

MEDINA CITY COUNCIL

Monday, June 24, 2019

Public Hearing (7:30 p.m.)

To consider the rezoning of 216, 222, and 226 S. Jefferson Street from R-3, High Density Residential to M-U, Multi-Use.

For: Mr. Mendel isn't speaking in favor, he just wanted to explain the Planning Commission process. On April 11th, 2019 applicant requested rezoning of these properties. This went through the administrative review process and went to Planning Commission for review where they did not recommend the requested rezoning to City Council by a 2 to 3 vote. Jonathon stated this went before the Finance Committee on May 13th, 2019. A Public Notice of 30 days was published as per city code requirements.

Anthony Vacanti (Buckingham, Doolittle & Burroughs, LLC) spoke on behalf of the property owner stating they are seeking a rezoning from R-3 residential to M-U for Multi-Use. Mr. Vacanti distributed a packet of information to Council describing a vision for these properties, describing the area and why this rezoning makes sense from a legal stand point and from a practical stand point, and some of the benefits for the city and for the neighbors because with any rezoning there comes a lot of misperception and misunderstanding and he would like to try and dispel some of that and articulate again that they are willing to work with the City and the residents to find a proper use of this property. It's important to remember while this is a legislative act there are certain constitutional requirements like when City Council legislates dealing with private property rights they have to be reasonable and balance the private property interest of the community and the private property interest of the subject property owner. Mr. Vacanti stated he feels what they are proposing strikes that balance. Mr. Vacanti distributed packets to the City Council Members.

He stated he is representing his client Dominic Carrino and he is present in the audience and he is also the authorized representative of SDS Properties. He obviously owns Carrino's on the West Side of Jefferson and Jo Jo's, those properties, it's important to note, are zoned C-2 Commercial which is a higher intensity commercial use. He acquired the three subject properties on Jefferson on the east side of Jefferson St. with the vision of developing them as mixed use. Before he did so, he did consult with the city and had some initial discussions and it was revealed under the Comprehensive Land Use Plan these properties were recommended to be rezoned to Multi-Use, similar to other properties that are similarly situated on Smith which is immediately adjacent to residential properties and on Washington across the street which is also adjacent to similar residential properties. The vision is a mixed use to maintain the residential streetscape, the residential structures, but to allow a little more flexibility because these properties are across from high intensity commercial uses and it does front on a major truck route of Jefferson Street a commercial corridor. So allowing this flexibility allows the city to maintain these residential properties because if they are rezoned to multi-use they can't tear them down, as they stand right now they can tear them down, and that's not their plan but there is nothing stopping him from selling them in the future and someone else may want to do it. So this will preserve and propitiatory these residential structures for multi-use. What kind of uses are they talking about? They are talking about office administrative uses, again similar to the properties across Washington and across Smith and also residential uses. This is the vision for the subject property and in conjunction with that, they did submit a site plan that had some parking, landscaping, fencing and buffering and are open to discussions on those items as part of the site plan review but obviously they need the rezoning in order to move forward with the site plan. His client is a business owner and has substantially invested millions of dollars in this corner of the city and has done a pretty good job in maintaining those properties. These residential properties, a lot of them were in disrepair, some

of them were vacant. The subject properties his client has spent over \$300,000.00 in renovating them and continues to do so in reliance on good planning and zoning and recommendations to the plan.

The City's Comprehensive Plan indicated that these properties should be rezoned M-U. The basis under this plan was that because they are across from high intensity commercial development you need some sort of buffer between that and the residential properties to the east, and this mixed use type of zoning provides that buffer from a planning perspective and the Comprehensive Plan rationale just identified that as the reason. A Comprehensive Plan is not law and this was adopted by Council but it is not the zoning code, it is just a guideline to move forward on a case by case basis. They would submit that the basis and the purpose identified in the Comprehensive Plan exists today, because it will provide a nice buffer for the residential properties to the east from the commercial properties to the west, and will also maintain the residential streetscape which is important to the city and the residents who have spoken up and expressed some concern about these being developed commercially, he thinks it's clear that these residential structures will remain. That is some of the benefit, and in addition it is important to understand that this city is obligated to treat similar properties similarly.

Mr. Vacanti referred to the packet that was distributed and stated they already reviewed tab one which is an aerial of the subject properties, tab two is a little different than the packet he distributed before it shows the streetscape as it currently exists you will see the subject properties across the street is Dominic's and Jo Jo's and you can see all the commercial properties on the other side of Jefferson. These subject properties face these commercial properties. Under tab two you can see the streetscape and how they are directly across from these commercial properties. That's not conducive to single family residential which is what any planner will tell you, that's what the staff report indicated, and that's what the Comprehensive Plan indicated as well. The fact is that some of these were vacant, not moving on the market or being sold is indicative of that as well. Under tab three is the site plan which we've already reviewed. Landscaping Plan, tab four Zoning Maps, tab five Future Land Use Map and tab six which shows these properties identified as mixed-use, and his letter to Council with legal basis for their request.

