

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

November 9, 2020
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (October 26, 2020)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Mayoral Proclamation – Girl Scout / Brownie Troop #91227 - Democracy Badge

Notices, communications and petitions.

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. 188-20, Ord. 189-20, Ord. 190-20, Res. 191-20, Ord. 192-20, Ord. 193-20, Ord. 194-20, Res. 195-20, Ord. 196-20, Ord. 197-20

Ord. 188-20

An Ordinance amending Ordinance No. 57-20, passed March 23, 2020, relative to the Lindenwood Lake Dam Improvements Project.

Ord. 189-20

An Ordinance authorizing the Job Creation Grant Agreement for Do It Best, Corp.

Ord. 190-20

An Ordinance amending Section 133.01 of the Codified Ordinances of the City of Medina, Ohio relative to the Chief of Police Association Memberships.

Res. 191-20

A Resolution to disapprove the Medina County Solid Waste Management District's amended Draft Solid Waste Management Plan.

Ord. 192-20

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

Ord. 193-20

An Ordinance amending Ordinance No. 187-19, passed November 25, 2019. (Amendments to the 2020 Budget)

Ord. 194-20

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

Res. 195-20

A Resolution authorizing the Mayor to sign the Pre-Award Condition Form accepting the grant from the Ohio Office of Criminal Justice Services for the Municipal Court to use toward supplies and equipment purchased during the COVID-19 Pandemic.
(emergency clause requested)

Ord. 196-20

An Ordinance authorizing the use of CARES Act funds to cover certain payroll costs, unemployment compensation, and legal expenses related thereto.
(emergency clause requested)

Ord. 197-20

An Ordinance authorizing the establishment of a Small Business Relief Grant Program with the appropriation of CARES Act funds to aid Medina businesses negatively impacted by the public health emergency caused by COVID-19.
(emergency clause requested)

Council Comments.

Adjournment.

MEDINA CITY COUNCIL
Monday, October 26, 2020

Call to Order:

Medina City Council met in regular session on Monday, October 26, 2020. The meeting was called to order at 7:30 p.m. by President of Council John Coyne who led in the Pledge of Allegiance.

Roll Call:

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

Also present were the following members of the Administration: Mayor Dennis Hanwell, Greg Huber, Keith Dirham, Patrick Patton, Nino Piccoli, Chief Kinney, Chief Painter, Jonathon Mendel, Dan Gladish, Cindy Lastuka, Jansen Wehrley, and Kathy Patton.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on Tuesday, October 13, 2020 as prepared and submitted by the Clerk be approved. The roll was called and the motion passed by the yeas of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and E. Heffinger.

Reports of Standing Committees:

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

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

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report, working with Law Director on two issues. Demo proposal and feeding wild animals.

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

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

Emerging Technologies Committee: Mr. Rose had no report.

Requests for Council Action:

- 20-199-10/26 – Bids, Remodel Rotunda
- 20-200-10/26 – City Hall Rooftop Unit (RTU) Replacement
- 20-201-10/26 – Authorize Check Endorsement – CHIP Grant Program
- 20-202-10/26 – Discussion: Comprehensive Plan Update
- 20-203-10/26 – Exp. – Eventide Radio & Phone Recorder – Police
- 20-204-10/26 – Exp. – MNJ Technologies – Tablets for Cruisers
- 20-205-10/26 – Exp. – Stryker Medical – Purchase AED's
- 20-206-10/26 – Exp. – Dynamerican – Parks Restroom Renovations
- 20-207-10/26 – Exp. – RAD Construction – Parks – Rebuild Santa House
- 20-208-10/26 – Amend Ord. 57-20, Lindenwood Lake Dam Improvements
- 20-209-10/26 – Job Creation Grant Agreement – Do It Best, Corp.

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20-210-10/26 – Budget Amendments
20-211-10/26 – Purchase 2020 Newtek Tricaster – Cable TV
20-212-10/26 – Exp. – Dynamerican – Service Dept. City Hall Restrooms
20-213-10/26 – Exp. – Mason Custom Builders – City Building Restrooms
20-214-10/26 – Exp. – Litchfield Heating – Public Bldgs. – City Hall HVAC Replacement
20-215-10/26 – Exp. – Litchfield Heating – Public Bldgs. – City Hall/PD Boiler
20-216-10/26 – Cooperative Purchase Audio/Video Equipment – Rotunda Remodel
20-217-10/26 – Amend Code 133.01 Association Memberships – Police
20-218-10/26 – Exp. – Talbert’s Commercial Products – Law Dept. Furniture

Reports of Municipal Officers:

Dennis Hanwell, Mayor,

- A. Covid-19- Medina County was moved to level orange and if numbers keep increasing will be back in red. Please remain vigilant with avoiding large gatherings, wearing masks in public, washing hands frequently and social distancing. Updated information on business openings, safety protocols, etc. are on the city and Medina County Health Dept. website. Please continue to support our local businesses.
- B. The original Medina Square Farmers Market - Market concluded on October 17. Thanks to all who have attended and supported the vendors as well as our local businesses.
- C. Porter’s Shoe repair- relocating to 799 North Court, 26B. Please continue to support the Porters. Bill Lamb will also tape documentary for history.
- D. Press Conference that was held on Friday, October 9th with Medina County Commissioner Bill Hutson and I on the Combined Courthouse Project. Links will be on city website, www.medinaoh.org.
- E. Five Ribbon Cuttings on Friday, October 23rd. All praised city services, responsiveness and customer service. Thanks to Council members Paul Rose, Jess Hazeltine and Dennie Simpson for attending each one.
- F. Halloween - Trick or Treat will be held this year- October 31st, 6 – 8 p.m. Encourage masks, social distancing, and other precautions for COVID. Please avoid houses with lights off as residents may be elderly, immunity compromised or both.
- G. Fiber to the home - please take survey at this link- www.Medina.LitCommunities.net.
- H. MCRC Director Mike Wright submitted his resignation from the City effective Friday, November 6th. We thank Mike for his service to our city for 18+ years.

Keith Dirham, Finance Director, stated there are a few items on the agenda that originated from Finance concerning the COVID Cares money that has to be encumbered by November 20th and spent by December 28th. Currently received a little over \$1.7 million.

Greg Huber, Law Department, had no report.

Chief Kinney, Police Department, Officers will be on patrol in the neighborhoods in both Medina and Lafayette Twp. during Trick or Treating in the hours between 6 – 8 p.m. Recently they have been receiving a lot of calls regarding some of the homeless people and panhandlers inside the city limits. For the past several weeks we’ve had officers go out and make contact with each one of

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those individuals that they could identify and offered assistance or rides to shelters in the neighboring communities. It should be noted that all of those people we have made contact with declined any assistance or any of those rides to the shelters. It should also be noted that panhandling inside the city is not illegal as long as they are on public property and outside of the right-of-way.

Kimberly Marshall, Economic Development Director, absent.

Jonathan Mendel, Planning Community Director, no report.

