shall indemnify JHTNA against any and all losses, liabilities, damages and expenses (including, without limitation, attorneys' fees and other costs of defending any action) which JHTNA may incur as a result of any claim by Purchaser or others arising out of or in any way connected with the Goods sold hereunder, including without limitation Purchaser's or any other third party's use of the Goods, any alteration of the Goods, any improper placement of the Goods or any improper maintenance of the Goods.

12. **Security Agreement.** If JHTNA has granted credit to Purchaser pursuant to Section 2 of this Agreement, then this Agreement shall constitute a Security Agreement between Purchaser, as Debtor, and JHTNA, as Secured Party, pursuant to Article 9 of the Uniform Commercial Code ("UCC"). Purchaser hereby grants to JHTNA a security interest, including without limitation, a first priority, purchase-money security interest, in and to all of the Goods manufactured, sold or provided by or on behalf of JHTNA to Purchaser pursuant to this Agreement, including without limitation, all fitness equipment, exercise equipment, replacement parts, accessories, and supplies (collectively, the "Equipment"), wherever located and whenever acquired, and further including without limitation, all proceeds thereof, including without limitation, all insurance proceeds and other proceeds thereof (collectively, the "Proceeds"), as security for Purchaser's obligation to pay for the Equipment and Purchaser's other obligations under this Agreement. Purchaser further authorizes JHTNA to file any UCC financing statements and amendments thereto or other instruments and to do all things deemed by JHTNA in its sole discretion necessary to attach and perfect JHTNA's security interest in the Equipment and the Proceeds thereof under this Agreement.

Upon the occurrence of an event of default by Purchaser, including without limitation, a payment default under this Agreement, then JHTNA may, without notice or demand, exercise in any jurisdiction in which enforcement is sought, all of its rights and remedies under this Agreement, all rights and remedies of a secured party under the UCC, and all other rights and remedies available to JHTNA under applicable law, with all such rights and remedies cumulative and enforceable alternatively, successively or concurrently, including without limitation: (a) declaring all amounts due JHTNA by Purchaser to be immediately due and payable in full and the same shall thereon become immediately due and payable in full without demand, presentment, protest, or further notice of any kind, all of which are hereby expressly waived by Purchaser; and (b) taking possession of the Equipment, and for that purpose, entering upon any premises on which the Equipment or any part thereof may be situated and removing the same therefrom without any liability for suit, action, or other proceeding, Purchaser hereby waiving any and all rights to prior notice and to judicial hearing with respect to repossession of collateral, and/or requiring Purchaser, at Purchaser's expense, to assemble and deliver the Equipment to JHTNA or to such place or places as JHTNA may designate.

13. **Landlord's Liens.** If Purchaser leases any real property upon which the Goods sold hereunder are to be located and applicable law provides for landlord's liens to secure rent obligations, then Purchaser shall notify, and obtain a written lien waiver from, each respective landlord for such locations and provide a copy of each written lien waiver to JHTNA and confirm that the Goods sold hereunder are not subject to any such lien of such landlord(s).

14. **Technical Information.** Any sketches, models or samples submitted by JHTNA shall remain the property of JHTNA, and shall be treated as confidential information. No use or disclosure of such sketches, models and samples, or any design or production techniques revealed thereby, shall be made without the express prior written consent of JHTNA.

15. **Patents, Trademarks and Copyrights.** JHTNA will, at its own expense, defend any suits that may be instituted by anyone against Purchaser for alleged infringement of any United States patent, trademark or copyright relating to any products manufactured and furnished by JHTNA hereunder, if such alleged infringement consists of the use of such Goods, or parts thereof, in Purchaser's business for any of the purposes for which the same were sold by JHTNA, and provided Purchaser shall have made all payments then due hereunder and shall give JHTNA immediate notice in writing of any such suit and transmit to JHTNA immediately upon receipt all processes and papers served upon Purchaser and permit JHTNA through its counsel, either in the name of Purchaser or in the name of JHTNA, to defend the same and give all needed information, assistance and authority to enable JHTNA to do so. If such Goods are in such suit held in and of themselves to infringe any valid United States patent, trademark or copyright, then: (a) JHTNA will pay any final award of damages in such suit attributable to such infringement; and (b) if in such suit use of such Goods by Purchaser is permanently enjoined by reason of such infringement, JHTNA shall, at its own expense and at its sole option, either (i) procure for Purchaser the right to continue using the Goods, (ii) modify the Goods to render them non-infringing, (iii) replace the Goods with non-infringing goods, or (iv) refund the purchase price and the transportation costs paid by Purchaser for the Goods.

