

MEDINA CITY COUNCIL  
Monday, January 9, 2023

### **Public Hearing**

For a Zoning Map Amendment to change the zoning of a property located south of Lafayette Road and west of Industrial Parkway with Parcel Number 028-19C-17-041 from I-1 (Industrial) to R-3 (High Density Urban Residential), to develop the site for an extension of the existing mobile home park to the north.

Mr. Dutton stated that I-1 is an industrial district with uses such as manufacturing, warehousing and things of that nature and R-3 is a residential district which allows single family homes with other uses and conditionally allows a mobile home park which would need to be approved by the planning commission if this goes forward.

Proposal went to Planning Commission and approval was recommended.

Jim Hauk spoke in favor of zoning amendment. Stated they are addressing the concern of noise. Fencing will be provided for sound barrier for any noise coming from factories.

Mr. Lamb spoke in favor and feels fencing would be a reasonable noise barrier.

No one spoke in opposition to the zoning amendment.

Public Hearing closed at 7:34 p.m.

### **Call to Order:**

Medina City Council met in regular session on at Medina City Hall. The meeting was called to order at 7:34 p.m. by Council President John Coyne III, who led in the Pledge of Allegiance.

### **Roll Call:**

The roll was called with the following members of Council J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

Also present were the following members of the Administration: Mayor Dennis Hanwell, Greg Huber, Keith Dirham, Nino Piccoli, Patrick Patton, Police Chief Kinney, Fire Chief Walters, Andrew Dutton, Kimberly Marshall, Jansen Wehrley and Dan Gladish.

### **Minutes:**

Mr. Shields moved that the minutes from the regular meeting on Monday, December 12, 2022 and the Organizational Meeting on Wednesday, January 4, 2023, as prepared and submitted by the Clerk be approved, seconded by Mr. Simpson. The roll was called and passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire and J. Hazeltine.

### **Reports of Standing Committees:**

**Finance Committee:** Mr. Coyne stated the first Finance Committee meeting of the year was held prior to this evening's Council meeting and will meet again in two weeks. There are still several items that are going to be on the agenda from last year.

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

**Public Properties Committee:** Mr. Shields had no report.

**Special Legislation Committee:** Mr. Lamb stated his Special Legislation Committee is pretty full and he pointed out that he needs to speak with some council members, committee members and some administration members to go over some things that are in his committee prior to setting a meeting.

**Streets & Sidewalks Committee:** Ms. Haire had no report but does have a meeting scheduled for Monday, January 23<sup>rd</sup> at 5:30 p.m. in the City Hall Rotunda for installing flashing crosswalk lights at Ashwood Lane and East Reagan Parkway for pedestrians to cross safely.

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

**Emerging Technologies Committee:** Mr. Rose had no report but stated the Emerging Technology Advisory Committee is inserting a survey in your water bills regarding electrical vehicles.

**Requests for Council Action:**

**Finance Committee**

- 23-001-1/9 – Economic Development (TREX) Transfer
- 23-002-1/9 – Withdraw Job Creation Grant Agreement – Expert Crane
- 23-003-1/9 – Expenditure – Absolute Construction – CHIP Grant Rehab
- 23-004-1/9 – Increase Exp. Absolute Construction – CHIP Grant Rehab
- 23-005-1/9 – Increase P.O. 2022-1600 – C&J Noble – CHIP Grant Rehab
- 23-006-1/9 – Expenditure – Baker Dublikar Wiley & Mathews – Law Dept.
- 23-007-1/9 – Expenditure Over \$15,000 – Clariti Cloud Inc. – Building Dept.
- 23-008-1/9 – Expenditure Over \$15,000 – Motorola – Police Dept.
- 23-009-1/9 – Amend Code 133.01 – Association Memberships – Police
- 23-010-1/9 – Budget Amendments
- 23-011-1/9 – Grant Application – ODOT Office of Aviation - ALP Update
- 23-012-1/9 – Amend Ord. 190-22 – Bids for City Railroad Improvements Project
- 23-013-1/9 – Amend S&B Code re: Healthcare and Travel Policy
- 23-014-1/9 – Grant Application – ODOT Municipal Bridge Program
- 23-015-1/9 – Amend Code re: Public Lots/Garages Parking Regulations

**Streets & Sidewalks Committee**

- 23-016-1/9 – Flashing Crosswalk Lights at Ashwood Lane & Reagan Parkway

**Reports of Municipal Officers:**

**Dennis Hanwell, Mayor,** Welcome back to Council after Christmas break.

Happy New year to all!