Mr. Vacanti stated he would like to focus on tab eight where it shows an overview of the area and you can see there are two black boxes, those are the properties north on Washington and then also south on Smith in the immediate vicinity of our subject property, those properties likewise are zoned mixed-use consistent with the Comprehensive Plan. The same type of zoning that his client is requesting and that the Comprehensive Plan has identified as appropriate for the subject property. You can see these properties, these are the properties on Washington there are three commercial properties, residential structures with almost exactly, very similar type of parking that his client was proposing, these are immediately across from the historical house on Washington and these properties already exist, and they are across from that house and his client is not proposing anything different. As a matter of fact he is willing to scale down some of the items to address some of the residential concerns. The third page again shows some of these properties such as Kingdom Title, Cigar Shop, and the third house has some offices. Further down Jefferson a couple of houses down from his client's properties, is a dental office with onsite parking and that is on the residential side. So the character of this area is already mixed-use as the city has intended.

The final two pages shows some properties on Smith, again mixed-use properties substantially similar to his client's properties such as commercial with residential structures commercial use with parking. His client is just requesting to be treated the same way as some of these other properties. Mr. Vacanti stated he understands that rezoning is not always popular and it's not easy to be in City Council's position with regards to this, but his client will commit to you to working with the city and with the residents to provide a site plan that allows the economically feasible use of these properties, consistent with what the City of Medina has already allowed in this area. It's going to benefit the city and the neighbors because it's going to maintain those residential structures, it's going to provide buffering. There were concerns about Jo Jo's and Dominic's late at night with people at the bar being loud, but they are willing to put parking restrictions on those properties and this will allow for that type of buffering. Mr. Vacanti stated he knows there were some concerns about the residential tenants on some of these properties being loud and so by allowing this rezoning he's be getting rid of some of those residential tenants and allow commercial use regular hours which would quiet things down. There are a lot of benefits to this, he realizes it is not an easy question for council and he knows there are some legal issues involved as well, but stated he is here on behalf of the property owner saying they want to work with the city it's proper from a land use prospective. Tony asked that the city respect his client's private property rights, take into consideration the neighbors rights, and strike a balance and they believe that this zoning strikes that balance again as recognized in staff report, the Comprehensive Plan and any professional planner you know that would articulate on this issue.

Against:

Michael Schwin from 230 S. Jefferson stated his chief objection is the overflow of parking from the business across the street and what that brings at 2:30 – 3 a.m. Especially when people are leaving at that time, they tend to be very loud, motorcycles are loud and his wife goes to work at 4 a.m. and will lose sleep. Mr. Schwin mentioned he viewed the site plan and has concerns with the lighting that was 12 feet tall and how they will be shining in his house all night. Yes, we get trucks but it's because they are bypassing the square. The dentist office that was mentioned has been there forever and the guy before him was a dentist also and he is kind of grandfathered in, their patients are gone well before dark. He feels this will change the character of the neighborhood, it's peaceful and quiet and clean, he doesn't want the litter.

Skip Baran from 536 N. Broadway St. Spoke as a representative of the CDC (Medina Community Design Committee) as a board member. He read a statement that the CDC put together and was handed out to council members. The CDC has spent over fifty years encouraging the restoration and preservation of Medina's Historical buildings and homes. The heart of the City of Medina; it's historic and vibrant downtown: is a culmination of decades of building and business owners working to restore and preserve the architecture and space which has become a nationally recognized area. Downtown Medina is a destination location for those seeking to enjoy the shops, restaurants and open space situated within this unique historical venue.

They are here to express their concerns pertaining to the rezoning of the properties located at 216, 222, 226 South Jefferson from R-3 to M-U. The block which this rezoning is being requested lies between two significant transportation corridors into the heart of Medina. This area is also only one half block east of the historic downtown district and consists primarily of residents. The block

north of these properties is zoned a combination of R-3 High Density Urban Residential and M-U both of which utilize the existing housing stock and land in a fashion that conveys a residential or neighborhood appearance. Transitional Corridor Overlay Districts encompass both the north and south sides of East Washington and East Smith Roads. The overlay district requires businesses to maintain their buildings and properties in such a manner that is harmonious with the surrounding neighborhood. Additionally the block in which the South Jefferson properties are located is considered Historic Residential according to the City's Neighborhood Action Plan.

A review of the City's Existing Land Use Map, Zoning District Map, Transitional Corridor Overlay District Map, Neighbors Action Plan Map and Future Land Use Map all of which are posted on the City's Website indicate no new commercial zoning or development in this area. These maps depict traveling east to west, a gradual transition from Residential Medium Density to Residential High Density with a Transitional Corridor Overlay District along the main thoroughfares prior to entering the historic downtown area. The Community Design Committee supports the City's current vision as conveyed through the aforementioned documents that there be gentle and harmonious melding of land use of the areas approaching the historic downtown area thus maintaining Medina's "Hometown" charm.