Notwithstanding the foregoing, JHTNA shall not be responsible for any compromise or settlement made without JHTNA's written consent, or for infringements of combination or process patents covering the use of the Goods in combination with other goods or materials not furnished by JHTNA. The foregoing states the entire liability of JHTNA for infringement, and in no event shall JHTNA be liable for consequential damages attributable to an infringement.

As to any Goods furnished by JHTNA to Purchaser manufactured in accordance with drawings, designs or specifications proposed or furnished by Purchaser or any claim of contributory infringement resulting from the use or resale by Purchaser of Goods sold hereunder, JHTNA shall not be liable, and Purchaser shall indemnify and defend JHTNA against any damages, liability or expenses arising out of any claim made against JHTNA for any and all patent, trademark or copyright infringements.

16. **Spacing Behind Treadmills.** Per industry safety standards (ASTM F2115 and EN 957-6), JHTNA hereby notifies Purchaser of the need to locate treadmills ensuring that there is a two (2) meter long clear zone in the floor space behind each treadmill. The clear zone shall be at least the width of the treadmill and a minimum of 2 meters (6' 7") past the back end of the treadmill. There shall be no walls, no windows, no steps, and no other equipment placed within this clear zone. This clear zone is intended to ensure that if any user of a treadmill were ever to fall off the back of the treadmill, there will be an open and clear space behind the user so that injury may be minimized or avoided. Purchaser's failure to comply with this standard could result in injury to a treadmill user and potential liability to Purchaser. Although JHTNA is hereby expressly giving Purchaser notice of this requirement, only the Purchaser can ensure that Purchaser complies with this requirement and it is Purchaser's sole responsibility to do so. By purchasing exercise equipment from JHTNA, Purchaser accepts its responsibility to comply with this treadmill spacing requirement and all standards applicable to treadmill spacing and agrees to release JHTNA and its affiliated companies, including Johnson Health Tech Co., Ltd, and all of their officers, shareholders, employees, insurers and representatives (collectively, "the JHTNA Parties") from, and indemnify the JHTNA Parties from and against, any and all suits, claims, actions, legal proceedings, demands, losses, damages, costs and expenses, including attorneys' fees, resulting from claims for bodily injury or property damage arising out of or in any way relating to inadequate treadmill spacing, inadequate clear zones utilized behind treadmills or the failure by Purchaser to comply with industry safety standards concerning treadmill spacing.

17. **Purchaser's Property.** Any property of the Purchaser placed in JHTNA's custody for performance of this Agreement is not covered by insurance, and no risk is assumed by JHTNA in the event of loss or damage to such property by fire, water, burglary, theft, civil disorder or any accident beyond the reasonable control of JHTNA.

18. **Governing Law and Choice of Forum.** This Agreement shall be governed by, and construed in accordance with, the laws of the State of Wisconsin, without application of principles of conflicts of laws. With respect to any dispute, controversy or claim arising out of or relating to this Agreement, JHTNA and Purchaser agree and consent to personal jurisdiction in Wisconsin and agree that the Circuit Court of Dane County, Wisconsin and the United States District Court for the Western District of Wisconsin shall be the exclusive forums for the resolution of any such disputes, controversies or claims. Purchaser shall not assign this Agreement without JHTNA's express prior written consent. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, successors and permitted assigns.

19. **Remedies Cumulative.** Any of JHTNA's remedies referred to herein shall be cumulative and in addition to such other rights and remedies as may be available under law or equity.

20. **Confidentiality.** Purchaser will keep all of the terms and conditions of this Agreement confidential and Purchaser will neither disclose the existence of this Agreement nor the terms of this Agreement to any third party except to those employees of Purchaser who need to know such terms for the purpose of effecting the transaction.

21. **Entire Agreement.** This Agreement, including JHTNA's Quote and Power Requirement for Matrix Equipment which are incorporated herein by reference, constitutes the entire, full and complete agreement between JHTNA and Purchaser with respect to the subject matter hereof. This Agreement may not be modified except by a writing evidencing such modification which is signed by both JHTNA and Purchaser. The provisions of this Agreement shall be deemed severable and the invalidity or unenforceability of any one or more of the provisions hereof shall not affect the validity and enforceability of the remaining provisions.

Performance Plus Treadmill

TOUCH XL CONSOLE

T-PP-F

Our exceptional treadmill sets a new standard with a shock-absorbing flat-belt and a high-efficiency drive that make even the most intense runs feel comfortable, solid and smooth, lasting up to 100,000 miles in the most intense environments. Despite this incredible evolution of technology, service and maintenance have never been easier.