Today is National Law Enforcement Appreciation Day.

On Wednesday, January 4, at 7:45 a.m. I was monitoring police radio and Sgt. Sloan stopped a vehicle occupied by 3 Guatemalans, none of whom spoke English as he was requesting a police

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officer from another agency that spoke Spanish. I radioed him that Miles Reed from Medina TV can assist if no officer is available as he can speak several languages including Spanish. Miles responded and assisted. Using available staffing and resources to best serve our community. Thanks Miles!

Annual Martin Luther King, Jr. celebration this year will be Monday, January 16, 2023 at 7 p.m. at Medina United Methodist Church, 4747 Foote Rd., Medina. Featured speaker will be Bishop Kenneth W. Paramore of Christ Centered Church in Akron/Youngstown. All are welcome! Mayor Hanwell welcomed United Way of Summit and Medina Counties to talk briefly about a new program we are collaborating with them on for financial coaching to our constituents. Paul Khacherian, Director of Community Impact, UWSM and team will introduce themselves.

**Keith Dirham, Finance Director**, stated the City of Medina does have a municipal income tax, we contract with RITA. Please remember to file if you are a resident of the city.

**Greg Huber, Law Department**, spoke on the three readings rule stating the emergency clause does not have a specific legal definition outside of common sense involving addressing an immediate need. Council has discretion on how to handle this. We are a Charter Municipality and do not have to follow the State Legislative Code on the three reading rule, we have it in our ordinance.

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

**Chief Walters, Fire Department**, had no report.

**Joe Toth, LST Director**, stated that in 2022 the LST responded to 3,587 ambulance calls for the City of Medina, with all three entities combined they responded to 5,495.

**Kimberly Marshall, Economic Development Director**, stated the first wave of ribbon cuttings are scheduled for Friday, January 20, starting at 1 p.m. with Atomic Automotive Detailing located at 620 East Smith Road in unit W-9. Then at 3 p.m. Big Dog Daddy's located at 320 South Court (lower level of Farmer's Exchange). The next Medina Economic Development Meeting is on January 10<sup>th</sup> at 8 a.m. at the Medina County Career Center.

**Jansen Wehrley, Parks and Recreation Director**, stated that the Rec Center is celebrating 25<sup>th</sup> year anniversary. Beginning on January 16<sup>th</sup> they will expand hours opening at 5 a.m. Monday through Friday.

**Dan Gladish, Building Official**, had no report.

**Nino Piccoli, Service Director**, had no report.

**Patrick Patton, City Engineer**, South Prospect Reconstruction is starting this week. West Smith Reconstruction Project will start in the next few weeks and are anticipating holding a public open house towards the end of this month.

**Andrew Dutton, Planning and Community Development Director**, stated they are moving forward with the RFP for multi-use plan project.

**Motion by Council to authorize designee for public records training.**

Motion to designate Clerk of Council and/or Deputy Clerk of Council, to act as the Mayor and Council's designee to attend public records training as required by Sections 149.43 and 109.43 of the Ohio Revised Code. Mr. Shields moved to designate the Clerk of Council and the Deputy Clerk of Council for such training, seconded by Mr. Simpson. The role was called and the motion passed by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**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. Shields moved to suspend the rules requiring three readings on the following ordinances and resolutions, seconded by Mr. Simpson. Ord. 001-23, Ord. 002-23, Ord. 003-23, Res. 004-23, Ord. 005-23, Ord. 006-23, Ord. 007-23, Ord. 008-23, Ord. 009-23, Ord. 010-23, Ord. 011-23, Ord. 012-23, and Ord. 013-23. The roll was called and the motion passed with the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb.

**Ord. 001-23**

**An Ordinance authorizing the expenditure to Epic Aviation for the purchase of Jet-A Fuel at the Medina Municipal Airport.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 001-23, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 001-23, seconded by Mr. Simpson. Mr. Dirham stated this is the annual authorization to purchase jet fuel, the request is for \$135,000.00 for the year and is subject to change with fuel prices. The reason for the Emergency Clause is we need to purchase jet fuel within that time and could not have passed this ordinance prior to 2023. Formal approval has to be in 2023 for the purchase order. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose. The roll was called and Ordinance/Resolution No. 001-23 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

**Ord. 002-23**

**An Ordinance authorizing the increase off the expenditure to Mason Custom Builders for the Service Department.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 002-23, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to

Ordinance/Resolution No. 002-23, seconded by Mr. Simpson. Mr. Piccoli stated the original P.O. was for \$24,000.00 in June 2022. Project was for bathroom renovations, and there were some unforeseen issues with materials and locating them. The increase in pricing made the last meeting in 2022 on December 12<sup>th</sup> in the amount of \$3,827.00. If approved tonight this won't go into effect for 30 more days and that is why the emergency clause is requested so that the contractors can be paid. The contactor ended up funding money for some of the parts. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 002-23 passed by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Ord. 003-23**

**An Ordinance authorizing the payment to Software Solutions Inc. (SSI) for annual support services for the City's VIP Professional Accounting System.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 003-23, seconded by Mr. Simpson. Mr. Dirham stated this is the annual software for the Finance Department and Utility Billing. The roll was called and Ordinance/Resolution No. 003-23 passed by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

**Res. 004-23**

**A Resolution requesting the County Auditor to make tax advances during the year 2023 pursuant to Ohio Revised Code Section 321.34.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 004-23, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 004-23, seconded by Mr. Simpson. Mr. Dirham stated they have to request these advances every year, if they do not request the advances they will only receive property tax from the county at the final settlement. It is required to make the requests in the year that they are requesting it for and this is the earliest meeting and that is why the emergency is needed. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire and J. Hazeltine. The roll was called and Ordinance/Resolution No. 004-23 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb.

**Ord. 005-23**

**An Ordinance authorizing the Job Creation Grant Agreement for Agrati, Inc.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 005-23, seconded by Mr. Simpson. Kimberly Marshall stated this is for an expansion of their business. The Business Development Committee met with the company and approved the project. The Law Director has reviewed the agreement and has approve it. When passed through Finance it was subject to company actually selecting the City of Medina for the project and Kimberly would like to do that again. As a reminder to council and public that the Job Creation Grants are funded from non-income tax generated revenue. The roll was called and Ordinance/Resolution No. 005-23 passed contingent upon the selection of the City of Medina. The roll was called and passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

**Ord. 006-23**

**An Ordinance accepting a Dedication Plat for a Public Alley.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 006-23, seconded by Mr. Simpson. Mr. Patton stated the city owns a parcel of land about 35 feet wide and runs north from West Liberty Street on the West side along the west side of Sully's, it provides access to the City Hall Parking Deck. By dedicating this it will become a public alley. They will use 108 Funds to construct and maintain it. The roll was called and Ordinance/Resolution No. 006-23 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

**Ord. 007-23**

**An Ordinance amending Section 943.02 of the Codified Ordinances of the City of Medina, Ohio relative to the General Regulations for the Spring Grove Cemetery.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 007-23, seconded by Mr. Simpson. Mr. Wehrley stated in order to reduce their liability at Spring Grove Cemetery they are requesting to add a rule to their general regulations prohibiting swimming, ice skating and fishing in ponds, or pools of water at the cemetery. Cemetery Commission was in favor of this rule change. The roll was called and Ordinance/Resolution No. 007-23 passed by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

**Ord. 008-23**

**An Ordinance amending Section V, VI and VII of the Civil Service Rules and Regulations of the City of Medina relative to Lateral Entry of Patrol Officers.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 008-23, seconded by Mr. Simpson. Chief Kinney stated a lateral entry program for the Police Department permits them to bring in officers from other departments who have at least one-year fulltime experience and expedite that hiring process. These changes were approved by the Civil Service Commission in December as well as the approval of the Law Director. Emergency is requested due to three openings that they need to fill as soon as possible. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 008-23, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 008-23 passed by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

**Ord. 009-23**

**An Ordinance authorizing the Mayor to execute a contract with EnviroScience, Inc. for site investigation, design, permitting and construction oversite services as part of the Rocky River Stabilization Project at Huffman Cunningham Park.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 009-23, seconded by Mr. Simpson. Mr. Wehrley stated this is to enter into contract with a design consultant to address approximately 315 linear feet of river bank erosion at Huffman Cunningham Park. The project is around \$200,000.00 excluding the design costs. Requesting to use American Rescue Plan Act Funds for this project. The roll was called and Ordinance/Resolution No. 009-23 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire and J. Hazeltine.

**Ord. 010-23**

**An Ordinance amending Sections 31.05 and 31.07 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the reorganization of the Parks and Recreation Department and the Recreation Center, and accepting various new and revised job descriptions.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 010-23, seconded by Mr. Simpson. Mr. Wehrley stated with combining the Parks and Recreation and the Rec Center Departments we need to accept new job descriptions for the Director of Parks, Recreation, Cemetery, and Forestry as well as a revised job description for the Recreation Center Superintendent and accept the job description for the Office Administrator and accept new job description for part-time office assistant. The roll was called and Ordinance/Resolution No. 010-23 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb.

**Ord. 011-23**

**An Ordinance authorizing an expenditure not to exceed \$45,000.00 to Baker Dublikar Wiley & Mathews for legal services for the Law Department.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 011-23, seconded by Mr. Simpson. Mr. Huber stated this law firm represents the City of Medina in a number of pieces of litigation that are pending. This is a purchase order that enables them to pay their legal fees. The roll was called and Ordinance/Resolution No. 011-23 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

**Ord. 012-23**

**An Ordinance amending Ordinance No. 168-22, passed September 12, 2022, relative to the expenditure to C & J Noble Construction for rehabilitation work at 172 Normandy Dr., Brunswick.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 012-23, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 012-23, seconded by Mr. Simpson. Mr. Dutton stated this is related to a CHIP or rehabilitation project in Brunswick. The original amount was for \$72,000 and the increase is for \$4,000 increasing it to \$76,000. Emergency is needed due to contractors being paid since the work is completed and there was a delay due to the Holidays. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb. The roll was called and Ordinance/Resolution No. 012-23 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

**Ord. 013-23**

**An Ordinance amending Ordinance No. 221-22, passed December 12, 2022. (Amendments to 2023 Budget)** Mr. Shields moved for the adoption of Ordinance/Resolution No. 013-23, seconded by Mr. Simpson. Mr. Dirham stated this is the IT Fund budget and then there is a couple of pass throughs. The roll was called and Ordinance/Resolution No. 013-23 passed by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

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**Council Comments:**

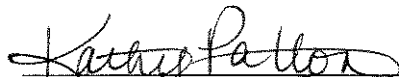
Mr. Simpson mentioned Police Awareness Month. Commended Medina City employees stating they go out of their way to respect each individual. Be Kind.

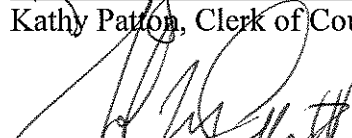
Ms. Hazeltine welcomed everyone back from Holiday break, Happy New Year!

Mr. Rose praised the Sanitary Department for their work ethics. Happy New Year!

Mr. Lamb appreciated the information given on the 3 readings clause.

There being no further business, the meeting adjourned at 8:26 p.m.

  
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Kathy Patton, Clerk of Council

  
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John M. Coyne, President of Council