Amy Barnes resides at 314 E. Washington St. and owns the Colonel HG Blake House which is on the National Register of Historic Places, located at the corner of East Washington and South Jefferson. With part of the property on South Jefferson and the rest facing East Washington. Amy presented a petition signed by 50 people and they are asking that Council deny the request to change the zoning from residential to multi-use for the properties located at 216, 222 and 226 S. Jefferson St. and thus deny the installation of a parking lot at the fore mentioned properties. The three properties in question back into the Historic Colonel HG Blake House property and adjoin another privately owned home. Many times in discussion regarding the rezoning, the Comprehensive Plan has been brought up because it shows the areas possibly being changed to Multi-Use zoning in the future. Ms. Barnes stated the Comprehensive Plan is not set in concrete for a reason, it is a projection of possible future zoning changes with those projected changes depending on many changing factors because those who drew up the Comprehensive Plan do not know what the future will bring any more than she has the winning lottery ticket. The designers of the Comprehensive Plan did not predict the housing shortage that has occurred. They could not predict that good people would want to and do remain in the neighborhood maintaining its residential feel and flavor. The properties in question can and have yielded a reasonable return as residential properties. When the properties were purchased they rezoned residential and two of the three homes had occupants while the third was for sale by owner. In fact, one of the residents had rented there for over 20 years and had no intention of moving. In a zoning meeting it was mentioned that the house listed for sale had difficulty selling. Amy had spoken more than once with the former owner of that property and he refused to have it represented by a real estate agent or to advertise it for sale, other than a small sign in the front yard and he admitted to her that he was asking for a price well above the house's market value. After the Zoning Commission denied petitioners request for zoning change, she sent numerous people who were looking for houses to rent to petitioner because he complained in a zoning meeting he had difficulty renting them. All three houses are currently occupied. A zoning change will cause an increase in traffic, noise and congestion at a corner that already suffers from heavy traffic and change the neighborhood from

being overwhelmingly commercial and paved. The zoning should remain residential to maintain the social fabric, local history, natural beauty and texture and integrity of the neighborhood. A previous City Council agreed, 20 years ago just before she bought the HG Blake house the previous owner sought to turn the house into a Bed & Breakfast Inn and to sell the attached side property that is on the corner of Washington and Jefferson to tonight's petitioner so he could turn it into a parking lot. The homeowners were denied based on the city's desire to maintain this large space of 1.5 acres so close to the square as residential green space. We are asking for that attend to continue to be honored. Petitioner has said numerous times that he is requesting the zoning change to provide additional parking for his restaurant and bar. Paul Calarezi senior took a look at the parking area that the petitioner owns and came up with a new design that would add an additional fifteen spaces to the parking lot, and he offered his redesign to petitioner for no charge and offered to explain it in detail, the last Amy heard his offer was declined. The petitioner's current parking lot alone is more parking than any other square area restaurant owns, he also has full and easy access to the Library Parking after it closes and the Court House Parking which is empty at night and the 350 space parking deck across the street from his business. If petitioner's customers walked to the corner of Washington and Jefferson legally and safely cross the street it is actually a shorter walk to the parking deck than it would be to the proposed lots on Jefferson. She realizes that petitioner's customers will simply jaywalk to cross Jefferson, which makes it much more dangerous to open those lots to extra parking for petitioner's businesses, jaywalking across Jefferson with as much traffic as travels on the two-way street is very dangerous and would be irresponsible to encourage patrons to cross the street in that manner. The zoning change that the petitioner is requesting is not natural law nor is it economic inevitability it is a function of power and wealth. He purchased three homes fully aware of what the zoning was and now wants to change the neighborhood that he does not live in while claiming he is filling a need that does not exist. We may not be able to afford lawyers or be able to purchase a substantial number of a neighborhood's properties but we still have the right to have the neighborhood that we live in remain the wonderful textured mix it is instead of becoming an over paid eyesore.

What is the highest and best use of these properties, is it to add more commercial space in a city where there are many what vacant store fronts in such areas as North Court, is it to eliminate housing when there is a housing shortage, is it to add additional bland parking areas where there are so many available including the 350 spaces across a one-way street from petitioner's business or is it to maintain the atmosphere and look of an older neighborhood where the houses are not cookie cutters and they represent an era of Medina, different from the square, mixed with the rich history of the Colonel HG Blake house. We hope you honor our plea to not allow Medina to lose yet another of ingredients that make it charming and unique and make people want to move to and visit Medina again and again. We ask that you will see your way to deny the requested zoning change.

Pam Miller resides at 450 Woodland Dr. (former Council person and former member of Planning Commission) Pam is speaking against the rezoning request for the properties on South Jefferson and feels there is not a compelling reason to rezone the properties and to do so would create spot zoning on the block in question. The applicant claims that the city's Economic Development Director and Community Development Director suggested that he pursue this course as a means of gaining more parking for his restaurant and bar located across the street even though his business

is across the street from the city parking garage and near to many lots and spaces throughout the historic district. He had to have known that neither of these individuals had the authority to make the rezoning happen but he went ahead and purchased the properties and has even gone so far as to clear cut the backyards in anticipation of putting in parking lots. His cover letters to the Planning Commission and the Board of Zoning Appeals were ambiguous in describing the plan use for the houses on these properties indicating that they might be residential but they might also be commercial and there was no overall concept presented to the Planning Commission for development that would benefit the community. The Planning Commission acted responsibly in denying this request and hopefully you have read the transcripts from Planning Commission meeting as well as the Board of Zoning Appeals meeting and seen the comments from neighbors and others. The city's Comprehensive Plan does play an important role in future land use planning suggesting that changes might be beneficial in certain areas of the city if circumstances warrant which is not the case here. Zoning changes should only be considered when changes have occurred in a neighborhood that prevent use of the land as originally zoned. Zoning changes should also depend on any future plans for surrounding properties. This neighborhood along South Jefferson, the south side of East Washington, the west side of Spring Grove, the north side of East Smith and the side streets between Washington and Smith is predominately single family residential with a few exceptions. There is no trend that would suggest a change in zoning MU for any part of this East Washington neighborhood. Surely, the city would embark on a comprehensive study involving the residents if it thought that zoning changes would be desirable. That has not happened in this case.

Bear in mind, too, that the Comprehensive Plan is sadly out of date and really should be reviewed. In the intervening years, there has been a renewed effort to maintain and support the residential nature of the neighborhoods adjacent to the Square.

Furthermore, as Councilperson Rose stated at the Planning Commission, the City needs residential housing. As a matter of fact, there is a nationwide shortage of affordable houses so we should not be quick to convert or demolish viable homes, especially in the historic neighborhoods abutting the Historic District. With proper marketing, any of the real estate firms in the Medina area could successfully sell or rent these houses on South Jefferson to potential homeowners.

Spot zoning these properties serves no useful purpose to the adjoining properties. To single out these three properties for a use that is different from that of the surrounding area for the benefit only of the owner of such property – and especially because that owner wants to utilize the property to accommodate a business that is across the street in still another zoning category – is to create a situation that is detrimental to the other property owners.

Council must evaluate whether it is in the public interest to change this zoning, what its effect will be on neighboring properties, and what ramifications will be created if a change is made. You should also consider the real reason that this applicant desires the change and acknowledge that it is an unacceptable premise. I urge you to uphold the recommendation made by the Planning Commission to deny this rezoning.

Elizabeth Biggins Ramer resides at 141 S. Prospect St. and is here representing the Bankers Row

Historic Neighborhood Association, which is one of the five historic neighborhoods that have been formed to preserve the residential nature of the original Village of Medina. Many of these historic neighborhoods also have mixed use throughout their particular boundaries through what is called the Overlay District for example, Banker's Row which does abut West Liberty which means the homes along that area can be used residentially and commercially however keeping with the flavor of the residential neighborhood. Since the inception of the historic neighborhood associations, several of the homes not only in our neighborhood but other of the historical neighborhoods have actually been purchased and converted from the businesses they had been prior back to residential use because these homes embrace the flavor of our Medina as well as some extraordinary architectural values. The preservation of the inner ring neighborhoods provides economic support to our historic downtown and the flavor of Medina in general. We would hope that you consider the actions of the Historic Neighborhoods Associations as they have supported the downtown and in return consider supporting a neighborhood to stay a neighborhood.

Mr. Lamb asked Jonathon Mendel how many times in recent history has council over ridden the Planning Commission vote and how rare is that?

Jonathon stated in the 5 ½ years that he has been employed with Medina City it has not occurred.

The public hearing was closed at 8:12 p.m.

Opening:

Medina City Council met in regular, open session on Monday, June 24, 2019. The meeting was called to order at 8:13 p.m. by President of Council John Coyne. Eagle Scout James Feeks led the Pledge of Allegiance.

Roll Call:

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

Also present were the following members of the Administration: Mayor Dennis Hanwell, Keith Dirham, Greg Huber, Patrick Patton, Nino Piccoli, Chief Kinney, Chief Painter, Dan Gladish, Kimberly Marshall, Jonathon Mendel, and Mike Wright.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on June 10, 2019 as prepared and submitted by the Clerk be approved. The roll was called and the minutes were approved by the yeas of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields and D. Simpson.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated the Finance Committee met prior to this evening's Council meeting and will meet again for the last time before summer break on July 8th.

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

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb stated no meetings are scheduled until after the break but they did meet last Monday night and Special Legislation passed the ordinances of LGTBQ legislation.

Streets & Sidewalks Committee: Mr. Heffinger had no report or meetings scheduled.

Water & Utilities Committee: Mr. Starcher had no report or meetings scheduled.

Emerging Technologies Committee: Mr. Rose stated they did have a meeting last Wednesday with the Medina County Fiber Loop with plans in southern Medina County where they are bringing fiber optics in. Paul will post the information for anyone interested in signing up, the more public that is interested and takes the survey the better the chances and they will be looking at that information to make their next move. This has been very well received out west.

Emerging Technologies Committee will meet again sometime after the break with Armstrong Cable to show what they are doing now recently announced bringing fiber into the City of Medina and we will be able to discuss what they have to offer.

Mr. Coyne wanted to dispel one misconception that he commonly hears throughout the community is that we are not prohibiting any other cable company from coming into the city. Armstrong is a provider, and we would gladly have other providers but there is a cost barrier that they don't want to incur to come into the city so that is why we don't have other cable companies.

Mr. Rose stated to that point in some cases it costs \$20,000 per pole to hang a line and that is part of the reason.

Requests for Council Action:

- 19-112-6/24 – Amend Lafayette Township Law Enforcement Services Agreement
- 19-113-6/24 – PY18 CHIP – Private Rehab at 3877 Miller Dr. Brunswick, OH
- 19-114-6/24 – CDBG Citizens Participation Plan Update
- 19-115-6/24 – 2019 Codification Update – Walter Drane
- 19-116-6/24 – Increase P.O. #2019-513 ORDC Soft Costs for PY18 CHIP Grant
- 19-117-6/24 – Bids, S. Broadway Reconstruction Project
- 19-118-6/24 – Grant Application – ODOT – South Prospect Street Bridge
- 19-119-6/24 – Job Creation Grant Payment – Discount Drug Mart
- 19-120-6/24 – Job Creation Grant Payment – Sandridge Food Corp.

Reports of Municipal Officers:

Dennis Hanwell, Mayor, reported the following:

- 1) Parking Deck- Parking will be very limited at Medina City Hall and lot between Sully's patio and Porter's Shoes. Available long term lots are at the southeast corner of West Liberty and South Elmwood; lot on west side of 200 block of South Elmwood (between Smith and Washington); as well as at the existing parking deck behind Common Pleas

Courts. The project is being bid for the second time and once we get that back there will be a panel to review and council will have a special meeting to award that bid during their break period and we will get that project going as quickly as possible and will last likely into spring of 2020.

- 2) Medina Community Band free concerts on Square each Friday night in June and July, as well as July 4th. Weather dependent. Starts 8:30 p.m.
- 3) Farmers Market each Saturday on Square 9 a.m. to 1 p.m.
- 4) Thursday, June 27th at 6:30 p.m. – 8:30 p.m., Medina Co. Board of Developmental Disabilities will host ice cream social on Square.
- 5) City of Medina Fireworks at MHS. July 3rd at dark; co-supported with Medina and Montville Townships
- 6) City of Medina July 4th Parade- Thursday July 4th, lineup at 3 p.m., starts 4 p.m. at Medina High School student lot; south on Spring Grove to E. Liberty and around Square. Applications for parade and release forms available at Mayor's office.
- 7) ORMACO presents Jazz Under the Stars on Square Saturday, July 6th, 7 p.m. - 9 p.m.
- 8) Thanks to Councilmen Paul Rose, Dennie Simpson, Bob Starcher and Bill Lamb for attending ribbon cuttings (6) on Friday, June 21st, 2019 as well as Councilmen Bill Lamb and Jim Shields for attending the Firehouse Community Room Ribbon cutting at 5 p.m. on Friday, June 21st.

Keith Dirham, Finance Director, Keith stated they are proceeding with budgets and will have the tax budget at the next meeting.

Greg Huber, Law Director, had no report.

Chief Kinney, Police Department, Reported they filled one of the two vacant Patrol Officer positions. Xavier Payton will be sworn in July 1st and will start her FTO program shortly after her swear in. They are continuing with interviews to fill that last position.

Kimberly Marshall, Economic Development Director, had no report.

Jonathan Mendel, Planning Community Director, had no report.

Chief Painter, Fire Department, had no report.

Mike Wright, Recreation Center Director, had no report, stated the next Rec. Advisory Committee Meeting is Thursday, July 18th at 7:30 a.m. at the Rec Center.

Jansen Wehrley, Parks and Recreation Director, Absent.

Dan Gladish, Building Official, had no report.

Patrick Patton, City Engineer, reported last week work on the intersection of East Smith and Court, and East Smith and Broadway is complete and unfortunately it did cause some traffic congestion both Monday and Tuesday. This Friday they will be installing the decorative

crosswalks on Broadway and this shouldn't be as disruptive as last week but Broadway will be closed north and south bound Friday and reopen on Monday. Smith Road will remain open the whole time.

Nino Piccoli, Service Director, reported service crews have been responding to flooded property calls the last few weeks but we are fortunate that our residents didn't receive the flooded basements like some of the other communities. The completion of the Engine House was two years in the making and a great collaborative effort from many groups. Donations from CDC, VanEpp & Mike Morse.

Confirmation of Mayor's appointment:

Civil Service Commission – Delmar Jones – Expiring 6/30/2025

Medina County Energy Special Improvement Board:
Kimberly Marshall – Mayor's Appointment

Mr. Shields moved to approve the mayoral appointments, seconded by Mr. Simpson. The roll was called and approved by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson and B. Starcher.

Confirmation of Council appointment:

Medina County Energy Special Improvement Board:
Water & Utilities Chair (Bob Starcher) – City Council Appointment

Mr. Shields moved to approve Council's appointment, seconded by Mr. Simpson. The roll was called and approved by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger.

Notices, Communications and Petitions:

There were none.

Unfinished Business:

There were none.

Introduction of Visitors:

Adam Krystowski resides at 985 Norwegian Wood Dr. spoke of the noise issues from Carlisle Brake and Friction. Adam has attended several council meetings on this subject, recently the residents in that area have received letters from City Council and Mr. Dan Gladish basically stating that nothing is going to happen. Adam read a letter from his neighbors stating: We are not big name, big bank account, politically elite folks but middle class professionals, small business owners, superintendents and retirees caring for elderly parents, stay at home moms, Sunday school teachers, tee ball and soccer coaches and they invest every day in this town by their work and

volunteer time. They are what you want in the city that prides itself on quality of life and community. While at home watching the NBA finals at night and the laundry room dryer running he heard a noise from Carlisle and it was so loud it nearly had him jump off the couch. His children came inside the house to let him know there is a thunderstorm coming when it was just the incredibly loud rumbles consistently rolling out of the Carlisle dumpsters and into their peaceful neighborhood. You all have heard the tornado sirens every first Saturday of the month and from his house the siren is often drowned out by the Carlisle rumbling, droning, crashing, beeping and banging. Adam's 5 year old wears hearing protection while he is outside so that he doesn't have to fear the loud noises and be bothered by it. Imagine the noise of a stranger mowing your yard and the sound of random thunder every day of the week at all hours of the day. So when Carlisle states the measured noise is acceptable, he is sure it was not recorded during times like this. Would you accept the word of Carlisle on their noise levels if this was your backyard?

At the first council meeting they heard from multiple city council members that knew nothing about this issue and months later even with their knowledge, nothing has been done. Second council meeting Dan Gladish told him that Carlisle has agreed to meet with them. Councilman Jim Shields said they would receive letters in the mail with a plan for date and time but nothing ever came. Two weeks later at the next council meeting they were told that the Carlisle would indeed not meet with the concerned neighbors and that members of council had met with them instead. Some officials would be quick to give them the Carlisle PR line and they expect that but they don't expect that from their council members who are specifically tasked with helping our neighborhoods. This isn't DC or Columbus this is local politics and the residents of Medina the ordinary people of Strawberry Fields deserve better representation against problems created by the city who voted to put a neighborhood next to an industrial zone and even more recently approve the Carlisle expansion without giving them any protection or consideration. A July 2017 Gazette article on the Carlisle expansion was quoted with Ted Mesmer saying we've had tremendous support from the City of Medina, Medina County and the State of Ohio. So when the city was giving Carlisle this tremendous support, what city official looked out for our neighborhood next door to see how we might be affected. What city official told Carlisle that they are excited for the business opportunity and the revenues that it brings to the city but asked Carlisle to maybe consider some provision for the neighborhood right next door. Perhaps if someone had been looking out for our interests this 24 hour industrial noise would not have been put with the loudest levels being closest to our houses.

He stated he is talking presses, scrap dumping, and diesel engines roaring for long periods of time only 500 feet from the bedrooms of children, the elderly and all those in between. Perhaps adding noise barriers could have been negotiated with Carlisle as part of their expansion plans. The solution could have been as simple as locating their dumpsters and the roaring diesel engines on the other side of the building. When the trees have lost their leaves this fall we hope you will walk the property lines again but not with Carlisle but with us and without telling them. Come see if this quality of life would be acceptable to you and your children and consider whether or not it is acceptable to those you have been elected to represent. His 5 year old son asked him to please ask them to be quiet at night so he doesn't have to wear ear muffs anymore.

Pat Walker resides at 523 East Friendship St. spoke of the Court House project. The Court House

project is substantial, and it will cost anywhere from \$38 million to \$45 million or more. This is a lot of money and is the type of project the voters of the City of Medina and the County of Medina should have a say in by vote. She understands the city portion may not need to have a vote and the county either, but with the county she understands they are paying for this by bonds which is a lot of bonds and commitment for the county. This should go to the voters. Not everybody that is in the current courthouse has been consulted about the square footage that is needed or what their needs are now and 50 years from now. Square footage is up in the air and needs to be looked at. Pat stated she has learned that tonight council will be adding to the council agenda an ordinance to authorize \$70,000 in design costs to be paid for the project, and this should be delayed until there is more certainty. Pat Walker urges the council to delay this since it was not on the original agenda item.

Skip Baran resides at 536 North Broadway, Skip explained that the project that they presented earlier to the Finance Committee was not a onetime project. That project is the beginning of a long term project hopefully it will help revitalize the inner core of Medina. Again it's not a onetime project, and if you allow them to go forward hopefully you will see some great results.

Introduction and Consideration of Ordinances and Resolutions:

Res. 091-19:

A Resolution congratulating James Feeks IV on attaining the rank of Eagle Scout. Mr. Shields moved for the adoption of Ordinance/Resolution No. 091-19, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 091-19 passed by the yeas votes of P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger and B. Lamb.

Ord. 092-19:

An Ordinance authorizing the purchase of equipment from Parr Public Safety Equipment to outfit new Police cruisers for the Public Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 092-19, seconded by Mr. Simpson. Chief Kinney stated this is equipment for the five vehicles that were authorized for purchase earlier this year. It's to outfit and is all state bid equipment. The roll was called and Ordinance/Resolution No. 092-19 passed by the yeas votes of J. Shields, D. Simpson, B. Starcher J. Coyne, E. Heffinger, B. Lamb and P. Rose.

Ord. 093-19:

An Ordinance authorizing the Mayor to sign the Plat of Survey to create a new parcel at 625 Bowman Lane. Mr. Rose moved for the adoption of Ordinance/Resolution No. 093-19, seconded by Mr. Simpson. Mr. Rose moved that the emergency clause be added to Ordinance/Resolution No. 093-19, seconded by Mr. Simpson. Mr. Patton stated this would give the authorization to have the Mayor sign for the city for this minor subdivision plat creating the lot at 625 Bowman Lane. Emergency clause is needed due to a delay involving an error with Board of Zoning Appeals. Mr. Shields stated due to his employment with the Medina City Schools he will be abstaining from voting on this and the next ordinance. The roll was called on adding the emergency clause and was approved by the yeas votes of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose, and D. Simpson. J. Shields abstained. The roll was called and Ordinance/Resolution No. 093-19 passed by the yeas votes of D. Simpson, B. Starcher, J. Coyne, E. Heffinger, B. Lamb, and P. Rose. J.

Shields abstained.

Ord. 094-19:

An Ordinance authorizing the Mayor to enter into a Declaration of Mutual Easements and Cooperation Agreement with the Board of Education of the Medina City School District relative to the Reagan Park / Eliza Northrop connector Trail Project. Mr. Rose moved for the adoption of Ordinance/Resolution No. 094-19, seconded by Mr. Simpson. Mr. Rose moved that the emergency clause be added to Ordinance/Resolution No. 094-19, seconded by Mr. Simpson. Mayor Hanwell stated that Jansen Wehrley is not here tonight and explained that this is going to be a trail that leads to the back of Eliza Northrop School and down into the city park and parking lot. This is an advantage to both the city and the schools because it provides another egress area as well as the chance for the children to come down through the park and use the park for programs and also provides additional parking for the city when having events at the park when the school is not in session that we could take advantage of their parking lot as well. The emergency clause is needed due to the school trying to get this project going as soon as possible. The roll was called on adding the emergency clause and was approved by the yea votes of E. Heffinger, B. Lamb, P. Rose, D. Simpson, B. Starcher and J. Coyne. J. Shields abstained. The roll was called and Ordinance/Resolution No. 094-19 passed by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, D. Simpson and B. Starcher. J. Shields abstained.

Res. 095-19:

A Resolution accepting the grant award from the Ohio Law Enforcement Body Armor Program to purchase Body Armor Vests for the Police Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 095-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 095-19, seconded by Mr. Simpson. Chief Kinney stated that this is a grant award from the State of Ohio and we are requesting permission to accept this grant. Emergency clause is requested the grant needs to be accepted by June 30th. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger and B. Lamb. The roll was called and Ordinance/Resolution No. 095-19 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger.

Ord. 096-19:

An Ordinance authorizing the Mayor to enter into an Agreement with Delta Airport Consultants, Inc. for professional services for the Medina Municipal Airport. Mr. Shields moved for the adoption of Ordinance/Resolution No. 096-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 096-19, seconded by Mr. Simpson. Mr. Huber stated that this will allow for an agreement between the City and Delta Airport Consultants for engineering on the proposed detention basin that we are required to construct in order meet the standards from Medina County with respect to surface water runoff and the emergency clause is requested as they are trying to get this project underway during the current building season. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose and J. Shields. The roll was called and Ordinance/Resolution No. 096-19 passed by the yea votes of J. Shields, D. Simpson, B. Starcher J. Coyne, E. Heffinger, B. Lamb and P. Rose.

Ord. 097-19:

An Ordinance increasing the expenditure to Ohio Regional Development Corporation for the soft costs related to the implementation and administration of the PY18 Community Housing Impact and Preservation Program (CHIP) Grant. Mr. Shields moved for the adoption of Ordinance/Resolution No. 097-19, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 097-19, seconded by Mr. Simpson. Jonathon Mendel stated this is to increase their existing purchase order to add soft costs payable to their CHIP Program Consultant ORDC. This was money that was allocated through their contract to administer the program. Emergency clause is requested to get payments out of the Purchase Orders as soon as possible. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne, E. Heffinger and B. Lamb. The roll was called and Ordinance/Resolution No. 097-19 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher and J. Coyne.

To be added to the agenda:

Mr. Shields moved to add Ord. 098-19 to the agenda, seconded by Mr. Simpson. The roll was called and Ordinance 098-19 was added to the agenda by the yea votes of B. Starcher, J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields and D. Simpson.

Mr. Lamb stated he will be voting for this but feels they really need to get the funding figured out and that he views this as having the cart before the horse because they are putting money in and have not committed as a body in agreement on funding that would follow. He does not want to derail the project.

Mr. Coyne stated Mr. Lamb is correct in there being an issue of how it is actually going to be funded through what accounts and through what participation level between the current Municipal Court and the City of Medina and that would have to be discussed but in order to go forward and even make a determination on what we are going to do they need to expend these funds to enable the architect to start talking to the various judges and Law Library to make a determination of what is actually needed so we know how much money we need to come up with. Without going through this process we will never know what is needed because he thinks that process is just starting which includes public input from the Historic Society, CDC about actually what will be done at the Court House. He does agree with Bill and understands his concerns about spending some money before we know exactly the cost allocation and the amount of money. We kind of have a number in mind of what we talked about when Judge Chase was involved and it's going to be similar to those numbers, but again the allocation of cost between the Court and the City has yet to be determined. This will take about 6 to 9 months before this even gets to that point and that will give us time to make that determination.

Ord. 098-19:

An Ordinance authorizing the Mayor to enter into an Agreement with the Board of Commissioners of Medina County, Ohio to share Construction Management Services for the Joint Construction and Management of a County-City Courthouse. Mr. Shields moved for the adoption of Ordinance/Resolution No. 098-19, seconded by Mr. Simpson. Mr. Shields moved that

the emergency clause be added to Ordinance/Resolution No. 098-19, seconded by Mr. Simpson. Mayor Hanwell clarified that the amount that they are entering into the agreement with the County Commissioners is not to exceed \$133,000.00. 50% of that would be \$66,500 out of the court fees, and \$66,500 from the city so it's not \$70,000.00. The reason for the emergency clause is that the architect is standing by waiting for us to get this agreement executed so they can begin and we have been very clear in the subcommittee of the County Facility Study that they need to visit each and every elected office there, each user group, as well as meet locally with the CDC, the Archive Commission, The Historical Society and Main Street Medina so that everyone has input and understands what is going on. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson and B. Starcher. The roll was called and Ordinance/Resolution No. 098-19 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, B. Starcher, J. Coyne and E. Heffinger.

Council Comments:

Mr. Rose stated that his son has an exchange student visiting with him, Matt Snell, and he is from Norton Kings in a town north of London and he is interested in politics. Matt is currently working with the County Auditor.

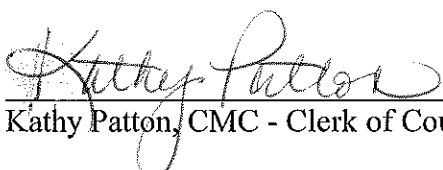
Mr. Heffinger stated on Saturday they had the South Town Cleanup with about 30 to 40 people show up which was outstanding and the weather even cooperated. Eric thanked Main Street Medina, Spokes Café, City of Medina, and Sustain. There is the Champion Creek Cleanup on July 20th

Mr. Starcher stated he would like to encourage Department Heads to work as hard as possible to avoid the use of Emergency Clauses. We had 8 ordinances tonight and 5 of them required the emergency clause. He realized emergencies do occur but he would like to make sure we work to prepare in advance as much as possible.

Mr. Coyne stated there is a budget meeting scheduled for July 10th

Adjournment:

There being no further business before Council, the meeting adjourned at 8:52 p.m.



Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council