WiFi-enabled Touch XL Console features an app-based interface that mirrors familiar smartphone and tablet operating systems, making it easy for members to connect to the content that keeps them moving.

CONSOLE	
DISPLAY	56 cm / 22" class capacitive touchscreen LCD
WORKOUTS	Go, manual, Sprint 6t, Landmarks†, Virtual Active, target heart rate, interval training, fat burn, rolling hills, constant watts†, glute training†, goal training, fitness tests, custom
LANGUAGES	English, German, French, Italian, Spanish, Dutch, Portuguese, Chinese-S, Chinese-T, Japanese, Korean, Swedish, Finnish, Russian, Arabic, Turkish, Polish, Welsh, Basque, Vietnamese, Somali, Danish, Thai, Malay, Catalan
FAN	Yes
ANALOG TV	NTSC, PAL, SECAM
DIGITAL TV	ATSC 1.0, QAM-B, ISDB-T, ISDB-Tb, DVB-C/S/S2/T/T2
IPTV	Content: MPEG2/H262, A/C/H264 Protocols: UDP, RTSP, HTTP, HTTPS
PRO:DIOM COMPATIBILITY	Optional; IPTV and coax
WIFI	Yes
BLUETOOTH	Yes; smartphones, headphones, heart rate
ANT+	Yes; heart rate
RFID WIRELESS LOGIN	Yes
CONNECTS TO APPLE WATCH	Yes
MADE FOR IPHONE®, IPAD®, IPOD®	Yes
USB PORT	Yes; device charging, device media, software updates
WIRELESS CHARGING (QI)	Yes
CSAFE READY	Yes
AUTO WAKE-UP	Yes
	†Some of these programs may not be available on this frame.

FRAME	
TREAD SENSE	Yes
SPEED RANGE	0.8-26 km/h / 0.5-16 mph
STEP-ON HEIGHT	25 cm / 10.5"
RUNNING SURFACE TYPE	Flat belt
SERVICE CASTER	Yes
MAX USER WEIGHT	227 kg / 500 lbs.
POWER REQUIREMENTS	20 A dedicated circuit required, non-looped grounded
RUNNING SURFACE AREA	157 x 61 cm / 62" x 24"
ASSEMBLED DIMENSIONS	227 x 92.6 x 168.9 cm / 89.4" x 36.5" x 66.5"
CAST ALUMINUM END CAPS	Yes
CONTACT & TELEMETRIC HR	Yes
CROSSBAR CONTROLS	Yes
CUSHIONING SYSTEM	Pure Stride
DRIVE SYSTEM	2.2 kW PMSM Synchronous Response Drive System
ETHERNET CONNECTIVITY	Yes
HANDLEBAR DESIGN	Continuous multi-grip design
INCLINE RANGE	0-20% (1,650-lb. thrust-elevation motor)
ASSEMBLED WEIGHT	217.6 kg / 479.7 lbs.
SHIPPING WEIGHT	244.4 kg / 538.8 lbs.

ORDINANCE NO. 185-21

AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) 2022 FORD F-250 SUPER DUTY TRUCK FROM NATIONAL AUTO FLEET GROUP FOR THE PARKS DEPARTMENT.

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

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

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

SEC. 1: That the purchase of one (1) 2022 Ford F-250 Super Duty 4WD Regular Cab Truck, Soucewell contract #120716-NAF, is hereby authorized to be used by the Parks Department.

SEC. 2: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

SEC. 3: That the funds to cover this purchase, in the amount of \$32,671.38, are available in Account No. 104-0301-54417.

SEC. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 5: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 186-21