Chief Painter, Fire Department, stated in an effort to provide the best and most comprehensive Fire service to our communities, we will be staffing a night shift on a trial basis. Currently we have firefighters on duty Monday thru Friday, 8 a.m. until Midnight. Nights and weekends, our staff is on call. Beginning November 9th and running through December 4th, Medina Fire Department will be operating a staffing shift from midnight to 8 a.m. This shift will run for 1 month and then we will evaluate for any efficiencies.

The exciting part of this trial is that it is a joint effort between Medina Hospital's LST and Medina Fire Department. We will have a fire engine stationed at the hospital. This engine will be staffed by 2 city firefighters and 2 LST paramedic/firefighters. They will respond to all emergency incidents following the Fire Departments normal operating policies. We anticipate to have lower response times and some personnel efficiencies. LST Director Mark Phillips and I have set this trial up and it will be funded out of our current operating budgets. We will update you with our findings in mid-December.

Mike Wright, Rec. Center Director, absent.

Jansen Wehrley, Parks and Recreation Director, spoke of the Kiwanis Club traditionally providing tree seedlings to the 3rd graders, Jansen is excited to be able to continue that program.

Dan Gladish, Building Official, Had a correction on address for Porter Shoes: 799 North Court St.

Patrick Patton, City Engineer, stated they were contacted about 3 weeks ago by Kokosing Materials informing us they wanted to do a repair on their loading pit that would eventually close the railway due to being unsafe. The closure had a great impact on Osborne-Medina. There has been some repairs and they are anticipating opening the railway by tomorrow with a final inspection. This is all at Kokosing costs.

Nino Piccoli, Service Director, had no report.

Cindy Lastuska, Municipal Court, had no report.

Jarrod Fry, Medina Cable TV, clarified for viewers that they are proud to be providing coverage for Medina HS Football Team that has had two great wins but due to OSHA regulations they can

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only live audio during the game and then watch the broadcast shortly after the game.

Mr. Coyne congratulated Medina High School Football team and coaches for their two great wins recently beating St. Ed's and St. Ignatius.

Notices, communications and petitions:

None

Unfinished Business:

Res. 144-20:

A Resolution authorizing an application for grant assistance from the State of Ohio, Ohio Public Works Commission, relative to Issue 1 and LTIP Program Funding for the South Prospect Street Reconstruction Project, and declaring an emergency. Mr. Shields moved for the adoption of Ordinance/Resolution No. 144-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 144-20, seconded by Mr. Simpson. Mr. Patton stated they are moving forward with the full program and the application will be due in the beginning of November. The project we recommended is the reconstruction of South Prospect St. between Smith and Lafayette. Total cost will be \$1,031,000.00. The grant will cover \$493,000.00. The roll was called on adding the emergency clause and was approved by the yeas votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose. The roll was called and Ordinance/Resolution No. 144-20 passed by the yeas votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

Introduction of Visitors:

Nathan Case, 513 E. Washington St. spoke of elections and usually being able to check on candidates by reading the local newspaper, but today candidates can tell you whatever they want and what they tell you does not have to be fact or the truth or even an actual statement; they hide the truth. Long story short the general public does not have the story straight or proper information to make an educated vote on Issue #7.

Ralph Jocke, encouraged everyone to vote YES on Issue #7 to stop the waste of \$60 Million dollars in tax payer's money. Building a new combined City / County Courthouse does not provide the City or the County with any greater capabilities than they currently have. We are already experiencing very difficult financial times. Spending that kind of money during these times is irresponsible and unnecessary. The people during this election have the chance to say I don't want my money spent that way.

Introduction and Consideration of Ordinances and Resolutions:

Motion to suspend the Rules requiring three readings on the following ordinances and resolutions: Res. 144-20, Res. 179-20, Res. 180-20, Ord. 181-20, Ord. 182-20, Ord. 183-20, & Ord. 184-20, Ord. 185-20, Ord. 186-20. The roll was called and the motion passed by the yeas votes of D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Res. 179-20:

A Resolution approving and accepting the Justice Reinvestment Incentive Grant (JRIG) award for the Medina Municipal Court, and declaring an emergency. Mr. Shields moved for the adoption of Ordinance/Resolution No. 179-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 179-20, seconded by Mr. Simpson. Mrs. Lastuka stated this is a JRIG grant for two of their probation officers and it goes from 2019 – 2021. Emergency is needed, they have the money but it needs to be allocated and this will cover any pay raises for them as well as health insurance. 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, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 179-20 passed by the yea votes of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Res. 180-20:

A Resolution accepting the Amounts and Rates as determined by the Budget Commission, authorizing the necessary tax levies, and certifying them to the County Auditor, and declaring an emergency. Mr. Shields moved for the adoption of Ordinance/Resolution No. 180-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 180-20, seconded by Mr. Simpson. Mr. Dirham stated this is a step in the budget process for the State's Code, emergency is due to us having to certify these rates back to the County Auditor's office. 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, J. Hazeltine, and E. Heffinger. The roll was called and Ordinance/Resolution No. 180-20 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

Ord. 181-20:

An Ordinance authorizing the Mayor to endorse the insurance check to Donna Nicola for repairs to the property at 559 N. Harmony Street, and declaring an emergency. Mr. Shields moved for the adoption of Ordinance/Resolution No. 181-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 181-20, seconded by Mr. Simpson. Mr. Mendel stated this is so the Mayor can sign off on a check that needs three signatures in order to cash because it is made out to the owner, the mortgage holder and the city since we have a lean on the property. Emergency is needed so the mayor can sign off on this and the homeowner can have her money to execute the repairs needed. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose. The roll was called and Ordinance/Resolution No. 181-20 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

Ord. 182-20:

An Ordinance authorizing the purchase of a commercial rooftop air conditioning unit and related items /equipment from Trane for Medina City Hall, and declaring an emergency. Mr. Shields moved for the adoption of Ordinance/Resolution No. 182-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 182-20, seconded by Mr. Simpson. Mr. Piccoli stated the emergency clause is needed due to the

COVID Cares Act since the P.O. needs written/authorized by November 20th, 2020 and work completed by December 28th. This is through the National Corporative Purchasing Program. Expected delivery date would be December 7th – 14th with install anticipated for 4 to 5 days using existing duct work. The health department blessed this project as COVID related. Part of the 1.7 million received from the Federal Government will be used to purchase this equipment. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 182-20 passed by the yea votes of D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Ord. 183-20:

An Ordinance amending Ordinance No. 187-19, passed November 25, 2019. (Amendments to 2020 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 183-20, seconded by Mr. Simpson. Mr. Dirham stated these are amendments to the budget as noted, the first one is fire that is a movement within the fire fund and then we have more legal funds than what we anticipated. The roll was called and Ordinance/Resolution No. 183-20 passed by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 184-20:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the Rotunda Renovation Project at Medina City Hall, and declaring an emergency. Mr. Shields moved for the adoption of Ordinance/Resolution No. 184-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 184-20, seconded by Mr. Simpson. Emergency needed due to COVID Cares Fund deadlines. Anticipation is to bid out two weeks and open receive bids on November 10th and that leaves awarding period, and construction to be completed by December 28th of this year. The current Rotunda is not equipped to meet the demands the way we are conducting business. The Rotunda has essentially become a multipurpose room and is not equipped with the technology to handle the needs of today and to broadcast city council meetings and maintain the requirements of public meetings during the pandemic to say the least. Microphones are needed and the playback sound system will need to be upgraded and these are just a few things. 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, J. Hazeltine, and E. Heffinger. The roll was called and Ordinance/Resolution No. 184-20 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

Ord. 185-20

An Ordinance authorizing the purchase of two (2) Tricaster Mini 4K Deluxe Bundle Kits from iVideoTechnologies, LLC for the Cable TV Department, and declaring an emergency. Mr. Shields moved for the adoption of Ordinance/Resolution No. 185-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 185-20, seconded by Mr. Simpson. Mr. Fry stated this will assist them with their coverage of events that they are now covering due to COVID. Emergency clause is due to COVID Care Fund deadlines. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose. The roll

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was called and Ordinance/Resolution No. 185-20 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

Ord. 186-20

An Ordinance authorizing the purchase of audio, video and technical equipment for the Medina City Hall Rotunda Renovation Project from B and H Photo, and declaring an emergency. Mr. Shields moved for the adoption of Ordinance/Resolution No. 186-20, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 186-20, seconded by Mr. Simpson. Mr. Fry stated this will be to work on the City Hall Rotunda Project and the equipment. This will allow the technologies needed for paperless meetings, and utilize spacing appropriate for COVID guidelines. Provides streaming services. This is under COVID Funds and emergency is needed for specific time guidelines. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 186-20 passed by the yea votes of D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Added to Agenda:

Mr. Shields moved to add Resolution No. 187-20 to the agenda, seconded by Mr. Simpson. The roll was called and approved by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Res. 187-20

A Resolution commending Michael Wright for his dedicated years of service to the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 187-20, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 187-20 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

Council Comments:

Mr. Simpson congratulated Mike Wright and stated it has been a pleasure working with him over the many years. He urged everyone to be educated about your vote, please vote, and again be kind to one another.

Mr. Lamb thanked Jonathon for bringing back the Comprehensive Plan Update. He appreciates it and is looking forward to moving ahead with it. Bill thanked the Mayor for reaching out to the Porters and feels it is a real commitment from the city for them to continue the long history of that business.

Bill spoke of the Courthouse Project and how he has always spoken out in favor on preservation and restoration, why it matters and how important that 1969 building is and how important the additions to the 1840's courthouse is, and the uniqueness of the building that was the prosecutor's office. He looks at the project now as we have met our goals, we have a great plan, and it is important to him that we move forward with what they have proposed, the courthouses have been saved. He has no doubt in his head that after the conversations he had and the meetings he has been in, that there is no way that anything would happen other than the fact that those buildings,

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the 1969 courthouse, the additions to the 1840 buildings and the prosecutor's office will be saved.

Mr. Coyne stated he is the longest serving city councilman - going on 22 years. When he started back in 1988 they were talking about the Municipal Court with Judge Chase and we've been through 4 to 5 different courthouse projects. We've been through so much over the years with different locations different designs. This current project for construction cost looks to be under \$8 million.

This is very exciting. We were told by the county if we do not participate in the combined project they will move forward without us and just take the top floor off their plans. That is a concern because in the long run it will cost us more money, maybe \$9 or \$10 million to build our own. With all the courts, everything will be in one space for the residents, except for the Wadsworth courts. We want to make sure we spend your money wisely and we want to make things easy for you.

Mr. Rose spoke in honor of his sister and grandmothers as this is Breast Cancer Awareness Month. He congratulated the MHS Football team.

Mr. Rose stated that if you look at the plans for the combined courthouse, you will see places where additional courtrooms were added for the future. Some were marked as ceremonial, but should the need come down the road ten to fifteen years from now, that ceremonial room will be used as a regular courtroom. You need to be aware that all of council, commissioners, Administration and most of the courthouse judges want this and are looking forward to working together.

Mrs. Hazeltine spoke about the concern of the current political climate, and how she ran for council to represent the residents of Ward 1, and all Medina residents. Working together with the county for the combined courthouse project has been a learning experience. She is proud to be part of a team that is actually a team. Jess stresses that she is very transparent and her phone number and email are on the Medina City website, if you are to have any questions or concerns and would like some answers to please contact her or anyone on council. It's very easy to sit behind a keyboard and throw people's names around without even contacting them directly.

There being no further business before Council, the meeting adjourned at 8:12 p.m.

Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council

ORDINANCE NO. 188-20

**AN ORDINANCE AMENDING ORDINANCE NO. 57-20,
PASSED MARCH 23, 2020, RELATIVE TO THE
LINDENWOOD LAKE DAM IMPROVEMENTS PROJECT.**

WHEREAS: Ordinance No. 57-20, passed March 23, 2020, authorized and directed the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the Lindenwood Lake Dam Improvements Project in accordance with plans and specifications on file in the office of the Mayor; and

WHEREAS: Section 2 of said ordinance reads "That the estimated cost of the project, in the amount of \$253,849.00, is available in Account No. 418-0718-54411."

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

SEC. 1: That Section 2 of Ordinance No. 57-20, passed March 23, 2020, is hereby amended to read as follows: "That the funds to cover this project, in the amount of \$276,000.00, are available in Account No. 481-0718-54411."

SEC. 2: That this Ordinance is subject to notification to the residents of the increased costs.

SEC. 3: That Ordinance No. 57-20, passed March 23, 2020 is hereby repealed

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. 189-20

AN ORDINANCE AUTHORIZING THE JOB CREATION GRANT AGREEMENT FOR DO IT BEST, CORP.

WHEREAS: Ordinance No. 154-07, passed September 24, 2007, adopted a Job Creation Grant Program for the City of Medina, Ohio to provide incentives to businesses to retain, create and expand employment opportunities within the City of Medina without utilizing tax revenues or impacting negatively upon the local school system; and

WHEREAS: Ordinance No. 194-14, passed November 24, 2014, adopted new guidelines effective December 24, 2014; and

WHEREAS: As part of said Job Creation Grant Program, a Business Development Committee was established to review applications and annually review each approved grant for adherence to their grant agreement; and

WHEREAS: The Business Development Committee recommended the attached grant agreement for Do It Best, Corp.

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

SEC. 1: That the Job Creation Grant Agreement #JCG22 for Do It Best, Corp. is hereby authorized.

SEC. 2: That the Mayor is hereby authorized to execute all documentation associated with the Grant.

SEC. 3: That a copy of the Job Creation Grant Agreement is marked Exhibit A, attached hereto and incorporated herein.

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

ORD. 189-20 Exh. A

PLEASE REVIEW THE EMPLOYMENT AND PAYROLL NUMBERS FOR CONSISTENCY WITH YOUR APPLICATION FORM. THESE NUMBERS WILL BECOME YOUR COMPANY'S COMMITMENT TO THE CITY OF MEDINA.

EXHIBIT A

GRANT# JCG22-Do It Best Corp.20
(Administrative Only)

JOB CREATION GRANT AGREEMENT

This Agreement made and entered into by and between the CITY OF MEDINA, OHIO, a municipal corporation, with its main offices located at 132 North Elmwood Avenue, Medina, Ohio 44256 (hereinafter referred to as "Medina") and Do It Best Corp. with its main offices located at 6502 Nelson Road, Fort Wayne, IN 46803 (hereinafter referred to as "Company"), and is dated as of _____.

WITNESSETH:

WHEREAS, Medina has encouraged the creation and retention of new job opportunities throughout the City of Medina; and

WHEREAS, Do It Best Corp. is desirous of remodeling and expanding their location in the City of Medina located at 444 Independence Drive, Medina, Ohio to create 30 new full-time employment opportunities (hereinafter sometimes referred to as the "PROJECT") within the boundaries of the City of Medina, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Medina, Ohio by Ordinance No. 154-07 adopted September 25, 2007 created the Job Creation Grant Program pursuant to Article XVIII, Section 3 and Article VIII, Section 13 of the Ohio Constitution; and

WHEREAS, the City of Medina, having the appropriate authority for the stated type of program, is desirous of providing Do It Best Corp. with incentives available for the development of the PROJECT; and

WHEREAS, Do It Best Corp. has submitted a proposed Agreement application (herein attached as Exhibit A1) to the City of Medina (said application hereinafter referred to as "Application"); and

WHEREAS, Do It Best Corp. has remitted the required application fee of \$ 500.00 made payable to the City of Medina; and

WHEREAS, the Business Development Committee of the City of Medina has investigated the application of Do It Best Corp. and has recommended the same to Medina City Council on the basis that Do It Best Corp. is qualified by financial responsibility and business experience to create employment opportunities in the City of Medina and improve the economic climate of Medina; and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Description of the Project.

- A. Do It Best Corp. shall remodel and expand the facility located at 444 Independence Drive, Medina, Ohio

2. Project Investment.

- A. The PROJECT will involve a total investment, plus or minus 10%, by the Property Owner of \$3,100,000 (dollars) the PROJECT.

- B. The PROJECT will involve a total investment, plus or minus 10%, by Do It Best Corp. as follows:

1. Improvements to Existing Buildings	\$ 1,000,000.00
2. Additions/New Construction	\$ 2,000,000.00
3. Furniture & Equipment	\$ 100,000.00
TOTAL	\$ 3,100,000.00

- C. Improvements to facility will begin approximately November, 2020 and will be completed approximately June 30, 2021.

3. Job Creation and Retention.

- A. Do It Best Corp. shall create in the City of Medina within a time period not exceeding 36 months after the occupation of the aforesaid facility, the equivalent of 30 new full-time permanent job opportunities in the City of Medina.

- 1) Do It Best Corp. schedule for hiring permanent full-time employees is as follows:

<u>Year</u>	<u>Number of Jobs New to Medina</u>
1	30
2	0
3	0

- B. The job creation period begins approximately March, 2020 and all jobs will be in place by June 30, 2021.

- C. The Company currently has 116 employees in the City of Medina. In total, the Company has 116 full-time permanent employees in the State of Ohio.
- D. The increase in the number of employees new to the City of Medina will result in approximately \$1,123,200.00 of additional annual payroll in the City if Medina when the projected maximum employment level is achieved.
- E. The retention of the existing jobs in Medina will maintain the current annual payroll in Medina of \$ 5,000,000.00.

4. Issuance of Grant.

- A. The City of Medina hereby grants a Job Creation Grant based upon the creation of new payroll and jobs in the City of Medina, and the implementation of the PROJECT, according to the schedules contained herein in Section 4(C).

<u>Years</u>	<u>Amount of Grant as a Percentage Payroll Taxes New to Medina</u>
4	40%

Funding for the grant issued herein shall only be from the following non-tax revenue sources: interest income, permit fees, activity fees, service charges, and tax incentive application and monitoring fees.

- B. For purposes of calculating the amount of the grant, the new payroll upon which the grant is based may not exceed 25% above the maximum payroll projected in Section 3(D) above. The grant amount shall be based on the current 1.25% income tax rate. The maximum grant amount in any year shall be **\$7,020.00 (maximum NEW PAYROLL projection x 125% X 1.25% x 40% of grant)**
- C. To receive a grant in any given year, Do It Best Corp. must retain full time permanent jobs existing in Medina prior to the Agreement.

- (1) If Do It Best Corp. does not achieve at least 90% of new payroll and employment projections, Do It Best Corp. shall receive reduced incentives according to the schedule below:

<u>% of New Payroll Projection Achieved</u>	<u>Amount of Grant as a Percentage of Payroll Taxes New to Medina</u>
90-100%	full grant
85-89%	reduce grant by 5% (Ex.: 40% grant reduced to 35%)
80-84%	reduce grant by 10% (Ex.: 40% grant reduced to 30%)
75-79%	reduce grant by 15%
Less than 75%	no grant for that year; and

- (2) If Do It Best Corp. fails to meet 75% of new payroll and new employment projections in any given year, the grant shall not be awarded for that year.
- (3) New payroll is defined as that amount in excess of the amount in Section 3(E) above.

5. Grant Payments.

A. Initial Grant Payment.

- (1) Year 3 projections must be met by June 30, 2023. The initial grant payment shall be made by approximately July 1, 2024 (following year), or Tax Incentive payments will commence upon the fulfillment of job creation and payroll obligations provided that Do It Best Corp. files its Reconciliation of City Income Tax Withheld Form S-W3 by February 28, 2024, at the latest or February 28, 2022 at the earliest. Reconciliation is confirmed by the City of Medina Finance Department.
- (2) If the project start date or occupancy of the project facility is delayed, Year 1 may be extended to the following year and the Year 1 projections deadline adjusted accordingly, upon written request by Do It Best Corp. to the Economic Development Director, provided that the extension is approved by the Economic Development Director with notice to the Business Development Committee.
- (3) If the project or occupancy of a project facility begins in the third or fourth quarter of the year and Do It Best Corp. is not able to meet its Year 1 projections by December 31st of that year, Year 1 will be considered the first full year of occupancy, and the first grant payment will occur in the year following the first full year of the project or occupancy of the project facility.

- B. Timing of Annual Grant Payments. Annual grant payments shall be made by June 30th of the following year, provided that Do It Best Corp. files its Reconciliation of City Income Tax Withheld Form S-W3 by February 28th and reconciliation is confirmed by the City of Medina Finance Department. If Do It Best Corp. requests an extension for filing of its S-W3 form, the City of Medina shall make the grant payment within three months of the extended filing date. It is the responsibility of Do It Best Corp. to advise the Economic Development Director of the filing extension.
- C. Use of Grant Payments. Grants shall be allocated by Do It Best Corp. for land acquisition, building acquisition, purchase of machinery/equipment, purchase of furniture/fixtures, and/or other non-construction related and non-installation related costs of the project.
6. Payment of Taxes and Filing Reports and Returns. Do It Best Corp. shall pay all taxes and shall file all tax reports and returns as required by law. If Do It Best Corp. fails to pay such taxes or file such returns and reports, all incentives granted under this Agreement are terminated beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
7. Information for Annual Review. Do It Best Corp. shall timely provide to the City of Medina any information reasonably required by the City of Medina to evaluate Do It Best Corp. compliance with the Agreement.
8. Maintenance of Grant.
- A. Medina shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain incentives granted under this Agreement including, without limitation, joining in the execution of all documentation and providing necessary information to maintain the incentives granted hereunder.
- B. If for any reason the Job Creation Grant Program is discontinued, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless Do It Best Corp. materially fails to fulfill its obligations under this Agreement and Medina terminates or modifies the incentives granted under this Agreement.
9. Certification as to Payment of Taxes. Do It Best Corp. certifies that at the time this Agreement is executed, Do It Best Corp. does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which Do It Best Corp. is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or, if such delinquent taxes are owed, Do It Best Corp. currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Do It Best Corp.. For the purposes of

the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

10. Non-Discrimination Hiring. Medina has developed a policy to ensure recipients of Job Creation Grants practice non-discriminatory hiring in its operations. By executing this Agreement, Do It Best Corp. is committing to following non-discriminatory hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
11. Transfer and Assignment. This Agreement is not transferable or assignable without the express, written approval of City of Medina. The City of Medina acknowledges that it would be unreasonable to withhold such consent in the event of a proposed transfer or assignment to any parent, subsidiary or affiliate of Do It Best Corp. or to any third party so long as with respect to all or any of such proposed transfers or assignments, the proposed transferee or assignee adequately and sufficiently demonstrates to the City of Medina, to the City of Medina's reasonable satisfaction, its financial ability, business experience and intentions to continue its operations of the Facility and Project in a manner similar to that of Do It Best Corp. in all pertinent respects.
12. Termination or Modification of Incentives.
 - A. If Do It Best Corp. fails to meet 75% of new payroll or new employment projections in any given year, the grant shall not be awarded for that year.
 - B. If Do It Best Corp. fails to meet 75% of new payroll or new employment projections for three consecutive years, this Agreement shall be terminated by the City of Medina.
 - C. If the project does not proceed as specified in Section 5(A)(1) of the Agreement or within the approved one-year extension period, the City of Medina may terminate the Agreement upon recommendation of the Business Development Committee.
 - D. If Do It Best Corp. fails to submit required information and/or reports as set forth in Section 7 above, the City of Medina may terminate or modify this Agreement and deny or modify future grants heretofore granted from the date of Do It Best Corp.'s breach or default.

In the case as provided in this Subsection D, the City of Medina's termination or modification of this Agreement may be instituted only if Do It Best Corp. fails to cure any breach of any term of this Agreement as determined by the City of Medina within ten (10) days of receiving written notice of such failure from the City of Medina or, if cure of the breach cannot be completed within

ten (10) days, if Do It Best Corp. has not made a good faith start of the cure, and/or not diligently pursued same.

- E. Nothing contained in Sections 12(A), 12(B), 12(C), or 12(D) shall permit the City of Medina to recapture or otherwise deny Do It Best Corp. the benefit of a grant in respect of any period prior to the date of such termination or modification by the City of Medina.
- F. The City of Medina may terminate or modify this Agreement and may also require the repayment of the full amount of grant payments awarded under this Agreement, upon the occurrence of any of the following:
- 1) the City of Medina determines that the certification as to delinquent taxes required by this Agreement is fraudulent, or
 - 2) In the event that Do It Best Corp. vacates the Facility and/or moves the Project out of the City of Medina or terminates its operations at the Facility altogether during a 10 (numeral) year period beginning on the effective date of this Agreement.

The City of Medina may, absent any legislative action, resolution or court ordered mandate to the contrary, collect any and all grant payments awarded under this Agreement, and Do It Best Corp. shall pay directly to the City of Medina or its authorized agent any and all grant payments awarded under this Agreement due on the date Do It Best Corp. moves the Project out of the City of Medina or terminates its operations at the Facility altogether during the 10 year period beginning on the effective date of this Agreement; or within ten (10) days from the date Do It Best Corp. is notified by the City of Medina that any tax certification is fraudulent.

- G. Do It Best Corp. or successor entity shall promptly notify the City of Medina if any of the following events occur:
- (i) If control of Do It Best Corp. or substantially all of its assets located at the Project site is obtained by another entity or shareholders or
 - (ii) If Do It Best Corp. merges with another entity or
 - (iii) If Do It Best Corp. substantially restructures itself through an acquisition or divestiture or otherwise

and if any of these events affects the ability of Do It Best Corp. or its successor entity to perform substantially the obligations of Do It Best Corp. under this Agreement and to meet the employment and payroll projections anticipated herein. "Control of Do It Best Corp." for the purposes of this subsection means that persons and/or entities owning the majority of Company's outstanding voting stock at the date of this Agreement cease to

own such or cease to have the unconditional right to elect a majority of Do It Best Corp.'s board of directors.

H. Each provision for modification or termination hereunder shall not affect Do It Best Corp.'s obligations or the City of Medina's rights under any other provision of this Agreement.

13. Fees. Do It Best Corp. shall pay an annual fee of \$ 500 (five hundred dollars) in each year that Do It Best Corp. has a grant agreement in effect upon notification that such payment is due. The proceeds will be used to defray costs of program administration and to help fund the program.
14. Any notices, statements, acknowledgements, consent approvals, certificates, or requests required to be given on behalf of either party shall be made in writing addressed as follows:

If to the City to: Dennis Hanwell, Mayor
Medina City Hall
132 N. Elmwood Avenue
Medina, Ohio 44256

With a copy to: Director of Law-- City of Medina
Gregory Huber
Medina City Hall
132 N. Elmwood Avenue
Medina, Ohio 44256

If to _____ to:

Do It Best Corp.

Gary Furst, VP Human Resources & General Counsel
6502 Nelson Road
Fort Wayne, IN 46803

or such other address as may be noticed.

15. Condition Precedent. Do It Best Corp. and Medina acknowledge that this Agreement must be approved by formal action of the legislative authority of the City of Medina as a condition for the Agreement to take effect.

IN WITNESS WHEREOF, the City of Medina, Ohio, by Dennis Hanwell, its Mayor, and pursuant to Ordinance No. 154-07 and Do It Best Corp., by Daniel B. Starr, President & CEO, have caused this instrument to be executed on the _____ day of _____, 2020.

WITNESSED BY:

CITY OF MEDINA

By: _____

Title: Mayor

WITNESSED BY:

By: _____

Title: _____

The legal form and correctness of the within instrument is hereby approved.

DIRECTOR OF LAW— CITY OF MEDINA

By: _____

Date: _____

ORDINANCE NO. 190-20

**AN ORDINANCE AMENDING SECTION 133.01 OF THE
CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO
RELATIVE TO THE CHIEF OF POLICE ASSOCIATION
MEMBERSHIPS.**

WHEREAS: Section 133.01 of the codified ordinances of the City of Medina, Ohio presently reads as follows pertaining to Association Memberships for the Chief of Police.

Chief of Police Or designee(s)	Ohio Police Chiefs' Association International Police Chief's Association Cuyahoga County Police Chief's Association Mid Atlantic Great Lakes Organized Crime Law Enforcement Network Mid-west Region Spillman User's Group International Association for Identification National Association of Police Athletics/Activities Leagues, Inc. Police Executive Research Forum (PERF) FBI Law Enforcement Exec. Development Assoc. (FBI-LEEDA) National Public Employees Labor Relations Association (NPELRA) Medina County Chiefs' Association International Association for Property and Evidence
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**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY
OF MEDINA, OHIO:**

SEC. 1: That Section 133.01 of the codified ordinances of the City of Medina, Ohio pertaining to Association Memberships for the Chief of Police shall be amended as follows:

Chief of Police Or designee(s)	Ohio Police Chiefs' Association International Police Chief's Association Cuyahoga County Police Chief's Association Mid Atlantic Great Lakes Organized Crime Law Enforcement Network Mid-west Region Spillman User's Group International Association for Identification National Association of Police Athletics/Activities Leagues, Inc. Police Executive Research Forum (PERF) FBI Law Enforcement Exec. Development Assoc. (FBI-LEEDA) National Public Employees Labor Relations Association (NPELRA) Medina County Chiefs' Association International Association for Property and Evidence Leadership Medina County
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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

RESOLUTION NO. 191-20

A RESOLUTION TO DISSAPPROVE THE MEDINA COUNTY SOLID WASTE MANAGEMENT DISTRICT'S AMENDED DRAFT SOLID WASTE MANAGEMENT PLAN.

WHEREAS: The City of Medina is located within the jurisdiction of the Medina County Solid Waste Management District ("District"); and

WHEREAS: Summary/Background: The Plan is prepared in accordance with Ohio Revised Code ("ORC") Section 3734, the State of Ohio's Solid Waste Management Plan and the Ohio Environmental Protection Agency's guidelines. The Plan also describes strategies and programs that will be implemented to meet or exceed the minimum state waste reduction goals and objectives. The Medina County Solid Waste Management District ("District") completed the draft amended Solid Waste Management Plan ("Plan") and submitted it to the Ohio Environmental Protection Agency for review and comment on March 30, 2020 and the Ohio Environmental Protection Agency provided comments in a non-binding advisory opinion on May 13, 2020. The District's Policy Committee has reviewed the non-binding advisory opinion received from the Ohio Environmental Protection Agency and taken these comments into consideration and incorporated changes into the amended Plan as appropriate. The District has conducted a 30-day comment period from August 1, 2020 to August 30, 2020 and a public hearing was held on September 3, 2020 to provide the public an opportunity to comment on the Plan; and

Budget Impact: The Plan provides for a fee schedule that generates the required revenue to cover the costs of implementing the strategies and programs designed to meet or exceed the minimum state waste reduction goals and objectives; and

Statutory Authority/ORC: 3734.50

WHEREAS: In consideration of the above;

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

- SEC. 1:** That the City of Medina acknowledges receipt of the amended draft plan.
- SEC. 2:** That the City of Medina **disapproves** the District Solid Waste Management Plan.
- SEC. 3:** That the Clerk of Council is hereby directed to **send the District a copy of this Resolution to the attention of Mr. Jeremy Sinko, P.E., Medina County Sanitary Engineer's Office, 791 West Smith Road, Medina, Ohio 44256.**
- 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 Resolution 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

Action Taken:

Mr. Coyne voted _____

Mr. Shields voted _____

Mrs. Hazeltine voted _____

Mr. Simpson voted _____

Mr. Heffinger voted _____

Mr. Rose voted _____

Mr. Lamb voted _____

Clerk of Council

ORDINANCE NO. 192-20

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:

- \$195,053.00 from (001) General Fund to (110) ODNR State Grant Fund

SEC. 2: That the Clerk of Council is hereby authorized to forward a certified copy of this Ordinance to the Medina County Auditor.

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

ORDINANCE NO. 193-20

AN ORDINANCE AMENDING ORDINANCE NO. 187-19,
PASSED NOVEMBER 25, 2019. (Amendments to 2020 Budget)

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

SEC. 1: That Ordinance No. 187-19, passed November 25, 2019, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
110-0312-52226 (ODNR Grant)	4,180.00 *
110-0312-52226 (ODNR Grant)	190,873.00 *
001-0707-56615 (Advances)	195,053.00 *
301-0725-54412 (Parking Deck)	2,900.00 *
616-0915-59938 (Increase 125 Fund)	10,000.00 *
170-0705-52234 (CRF Fund)	1,694.65
170-0704-53315 (CRF Fund)	25,000.00
170-0743-54413 (CRF Fund)	350,000.00
170-0743-52214 (CRF Fund)	284.18
170-0743-54412 (CRF Fund)	9,600.00
170-0743-54413 (CRF Fund)	50,000.00
138-0458-50111	1,000.00
144-0730-51122	16,000.00
513-0708-52215	5,000.00
513-0708-52215	5,000.00
676-0746-51122	18,000.00
125-0457-56615 (Repay PY17 CDBG Advance)	150,000.00 *

SEC. 2: That Ordinance No. 187-19, passed November 25, 2019, shall be amended by the following reductions:

<u>Account No./Line Item</u>	<u>Reductions</u>
170-0705-53315 (CRF Fund)	1,694.65
170-0707-50111 (CRF Fund)	25,000.00
170-0743-53315 (CRF Fund)	350,000.00
170-0707-50111 (CRF Fund)	284.18
170-0707-50111 (CRF Fund)	9,600.00
170-0707-53315 (CRF Fund)	50,000.00
138-0458-52214	1,000.00
144-0730-50111	16,000.00
513-0708-54413	5,000.00
513-0708-53321	5,000.00
676-0746-53322	18,000.00

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: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 194-20

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

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

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

- \$150,000.00 from CDBG Fund (#125) to the General Fund (#001)

SEC. 3: That the Clerk of Council is hereby authorized to forward a certified copy of this Ordinance to the Medina County Auditor.

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

RESOLUTION NO. 195-20

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE PRE-AWARD CONDITION FORM ACCEPTING THE GRANT FROM THE OHIO OFFICE OF CRIMINAL JUSTICE SERVICES FOR THE MUNICIPAL COURT TO USE TOWARD SUPPLIES AND EQUIPMENT PURCHASED DURING THE COVID-19 PANDEMIC, AND DECLARING AN EMERGENCY.

WHEREAS: The Medina Municipal Court was awarded a grant through the 2020 Coronavirus Emergency Supplemental Funding Program from the Ohio Office of Criminal Justice Services in the amount of \$46,045.85 to assist with supplies and equipment purchases during the COVID-19 Pandemic.

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

SEC. 1: That the Mayor is authorized to sign the Pre-Award Condition form accepting the grant through the 2020 Coronavirus Emergency Supplemental Funding Program from the Ohio Office of Criminal Justice Services.

SEC. 2: That the grant award in the amount of \$46,045.85 for the Medina Municipal Court is hereby accepted and will be deposited in Account No. 001-0705-53315.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the Pre-Award Conditions Form must be signed and submitted prior to receiving the funds; 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

Res. 195-210

Pre-Award Condition Forms
For Government/Public and Private Agencies

- **EEO Certification Form**
 - Complete either Section A, or Section B, or Section C, not all three.
 - Obtain signature from the appropriate official from either the implementing agency or subgrantee agency.

- **Civil Rights and EEOP Questions Part 1 Form**
 - Complete this form in its entirety.
 - The responses should be based on the implementing agency.
 - A signature is not required on this form.
 - Each implementing agency must designate a person to be the civil rights point of contact. The point of contact must take the federal civil rights training at <https://ojp.gov/about/ocr/assistance.htm> and then train implementing agency staff members. Please name the point of contact in the space below. By signing the pre-award condition form, agencies are certifying the civil rights training will be completed and this pre-award condition is being met. The training does not need to take place as part of the pre-award condition process, however it must be completed by the second quarter of the grant.
 - Name of civil rights point of contact Elizabeth Brown

- **Standard Assurances Form**
 - This form should be reviewed in its entirety by the project director and authorizing officials for the implementing agency and subgrantee agency.

- **Special Conditions Form**
 - This form should be reviewed in its entirety by the project director and authorizing officials for the implementing agency and subgrantee agency.

- **System for Award Management Profile**
 - The System for Award Management is the official U.S. government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS. Your agency registration/profile is required to be active throughout the grant project period and renewed annually. The profile can be renewed at <https://www.sam.gov/portal/public/SAM>. Please provide proof that your agency is registered and currently designated as active by uploading a copy of the Entity Overview or Entity Record on the pre-award condition page within the online grants management system.

- **Contact Information**
 - There is no form associated with this condition; however, all projects are responsible for keeping contact information current. Correspondence will often be sent through the online grants management system to the project director listed for the "organization". This is not the same as the project director listed on the title page. For more information on the organization project director, please refer to the user guide. It is also the project director's responsibility to ensure title page information is updated as well to keep records current. Please contact your grants coordinator with any questions.


Conflicts of Interest

- Subrecipients are required to use Federal funds in the best interest of the award program. Decisions related to these funds must be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance. Subrecipients are required to disclose in writing any potential conflict of interest to your grant-making component or pass-through entity, as applicable. See the Federal Financial Guide 2 C.F.R. § 200.112.

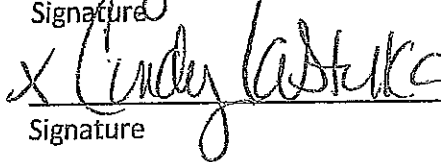
Suspension/Disbarment

By signing the Pre-Award Condition Forms subgrantees are certifying that their organization and any organization they are working with as a consultant/contractor is not suspended or disbarred or otherwise found to be ineligible for participating in Federal assistance programs. No organization may participate in these programs in any capacity or be a recipient of Federal funds designated for these programs if the organization has been debarred or suspended or otherwise found to be ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension." (See 45 CFR 75.212.)

By signing below, the project director, implementing agency authorized official and subgrantee authorized official acknowledge that they have read and understand the above information and attached forms.


Signature

10-26-20 Project Director
Date

X 
Signature

10/20/20 Implementing Agency Authorized Official
Date

X _____
Signature

_____ Subgrantee Agency Authorized Official
Date

ORDINANCE NO. 196-20**AN ORDINANCE AUTHORIZING THE USE OF CARES ACT FUNDS TO COVER CERTAIN PAYROLL COSTS, UNEMPLOYMENT COMPENSATION, AND LEGAL EXPENSES RELATED THERETO; AND DECLARING AN EMERGENCY**

- WHEREAS:** COVID-19 is a respiratory disease that can result in serious illness or death and is easily spread between individuals who are in close contact with each other through respiratory droplets and various other means;
- WHEREAS:** On March 9, 2020, Governor Mike DeWine declared a State of Emergency in Executive Order 2020-01D in order to protect the welfare of citizens of Ohio from the dangerous effects of COVID-19;
- WHEREAS:** On March 27, 2020, the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) which, in part, established the coronavirus relief fund under 42 U.S.C. 8801 and appropriated 150 billion dollars of direct payments to states, tribal governments, and units of local government;
- WHEREAS:** On June 19, 2020, Governor Mike DeWine signed into law House Bill 481 which authorizes distribution of federal coronavirus relief fund money to eligible counties, townships, and municipal corporations in Ohio;
- WHEREAS:** The City of Medina (“Medina”) is the recipient of federal coronavirus relief fund money;
- WHEREAS:** The CARES Act and H.B. 481 require that recipients of federal coronavirus relief funds must use the relief funds to cover only those costs that are necessary expenditures incurred due to the public health emergency with respect to COVID-19, were not accounted for in the budget most recently approved as of March 27, 2020 for the unit of government, and were incurred during the period between March 1, 2020 and December 30, 2020;
- WHEREAS:** Personnel from Medina’s Police and Fire departments (“Police and Fire Personnel”) provide police and fire services to Medina’s residents;
- WHEREAS:** Since March 1, 2020, Police and Fire Personnel have responded to calls from residents in connection with the spread and transmission of COVID-19 within the community;
- WHEREAS:** Police and Fire Personnel have spent additional time during their course and scope of their employment to enforce COVID-19 related public health orders, and to sanitize, disinfect, and clean shared spaces, vehicle interiors and other high-touch areas in order to curb the transmission of COVID-19;

WHEREAS: This Council determines that Police and Fire Personnel are employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency;

WHEREAS: This Council further determines that covering \$275,000.00 in payroll costs paid to Police and Fire Personnel since March 1, 2020 with CARES Act funds is a necessary expenditure due to the public health emergency with respect to COVID-19 because Police and Fire Personnel are employees whose services are substantially dedicated to mitigating or responding to COVID-19;

WHEREAS: Medina employees other than Police and Fire Personnel have had to perform functions during the course and scope of their employment in order to respond to or mitigate the public health emergency with respect to COVID-19;

WHEREAS: The functions performed by Medina employees other than Police and Fire Personnel include, but are not limited to, cleaning, sanitizing, and disinfecting Medina property, communicating COVID-19-related messages to residents, and performing additional tasks necessary to comply with COVID-19 public health orders;

WHEREAS: This Council further determines that covering \$260,194.94 in payroll costs paid to Medina employees other than Police and Fire Personnel since March 1, 2020 with CARES Act funds is a necessary expenditure due to the public health emergency with respect to COVID-19 because those Medina employees other than Police and Fire Personnel have performed several functions in order to curb the spread and transmission of COVID-19 in the workplace and in the larger community;

WHEREAS: Medina has incurred up to \$6,500.00 in legal expenses associated with its administration and response to COVID-19 and its widespread impact on the community;

WHEREAS: This Council further determines that the cost incurred in connection with Medina's receipt of legal counsel is a necessary expenditure due to the public health emergency with respect to COVID-19 in order to ensure Medina's compliance with COVID-19-related legislation and orders;

WHEREAS: Due to the public health emergency with respect to COVID-19, Medina had to terminate the employment of certain employees who later received unemployment compensation in an aggregate amount of \$10,670.75;

WHEREAS: This Council further determines that covering the aggregate amount of \$10,670.75 in unemployment compensation paid to former Medina employees is a necessary expenditure due to the public health emergency with respect to COVID-19 because of the economic harm caused by the spread of COVID-19, which subsequently necessitated the termination of certain employees;

WHEREAS: This Council further determines that all expenditures authorized in this Resolution to be made with CARES Act funds were not accounted for in the budget most recently approved as of March 27, 2020, and the costs will be incurred between March 1, 2020 and December 30, 2020.

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

SEC. 1: That the Finance Director is authorized to cause the transfer from Medina’s local coronavirus relief fund to Medina’s police and fire fund an amount not to exceed \$275,000.00.

SEC. 2: That the Finance Director is authorized to cause the transfer from Medina’s local coronavirus relief fund to Medina’s general fund an amount not to exceed \$260,194.94.

SEC. 3: That up to \$6,500.00 is authorized to be made available from Medina’s local coronavirus relief fund to cover special legal expenses incurred in response to the COVID-19 public health emergency.

SEC. 4: That the Finance Director is authorized to cause the transfer from Medina’s local coronavirus relief fund to Medina’s general fund to cover unemployment compensation expenses caused by the COVID-19 pandemic and state of emergency in an amount not to exceed \$10,670.75.

SEC. 5: 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. 6: 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 that House Bill 614 passed by the General Assembly and signed into law by Governor Mike DeWine requires that Medina return the unencumbered balance of CARES Act funds within the City’s local coronavirus relief fund on or before November 20, 2020; 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: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 197-20

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A SMALL BUSINESS RELIEF GRANT PROGRAM WITH THE APPROPRIATION OF CARES ACT FUNDS TO AID MEDINA BUSINESSES NEGATIVELY IMPACTED BY THE PUBLIC HEALTH EMERGENCY CAUSED BY COVID-19; AND DECLARING AN EMERGENCY

WHEREAS: COVID-19 is a respiratory disease that can result in serious illness or death and is easily spread between individuals who are in close contact with each other through respiratory droplets and various other means;

WHEREAS: On March 9, 2020, Governor Mike DeWine declared a State of Emergency in Executive Order 2020-01D in order to protect the welfare of citizens of Ohio from the dangerous effects of COVID-19;

WHEREAS: On March 27, 2020, the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") which, in part, established the coronavirus relief fund under 42 U.S.C. §801 and appropriated 150 billion dollars of direct payments to states, tribal governments, and units of local government;

WHEREAS: On June 19, 2020, Governor Mike DeWine signed into law House Bill 481 which authorizes distribution of federal coronavirus relief fund money to eligible counties, townships, and municipal corporations in Ohio;

WHEREAS: The City of Medina is the recipient of federal coronavirus relief fund money;

WHEREAS: The CARES Act and H.B. 481 require that recipients of federal coronavirus relief funds must use the relief funds to cover only those costs that are necessary expenditures incurred due to the public health emergency with respect to COVID-19, were not accounted for in the budget most recently approved as of March 27, 2020 for the unit of government, and were incurred during the period between March 1, 2020 and December 30, 2020;

WHEREAS: This Council finds that the public health emergency with respect to COVID-19 has detrimentally affected Medina small business owners whose business operations were impacted by orders from the Ohio Department of Health in response to the spread of COVID-19 in the state of Ohio;

WHEREAS: This Council further finds that an amount not to exceed \$200,000.00 shall be appropriated towards the establishment of a small business relief grant program to Medina small business owners out of funds from Medina's local coronavirus relief fund;

WHEREAS: This Council further finds that the establishment of a grant program to assist Medina business owners is a necessary expenditure due to the public health emergency with respect to COVID-19 because such an expenditure responds to second-order effects of the emergency, including but not limited to, employment interruptions and/or business interruptions caused by COVID-19-related closures;

WHEREAS: This Council further finds that the cost of the appropriation of an amount not to exceed \$200,000.00 towards the establishment of a grant program to assist Medina business owners was not accounted for in the budget most recently approved as of March 27, 2020, and the cost will be incurred between March 1, 2020 and December 30, 2020

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

SEC. 1: That there is established a Small Business Relief Grant program which shall be funded by up to \$200,000.00 from Medina’s local coronavirus relief fund and any grant to any one business shall not exceed \$20,000.00 as approved by the City’s Board of Control.

SEC. 2: Upon the approval by the Board of Control of the award of a grant to a small business owner, the Mayor shall be authorized to enter into an agreement with the owner of a small business located in the City of Medina in a form that is substantially similar to the form that is attached to this Ordinance and labeled as “Exhibit A.”

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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that House Bill 614 passed by the General Assembly and signed into law by Governor Mike DeWine requires that the City return any unencumbered balance of CARES Act funds within the City’s local coronavirus relief fund on or before November 20, 2020; 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

EXHIBIT "A"

CARES ACT SMALL BUSINESS RELIEF GRANT AGREEMENT

THIS AGREEMENT, dated as of the last date indicated after the signatures below, is made by and between the City of Medina, Ohio (the "City"), and [BUSINESS NAME] ("the Business") with a business address of _____.

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law by President Trump on March 27, 2020, providing a \$2 trillion economic relief package to workers and families, small businesses, and state and local governments;

WHEREAS, the COVID19 virus has been detrimental for many local small businesses and workers;

WHEREAS, Medina City Council collaborated with the Medina County Commissioners to implement a Small Business Relief Grant program and use CARES Act funds to support small businesses that have been directly, negatively impacted by COVID19 and the necessary public health orders related thereto;

WHEREAS, the Business has applied for and been awarded a CARES Act Small Business Relief Grant by the City's Board of Control to lessen the negative impacts of COVID19 on the Business, and

WHEREAS, in order to properly protect the public's interest in both the proper oversight of government spending and mitigating the damage caused by COVID19, the Parties enter into this Agreement to set forth their rights and obligations with respect to the awarding of CARES Small Business Relief Grant money to the Business.

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. The City shall award to Business a CARES Small Business Relief Grant ("Grant") in the amount of \$ _____.
2. Business's Application, attached hereto as Exhibit 1, is fully incorporated and made a part of this Agreement.
3. Business affirms that the information provided on the attached Application is complete, true and accurate. Business shall promptly notify the City's Economic Development Director in writing of any substantive change in the information provided in the application. Change in the information is substantive if it would have had an impact on the Business's initial eligibility for this Grant funding.
4. Business shall spend Grant money only for the expenses specifically listed in the attached Application. Business shall make all records available upon request to the City, its officials,

employees, agents and/or representatives and to the Auditor of State related to the expenditure of any Grant money.

5. If the City or an audit conducted by the Auditor of State concludes that Grant money was improperly expended, Business shall promptly follow all necessary procedures to repay those funds deemed to be improperly expended.
6. Business shall not use Grant money to cover the cost of any expenses already paid for and/or reimbursed from another federal or state program. Any such expenditure of Grant funds will be treated as an improper expenditure of funds and Business shall promptly repay those funds.
7. This Agreement will be governed by the laws of the State of Ohio. The Parties agree to jurisdiction in the courts of the State of Ohio.

IN WITNESS WHEREOF, a duly authorized representative of each party has executed the Agreement as of the date(s) set forth below.

City of Medina, Ohio

[Business's Formal Name]

By: _____

By: _____

Dennis Hanwell, Mayor

Name: _____

Date: _____

Title: _____

Date: _____