

MEDINA CITY COUNCIL

Monday, May 10, 2021

Call to Order:

Medina City Council met in regular session on Monday, May 10, 2021 at Medina City Hall. The meeting was called to order at 7:30 p.m. by Council President John Coyne III who led in the Pledge of Allegiance.

Roll Call:

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

Also present were the following members of the Administration: Mayor Dennis Hanwell, Greg Huber, Keith Dirham, Patrick Patton, Nino Piccoli, Jonathan Mendel, Police Chief Kinney, Fire Chief Walters, Jansen Wehrley, Dan Gladish, and Clerk of Council Kathy Patton.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on Monday, April 26, 2021, as prepared and submitted by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the motion passed by the yeas of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated Finance Committee met prior to Council this evening and will meet again on May 24th.

Health, Safety & Sanitation Committee: Mr. Simpson stated he held a meeting at 5 p.m. prior to the Finance meeting to review a request from the Police Department.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb will schedule a meeting early in June to revisit the proposal on Demolition. The feeding deer legislation went back to Special Legislation and his effort is specifically that this time when he comes back with the ordinance it will be more detailed and targeted to help us create what would be a model of what the community needs to do to ensure animal welfare.

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:

- 21-093-5/10 – Community Corrections Act (CCA) Grant Renewal – Municipal Court
- 21-094-5/10 – Increase Expenditure – Baker Dublikar Beck Wiley & Matthews – Law Dept.
- 21-095-5/10 – Increase Expenditure – Walter Haverfield, LLP – Law Dept.
- 21-096-5/10 – Bids, Equipment & General Pavement Services – Service Dept.
- 21-097-5/10 – 2020 Audit Letter of Arrangement

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21-098-5/10 – SR 18 Corridor Water Line Modifications
21-099-5/10 – Easements – N. Broadway Bridge Replacement
21-100-5/10 – Bids, N. Broadway & Spring Grove Culvert Replacements

Reports of Municipal Officers:

Dennis Hanwell, Mayor

- A. Covid-19 - Medina County remains in red level. 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 Department website. All of your efforts, along with ongoing vaccine administration has greatly reduced the number of cases in our county as well as hospital admissions. Hope to be removed from red this Thursday, May 13th. Well done!
- B. July 4th activities - Fireworks will be set off at dark on July 3rd. If watching outside and cannot social distance from non-family members, then masks are required per the Health Department. The July 4th Parade will line up at west lot of Medina HS at 3 p.m., and parade starts promptly at 4 p.m. Again, if spectators and or parade participants cannot socially distance from non-family members, masks are required. **CANDY MAY NOT BE THROWN FROM VEHICLES!** Individually candy may be tossed to children but should be done so from six feet or more to keep safely distanced. We are asking all parade entries to display an American flag to honor our Independence Day". We ask for participants and spectator cooperation with above requirements as approval to host both events is dependent upon compliance with proper social distancing and mask wearing if not possible. We appreciate your anticipated compliance.
- C. Medina Community Band - planning to have a July 4th concert at the Bandstand area vs Gazebo to spatially distance. The concert is tentative provided they may find rehearsal location and is weather dependent. More details to follow.
- D. Issue 1 Passes - I am thankful and appreciative that the Medina City voters passed Issue 1 on May 4. We have been working on a resolution for space and safety issues at the Medina Municipal Court for over two decades. This approval will permit the city to partner with Medina County which makes the most sense both operationally and fiscally for both the city and the county. Thank you to the Medina city voters!
- E. Herb Porter passed away surrounded by his family May 6th. Please keep Phyllis and family in your thoughts and prayers at this time of loss.

Keith Dirham, Finance Director, reminded all residents that the City of Medina does have an income tax and that is collected for us by RITA. They are available at www.ritaoh.com and forms are also available there. Filing deadline for 2020 taxes was pushed back to May 17th to match the state and federal deadline. We have the bond issue which is the first two Ordinances on the agenda and he will address them when we get there. The American Rescue Plan Act Funds - There is an Ordinance here on the agenda tonight to create a fund for those. We have been advised by our Federal Government that our estimate for the City of Medina is about \$5 million dollars.

Greg Huber, Law Department, had no report.

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Chief Kinney, Police Department, stated that the Medina Police Department is hiring for the position of Patrol Officer. Interested candidates can find information and apply at www.medinaoh.org under the employment tab. Application deadline is May 26th and written test is June 2nd.

Chief Walters, Fire Department, had no report.

Kimberly Marshall, Economic Development Director, was absent.

Jonathan Mendel, Planning Community Director, had no report.

Dan Gladish, Building Official, had no report.

Jansen Wehrley, Parks and Recreation Director, was absent.

Nino Piccoli, Service Director, had no report.

Patrick Patton, City Engineer, announced this afternoon at the Board of Control they approved awarding and contract for the 2021 Concrete Street Repair Program and expect to get started with that in the next several weeks.

Notices, communications and petitions:

There were none.

Unfinished Business:

Ord. 55-21 (third reading)

An Ordinance authorizing the Law Director to prepare the necessary documentation for the transfer of City Lot 9374, PPN 028-19A-21-391 containing 0.1874 acres of land to the Medina City Development Corporation (CIC). Mr. Coyne stated they will vote on this eventually, the law director is preparing an agreement between the City of Medina and Medina CIC for the transfer of the property and reimbursement of the property based upon the appraisal being obtained. Once we get the final appraisal number that will be inserted into the agreement between the City of Medina and the CIC. The income tax generated by the project will also go to the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 055-21, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 055-21 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

Introduction of Visitors:

(speakers limited to 5 minutes)

Jeanne Pritchard resides on High Point Dr. She had a question about Ord. 80-21 and Ord. 81-21 and why the cost for Legal assistance is for \$90,000.

Mr. Huber stated he is not sure that these numbers are going to be what these bills from these lawyers amount to, but we have to put money into the account in order to have it available. Greg

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Beck from Baker Dublikar is the law firm assigned to us by our insurance company to defend the City and he has been asked to defend the City in a lawsuit filed by Mr. Jock and Mrs. Walker and he also defended the suit from Mr. Jock and Mrs. Walker that went to the Supreme Court and so the insurance company pays a part of that bill and there is a cap on what they pay for that and General Fund has to pick up the rest of that expense. The Walter and Haverfield firm is representing the Board of Zoning Appeals and zoning issue now pending. Greg stated he is presenting the evidence as the attorney for the City and he is advising the BZA. Because he is presenting the evidence, he cannot represent the BZA at the same time so that is what this is. Greg stated he is budgeted for \$45,000 and this is him requesting more.

Jeanne asked if the money to pay for the recent election came from the General Fund also. Mr. Coyne stated yes that comes from the general fund. John mentioned there were other things for the Townships as well. Keith stated he doesn't know if the City of Medina has even received the bill yet for the election. Mr. Rose also stated that there were 89 out of 121 precincts that had something on the ballots and the cost will be spread accordingly.

Stan Scheetz stated he is an attorney here in Medina and his offices is at 225 E. Liberty St. He resides at 342 East Liberty. He stated he has been a resident of Medina County since 1957. Law practice here for 47 years as well as 2 years before that clerking. Stan stated he loves the City of Medina and Medina County. It's been his home for 63 of his 74 years. Stan stated his clients who are primarily builders, developers and entrepreneurs, elected to terminate doing business with the City of Medina over twenty years ago after John Coyne became a councilman and Pam Miller began running the City of Medina with their band of Liberals and determined that there would be no more annexations to the City. His clients all grew and flourished and developed residential, commercial and multi family dwellings in the four surrounding Townships. Mr. Scheetz stated he believes it is time to look at term limits for city council of two terms or 8 years, and the Mayor for a maximum of 3 terms.

Introduction and Consideration of Ordinances and Resolutions:

Mr. Shields moved to suspend the rules requiring three readings on the following ordinances and resolutions, seconded by Mr. Simpson. Ord. 71-21, Ord. 72-21, Ord. 73-21, Ord. 74-21, Ord. 75-21, Ord. 76-21, Ord. 77-21, Res. 78-21, Ord. 79-21, Ord. 80-21, Ord. 81-21. The roll was called and the motion passed with the yea votes of D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Ord. 071-21:

An Ordinance providing for the issuance and sale of not to exceed \$11,655,000 of Bonds of the City of Medina, to refund certain portions of the City's outstanding bonds, authorizing related matters in connection therewith. Mr. Shields moved for the adoption of Ordinance/Resolution No. 071-21, seconded by Mr. Simpson. Mr. Dirham stated he would like to discuss this ordinance and the next ordinance together. Keith stated these two ordinances in conjunction are for a \$19 million dollar bond issue, it is a little over \$11.5 million in refinancing and a little under \$7.5 million in new money issued. We are doing this because we are able to save money by refinancing the bonds that are out, primarily due to shortening the term and also having very good credit ratings. The roll was called and Ordinance/Resolution No. 071-21 passed by the

yea votes of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 072-21:

An Ordinance providing for the issuance and sale of not to exceed \$7,345,000 of Bonds of the City of Medina, to pay costs of constructing, reconstructing, grading, draining, curbing and paving street improvements in the City, including all related improvements and necessary appurtenances thereto. Mr. Shields moved for the adoption of Ordinance/Resolution No. 072-21, seconded by Mr. Simpson. Mr. Rose stressed that this money can only be used for streets, sewers, sidewalks, curbs and water lines. The roll was called and Ordinance/Resolution No. 072-21 passed by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 073-21:

An Ordinance authorizing the Mayor to enter into an Agreement with the Ohio Department of Transportation (ODOT) for traffic signal maintenance of the State-owned traffic signal at SR 18 and Foote Road. Mr. Shields moved for the adoption of Ordinance/Resolution No. 073-21, seconded by Mr. Simpson. Mr. Patton stated ODOT will take over the maintenance of this light signal. We've sent them an invoice for our previous service and they need to have an active agreement in order to process the invoice. Agreement will end June 30th 2021. The roll was called and Ordinance/Resolution No. 073-21 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

Ord. 074-21:

An Ordinance authorizing the Mayor to enter into an Agreement with the Ohio Department of Transportation (ODOT) for the traffic signal maintenance of the State-owned traffic signal at US and Grande/Stonegate. Mr. Shields moved for the adoption of Ordinance/Resolution No. 074-21, seconded by Mr. Simpson. Mr. Patton stated they will have an ongoing agreement and send them a bill every year. The roll was called and Ordinance/Resolution No. 074-21 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and E. Heffinger.

Ord. 075-21:

An Ordinance authorizing the Mayor to enter into a Service Agreement with Armstrong Utilities, Inc. for a Fiber Dedicated Internet Access 40 Line at the Medina Municipal Court. Mr. Shields moved for the adoption of Ordinance/Resolution No. 075-21, seconded by Mr. Simpson. Mayor Hanwell stated the fiber internet from Armstrong is the backup to the Medina Fiber they are currently using. The roll was called and Ordinance/Resolution No. 075-21 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

Ord. 076-21:

An Ordinance accepting the donation of a 2009 Nissan Cube from South of the Square Collision Center for use as a D.A.R.E. vehicle for the Police Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 076-21, seconded by Mr. Simpson. Chief Kinney stated the Rick Strickland from South of the Square Collision had a vehicle that was crashed and

abandoned at his place of business and he wants to repair the vehicle and donate it to the Police Department for use as a D.A.R.E. vehicle. Chief thanked Rick for his generosity and ongoing support with the Police Department and City. Mr. Shields stated that Rick also does a lot for the Medina City Schools. The roll was called and Ordinance/Resolution No. 076-21 passed by the yeas of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

Ord. 077-21:

An Ordinance authorizing the Mayor to accept one (1) Easement necessary for the North Broadway Street Bridge Replacement Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 077-21, seconded by Mr. Simpson. Mr. Patton stated the City is planning on reconstructing the bridge on N. Broadway St. and we need to require three easements for this project and this is the first of those three easements. The roll was called and Ordinance/Resolution No. 077-21 passed by the yeas of D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Res. 078-21:

A Resolution authorizing the Mayor to submit a request for Federal Grant Funds for the State Road Reconstruction Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 078-21, seconded by Mr. Simpson. Mr. Patton stated that State Rd. is our next federally eligible road way. The roll was called and Ordinance/Resolution No. 078-21 passed by the yeas of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 079-21:

An Ordinance amending Sections 31.02 (B) (11), 31.05 and 31.07 of the Salaries and Benefits code of the City of Medina, Ohio relative to the Community Development Department, and accepting the Job Description of Code Enforcement Inspector. Mr. Shields moved for the adoption of Ordinance/Resolution No. 079-21, seconded by Mr. Simpson. Mr. Mendel stated this position is currently a part-time position and employee just resigned. The administration has evaluated the need for this position to become a full time position for zoning and property maintenance enforcer throughout the city. This position will be funded through carryforward as it is now. The roll was called and Ordinance/Resolution No. 079-21 passed by the yeas of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 080-21:

An Ordinance authorizing the increase of the expenditure to Baker Dublikar Beck Wiley & Matthews to \$55,000 for the Law Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 080-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 080-21, seconded by Mr. Simpson. Mr. Huber stated the Baker Firm represents the City on a couple pieces of pending litigation and they are assigned to us through our insurance liability carrier. The roll was called on adding the emergency clause and was approved by the yeas of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb. The roll was called and Ordinance/Resolution No. 080-21 passed by the yeas of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

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Ord. 081-21:

An Ordinance authorizing the increase of the expenditure to Walter Haverfield, LLP to \$35,000 for the Law Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 081-21, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 081-21 passed by the yeas of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and E. Heffinger.

Council Comments:

Mrs. Hazeltine thanked everyone that voted for Issue 1. The people have spoken and it feels really good. She offered her condolences to the Porter Family, and echoed Mr. Shields and Chief Kinney's praise of Rick Strickland.

Mr. Heffinger stated that three years ago he came before city council and it was a job he honestly didn't think he would get that night. Over the last couple of months, he has been talking with family and friends and he decided he is not going to run for re-election this coming fall. His term will be ending December 31st. Eric stated he loved what he has done here and all that he has learned and loved being a part of this community. He just needs more family time.

Mr. Rose thanked all the voters for passing Issue 1. Thank you to Nathan Case for all his hard work and everything he did. Condolences to the Porter Family and best wishes to Eric, he will be missed.

Mr. Lamb stated he has enjoyed working with Eric Heffinger and will continue to enjoy until he is gone. It's an interesting juggling act because of family. Bill shared a pencil drawing from a friend that was found in her attic of the clock tower on the court house. Bill spoke of Herb Porter and sent thoughts of sympathy. Bill also thanked Paul Rose for spearheading the campaign on Issue 1 that enabled us to move forward with the courthouse project.

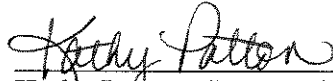
Mr. Coyne thanked the residents for giving them the direction that they wanted to move with respect to the court facility and now it is encumbered upon council and the judge to come up with a plan and enter into an agreement with the county as far as leasing the facility of the 1969 building. For the future, the 1969 building will remain a courthouse.

Mr. Simpson stated that he has enjoyed working with Eric and will continue to as long as his term lasts. Dennie stated he always states to be kind to one another and feels Eric is a perfect example of that because he is a tenure on council and has been very kind to all of us and to the constituents you have served and you will be missed.

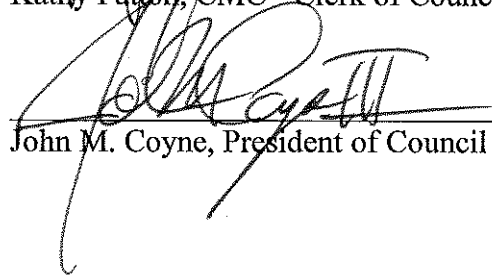
Mr. Simpson spoke of Mr. Scheetz's comments on serving limited terms, this body and the administration for the last year or two has been beat up pretty bad. For people that are interested in running for this position, understand some of the good things that you do go unnoticed because there will be too many people that do show up and just want to bash you. We really do try hard to do the best that we can. He appreciates all that voted yes on issue 1. Dennie offered his sympathy to the Porter Family. Herb Porter was a hard worker and a Pillar of this community.

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There being no further business, the meeting adjourned at 8:20 p.m.



Kathy Patton, CMC - Clerk of Council



John M. Coyne, President of Council