**AN ORDINANCE AMENDING ORDINANCE NO. 217-20,
PASSED DECEMBER 14, 2020.** (Amendments to 2021 Budget)

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

SEC. 1: That Ordinance No. 217-20, passed December 14, 2020, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
143-0748-52214	250.00 *
143-0748-52214	1,000.00 *
143-0748-52214	1,000.00 *
108-0610-56615 (Repay Advance S. Broadway)	116,000.00 *
109-0725-56615 (Repay Advance Parking Deck)	1,000,000.00 *
125-0459-56615 (Repay Advances PY19 CDBG)	150,000.00 *
821-0230-56615 (Repay Advance Cem. Fund)	27,000.00 *
138-0458-56615 (CDBG-CHIP-Adv Out)	261,000.00 *
139-0458-56615 (HOME-CHIP-Adv Out)	386,700.00 *
109-0658-56615 (Grants Fund-Adv Out)	14,950.00 *
109-0659-56615 (Grants Fund-Adv Out)	95,950.00 *
109-0726-56615 (Grants Fund-Adv Out)	70,666.00 *
110-0312-56615 (ODNR Grant Fund-Adv Out)	195,053.00 *
147-0658-56615 (Federal Airport Grant Fund-Adv Out)	269,100.00 *
147-0659-56615 (Federal Airport Grant Fund-Adv Out)	150,000.00 *
380-0686-56615 (Issue 2 Project Fund-Adv Out)	478,000.00 *
428-0210-56615 (Special Assessments-Adv Out)	20,000.00 *
547-0650-56615 (Airport-Adv Out)	935,000.00 *
637-0920-56615 (Agency-Adv Out)	145,000.00 *
676-0746-56615 (Mechanics-Adv Out)	50,000.00 *
723-0983-56615 (Grading Dep- Adv Out)	60,000.00 *
819-0220-56615 (Cemetery Endowment-Adv Out)	5,000.00 *
821-0230-56615 (Cem Improvement-Adv Out)	30,000.00 *
924-0930-56615 (Law Library-Adv Out)	30,000.00 *
939-0430-56615 (Bd Bldg Standards-Adv Out)	20,000.00 *
001-0707-56615 (General Fund-Adv Out)	3,216,419.00 *
001-0707-56615 (General Fund-Adv Out)	10,000.00 *
171-0743-53315 (ARPA Funds)	1,359,459.25 *
102-0145-50111	8,500.00
102-0145-51111	1,000.00
102-0145-51126	500.00
102-0610-50111	10,000.00
102-0610-50111	10,000.00
102-0610-50111	7,000.00
102-0610-50111	60,000.00 *

Ord. 186-21

102-0615-53312	70,000.00 *
108-0687-54414	95,649.01 *
160-0705-53315	5,000.00 *
201-0645-52222	1,000.00 *
201-0645-56612	20,000.00 *
939-0430-52213	5,000.00 *
301-0726-54411	200,000.00 *

SEC. 2: That Ordinance No. 217-20, passed December 14, 2020, shall be amended by the following reductions:

<u>Account No./Line Item</u>	<u>Reductions</u>
102-0620-50111	8,500.00
102-0620-50111	1,000.00
102-0620-50111	500.00
102-0620-50111	10,000.00
102-0610-53313	10,000.00
102-0610-54414	7,000.00
108-0610-54411	95,649.01

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

* - new appropriation

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 187-21**AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ROLLOVER CERTAIN OUTSTANDING ADVANCES.****BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

SEC. 1: That the Finance Director is hereby authorized to rollover the following outstanding advances:

- \$261,000 from the General Fund (#001) to the CDBG CHIP Fund (#138)
- \$386,700 from the General Fund (#001) to the HOME CHIP Fund (#139)
- \$14,950.00 from the General Fund (#001) to the Grants Fund (#109)
- \$95,950 from the General Fund (#001) to the Grants Fund (#109)
- \$70,666 from the General Fund (#001) to the Grants Fund (#109)
- \$195,053 from the General Fund (#001) to the ODNR Grant Fund (#110)
- \$269,100 from the General Fund (#001) to the Fed Airport Grant Fund (#147)
- \$150,000 from the General Fund (#001) to the Fed Airport Grant Fund (#147)
- \$478,000 from the General Fund (#001) to the Issue 2 Project Fund (#380)
- \$20,000 from the General Fund (#001) to the Special Assessment Project Fund (#428)
- \$235,000 from the General Fund (#001) to the Airport Fund (#547)
- \$300,000 from the General Fund (#001) to the Airport Fund (#547)
- \$400,000 from the General Fund (#001) to the Airport Fund (#547)
- \$145,000 from the General Fund (#001) to the Agency Fund (#637)
- \$50,000 from the General Fund (#001) to the Mechanics Fund (#676)
- \$60,000 from the General Fund (#001) to the Developer Deposit Fund (#723)
- \$5,000 from the General Fund (#001) to the Cemetery Endowment Fund (#819)
- \$30,000 from the General Fund (#001) to the Cemetery Improvement Fund (#821)
- \$30,000 from the General Fund (#001) to the Law Library Fund (#924)
- \$20,000 from the General Fund (#001) to the Board of Building Standards Fund (#939)

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

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

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 188-21

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

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

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

- \$10,000.00 from (001) General Fund to (428) Special Assessment Fund

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

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

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor