

MEDINA CITY COUNCIL
Monday, February 28, 2022

Call to Order:

Medina City Council met in regular session on Monday, February 28, 2022 at Medina City Hall. The meeting was called to order at 7:30 p.m. by Council President John Coyne III. who lead 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, R. Haire and J. Hazeltine.

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

Minutes:

Mr. Shields moved that the minutes from the regular meeting on Monday, February 14, 2022, as prepared and submitted by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the motion passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated the Finance Committee met prior to this evening's Council meeting and will meet again on Monday, March 14, 2022.

Health, Safety & Sanitation Committee: Mr. Simpson is looking to schedule a meeting sometime in April.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Bill Lamb had no report.

Streets & Sidewalks Committee: Ms. Haire rescheduled a meeting for Wednesday, March 16, 2022 at 5:30 p.m. here at City Hall.

Water & Utilities Committee: Mrs. Hazeltine is looking to schedule a meeting sometime in May.

Emerging Technologies Committee: Mr. Rose stated no news with the Emerging Technology Committee but will be having the kick-off meeting of the Emerging Technologies Advisory Committee sometime after the 22nd of March.

Requests for Council Action:

Finance

22-034-2/28 – Fund Transfer Request

22-035-2/28 – Budget Amendments

22-036-2/28 – Water Connection – 4615 Abbeyville

22-037-2/28 – 2021 Carryforward Ordinance

22-038-2/28 – MCRC Senior Activities Coordinator Job Description Amendment

22-039-2/28 – MCRC Marketing Job Description & Pay Rate Amendment

- 22-040-2/28 – Authorize Payouts of 2021 Unused Vacation Time
- 22-041-2/28 – Authorize Easements – West Smith Reconstruction
- 22-042-2/28 – Bids – Job #1105 – S. Court Water Tower Painting & Repairs
- 22-043-2/28 – Storm Water Operation & Maintenance Agreement – Touchstone Properties
- 22-044-2/28 – Storm Water Operation & Maintenance Agreement – Chick Fil A
- 22-045-2/28 – Amend Ord. 127-17, Pavilion Rental Fees
- 22-047-2/28 – Supreme Court of Ohio 2022 Tech Grant Application – Muni Court
- 22-048-2/28 – Right of Way Purchase – West Smith Reconstruction
- 22-049-2/28 – Authorize Lawsuit – Retrievox, Inc. & Access Information Management

Water & Utilities Committee

- 22-046-2/28 – Medina TV - Funding and Operations Options

Reports of Municipal Officers:

Dennis Hanwell, Mayor,

- A. 28th Annual Medina Ice Festival - was held Friday February 18 thru Monday February 21. Thankful to Elegant Ice Creations for continuing to host this event here. Our thanks to title sponsor Serpentine of Medina as well as the many other sponsors who make this event so successful. This year had exceptional crowds and over 120 ice carvings. All I have heard from local businesses was it was the greatest crowds and business support ever! Blessed.
- B. Congratulations to Police Chief Ed Kinney who recently attended the 14-month Certified Law Enforcement Executive program at the OH State Highway Patrol Academy in Columbus. Of the 25 attendees, Chief Kinney was selected to be awarded the Chief Michael Kallai award. The award is presented to the attendee that performed exceptionally in the CLEE academics as well as has an established record of community involvement. Chief Kinney surely does and we are very proud of him. Well done sir!
- C. Mayoral Proclamation for Lt. Dave Birckbichler recognizing his 27 years of service in our community serving on the Medina Police Department!

Keith Dirham, Finance Director, Keith reminded all residents that the city does have Municipal income tax with RITA. RITA-Ohio.com

Greg Huber, Law Department, Greg stated he will miss Lt. Birckbichler not being here.

Chief Kinney, Police Department, had no report but congratulated Lt. Dave Birckbichler on his retirement and wished him the best of luck in his future.

Chief Walters, Fire Department, had no report. Thanked Lt. Dave for helping him get through his first year and wishes him the best in his retirement.

Kimberly Marshall, Economic Development Director, congratulations to Lt. Dave on his retirement and best wishes to him, it's been a pleasure working with him.

Jansen Wehrley, Parks and Recreation Director, Jansen stated they do have the new program brochure out for the month of March. They are taking delivery of their new 10 treadmills this week. Jansen echoed what the other administration had said about Lt. Birckbichler.

Dan Gladish, Building Official, had no report but stated it has been a pleasure working with Dave Birckbichler and wished him well in his future.

Nino Piccoli, Service Director, congratulations to Lt. Dave Birckbichler, it's been a pleasure working with him all these years, he's a good guy to have around here and he will be missed.

Patrick Patton, City Engineer, Patrick stated he was notified by ODOT that they are going to start work on the RT18 project later this week. They will maintain two-way traffic at all times but they will be pushing traffic to the south side of the road for the time being.

The Spring Grove culvert project will start next week and will require shut down of Spring Grove for about 2 months starting March 7th.

Best wishes and congratulations to Lt. Dave Birckbichler, Pat stated he has always enjoyed working with him over the years even though he is a Steelers fan.

Andrew Dutton, Congratulations to Dave.

Confirmation of Mayoral appointment

Mayoral Proclamation to Lieutenant Dave Birckbichler

Notices, communications and petitions:

There were none.

Unfinished Business:

There was none

Introduction of Visitors:

Eric Stasiowski – gave a presentation to Council on the new Main Street Medina Strategic Plan. All of council congratulated Matt Wiederhold on his new endeavors with Heritage Ohio.

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. 021-22, Ord. 022-22, Ord. 023-22, Res. 024-22, Ord. 25-22, Res. 026-22, Ord. 027-22, Ord. 028-33, Ord. 029-22, Res. 030-22, Ord. 031-22, Ord. 032-22, Ord. 033-22, Ord. 034-22, Ord. 035-22, Ord. 036-22, Ord. 037-22, Ord. 038-22 and Ord. 039-22. The roll was called and the motion passed with the yea votes of P. Rose, J. Shields, D. Simpson,

J. Coyne, R. Haire, J. Hazeltine, and B. Lamb.

Ord. 021-22:

An Ordinance authorizing the Mayor to enter into a Developer Agreement with 5990 Branch Road LLC, an Ohio Limited Liability Company, pertaining to the Branch Road Infrastructure Improvements Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 021-22, seconded by Mr. Simpson. Mrs. Marshall stated the developer agreement outlines the city's responsibilities and the developer's responsibilities. The roll was called and Ordinance/Resolution No. 021-22 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

Ord. 022-22:

An Ordinance authorizing the expenditure to Technology Engineering Group LLC for the City Hall Server Upgrade Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 022-22, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 022-22, seconded by Mr. Simpson. Mayor Hanwell spoke on behalf of Sgt. Zaremba stating that the first one is a scale server architecture project, full server backbone and disaster recovery update. The current server and environment were done in 2013. This is a replacement of the entire backbone server farm. The Mayor explained this ordinance and the next, stating the need for the emergency clause is a supply chain effect and we need to get this on order to avoid the risk of having to wait later in the year to get these projects completed. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 022-22 passed by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 023-22:

An Ordinance authorizing the purchase of 24 Dell Computers, 24 Monitors, and 25 Microsoft Office 2019 Licenses from MNJ Technologies for various departments at the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 023-22, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 023-22, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 023-22 passed by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

Res. 024-22:

A Resolution commending Lieutenant David Birckbichler for his years of dedicated service to the City of Medina Law Enforcement and the Community. Mr. Shields moved for the adoption of Ordinance/Resolution No. 024-22, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 024-22 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire and J. Hazeltine.

Ord. 025-22:

An Ordinance authorizing the Mayor to solicit Requests for Proposals (RFP's) for Liability

and Property Insurance for the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 025-22, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 025-22, seconded by Mr. Simpson. Mayor Hanwell stated they found out their insurance company is no longer covering Municipalities which forced us to start this process. Emergency is needed due to our existing insurance policy expires on March 31st. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb. The roll was called and Ordinance/Resolution No. 025-22 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

Res. 026-22:

A Resolution accepting a donation from Murray and Sue Van Epp to be applied toward the purchase of twelve indoor bicycles for the Medina Recreation Center. Mr. Shields moved for the adoption of Ordinance/Resolution No. 026-22, seconded by Mr. Simpson. The Van Epp's agreed to fund \$19,152.00 which is enough to cover 12 Kaiser Bicycles to be placed in the newly renovated community room A at the rec center. Jansen Wehrley wanted to personally thank them for their contribution. Mr. Shields also thanked the Van Epps, stating they are so good to the city and do so many things to make this a better place to live and he appreciates them. The roll was called and Ordinance/Resolution No. 026-22 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

Ord. 027-22:

An Ordinance authorizing the Mayor to sign a Conflict of Interest Waiver between the City of Medina and McDonald Hopkins LLC related to the Lindenwood Lake Dam Improvement Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 027-22, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 027-22, seconded by Mr. Simpson. Mr. Huber stated the City of Medina became involved in assisting the property owners at Lindenwood Lake with the reconstruction of the dam, the riser that was built has some problems with it leaking and is also leaning to the side slightly. The issue is going to be taken up with the contractor who built the riser. We retained an expert for an analysis of what is wrong and what needs to be done to fix it. The attorneys who will represent the contractor who built the riser are from McDonald Hopkins. McDonald Hopkins is also the law firm that the City of Medina uses for our Bond Counsel. Mr. Huber stated he would like to try and resolved this situation with this attorney and in order to do that the council has to pass this waiver of the conflict of interest. The emergency is requested because they would like to get started on trying to resolve this soon, the weather is starting to break and coming into construction season. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 027-22 passed by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 028-22:

An Ordinance authorizing the purchase and installation of rubberized flooring in the balcony area above the Recreation Center's Main Fitness Room from Messina Floor Covering. Mr. Shields moved for the adoption of Ordinance/Resolution No. 028-22, seconded by

Mr. Simpson. Jansen Wehrley stated this project is to replace the rubberized flooring in the free weight area at the rec center. These will be 1” squares that will hold up to the abuse that comes with free weight area. Project will utilize carryforward funding, and he needs authorization for the Mayor to sign the contract. The total project amount is \$29,750.00. The roll was called and Ordinance/Resolution No. 028-22 passed by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

Ord. 029-22:

An Ordinance authorizing the Job Creation Grant Agreement for Expert Crane, Inc. Mr. Shields moved for the adoption of Ordinance/Resolution No. 029-22, seconded by Mr. Simpson. Purpose is to relocate their business to the City of Medina. This project will allow them to construct a manufacturing facility located at 5990 Branch Road. The roll was called and Ordinance/Resolution No. 029-22 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire and J. Hazeltine.

Res. 030-22:

A Resolution authorizing the filing of a 629 Roadwork Development Grant application with the Ohio Department of Development in conjunction with Jobs Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 030-22, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 030-22, seconded by Mr. Simpson. Kimberly Marshall stated if this is rewarded the grant will be used to improve Branch Road from Commerce Drive to the westerly limits of Medina City Lot 8875. The grant has an estimated value of up to \$85,000 covering 30% of eligible roadwork costs including engineering and design costs related to the Job Creation Project of Expert Crane Inc. Project budget is still being determined but estimated at \$325,730.00. If successful, the Mayor will be authorized to enter into an agreement with the Ohio Department of Development. The reason for emergency clause is this grant expires at the end of March and need approval through the state controlling board to secure. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb. The roll was called and Ordinance/Resolution No. 030-22 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

Ord. 031-22:

An Ordinance approving the Petition of South Town Center, LLC to be included within the City of Medina-Montville Township Joint Economic Development District pursuant to Ohio Revised Code Section 715.76. Mr. Shields moved for the adoption of Ordinance/Resolution No. 031-22, seconded by Mr. Simpson. Kimberly Marshall stated this is for South Town Center LLC located at 5827 Wooster Pike Road to join the JEDD. The project investment is estimated at \$6.6 million dollars to construct three retail buildings of various sizes. Kimberly stated they will have to amend the JEDD contract. The roll was called and Ordinance/Resolution No. 031-22 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

Ord. 032-22:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the Gates Mills Culvert Replacements Project. Mr.

Patton stated this for the project to replace the culvert on Gates Mills Blvd. Project estimate is \$531,000.00. We have an Ohio Public Works Grant that will cover \$485,000.00 of that cost. Mr. Shields moved for the adoption of Ordinance/Resolution No. 032-22, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 032-22 passed by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 033-22:

An Ordinance accepting the Construction Agreement for KMK Development, Developers of Phase 2 of the Woodside Green Subdivision as required in Section 1173.08 (c) and (d) of the Subdivision Code of the City of Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 033-22, seconded by Mr. Simpson. Mr. Patton stated this consists of 100 feet long installation street pavement to connect current two dead end streets. The roll was called and Ordinance/Resolution No. 033-22 passed by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 034-22:

An Ordinance authorizing the expenditure to Baker Dublikar Beck Wiley & Mathews for legal services provided to the Law Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 034-22, seconded by Mr. Simpson. Mr. Huber stated the attorneys who are provided to us by our liability insurance carrier are the attorneys with the Baker Dublikar law firm and are currently defending the City of Medina in four different pieces of litigation. The insurance policy provides a set amount of money that the insurance company will pay for attorney's fees, once that fund is depleted and the bill for defending the City falls upon the City of Medina and the General Revenue fund. This is a P.O. for \$60,000.00. The roll was called and Ordinance/Resolution No. 034-22 passed by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

Ord. 035-22:

An Ordinance authorizing the Mayor to execute a Purchase Agreement with Vern Frega and Danielle Frega for the purchase of the property located at 368 Foundry Street, Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 035-22, seconded by Mr. Simpson. Mr. Huber stated this is a purchase agreement that if council passes it will authorize the Mayor to buy this property from the sellers at a price of \$71,000.00. Jansen Wehrley requested this so that the property can be added to some of the park land that is adjacent to it. Mr. Coyne feels this will be a good addition to that area since we own the property all around it and this will complete it. He stated we are raising the building once we purchase it. Jansen noted the purchase will utilize American Rescue Plan funds. The roll was called and Ordinance/Resolution No. 035-22 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire and J. Hazeltine.

Ord. 036-22:

An Ordinance authorizing the Mayor to sign the Certificate of Compliance with Procurement Requirements and the Memorandum of Agreement between the Auditor of State Keith Faber, the City of Medina, and Rea & Associates, Inc. for the preparation of the 2021, 2022, 2023, 2024 and 2025 financial audits. Mr. Shields moved for the adoption of

Ordinance/Resolution No. 036-22, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 036-22, seconded by Mr. Simpson. Mr. Dirham stated this is for their audit that is now contracted out. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb. The roll was called and Ordinance/Resolution No. 036-22 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

Ord. 037-22:

An Ordinance authorizing the Finance Director to make certain fund transfers. Mr. Shields moved for the adoption of Ordinance/Resolution No. 037-22, seconded by Mr. Simpson. Mr. Dirham stated the fund transfer they are making is \$100,000.00 from the rec center fund to the rec center capital fund. This is pursuant to the Joint Operating Agreement that we have with the school. The roll was called and Ordinance/Resolution No. 037-22 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

Ord. 038-22:

An Ordinance amending Ordinance No. 201-21, passed December 13, 2021, (Amendments to 2022 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 038-22, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 038-22 passed by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 039-22:

An Ordinance authorizing the Mayor to solicit Requests for Qualifications (RFQ's)/Request for Proposals (RFP's) for consultant services for the PY22 City of Medina Community Housing Impact and Preservation Program (CHIP) and Community Development Block Grant (CDBG) Program applications including administration and implementation. Mr. Shields moved for the adoption of Ordinance/Resolution No. 039-22, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 039-22, seconded by Mr. Simpson. Andrew Dutton stated this is a request for the city to accept RFP's and RFQ's for consultant services. They again intend to make an application in partnership with the City of Brunswick. Emergency is needed due to application deadlines. The roll was called on adding the emergency clause and was approved by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 039-22 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire and J. Hazeltine.

Council Comments:

Mr. Coyne stated that another elected official passed away recently. Judge Mary Kovack was the Domestic Relations Judge for over 22 years. Condolences to her family.

Mr. Simpson congratulated Chief Kinney on his recent achievements. He thanked Lt. Birekbichler for everything he has given to this city, stating he had the pleasure and honor of working with Dave for his entire career on the Life Support Team and it had always been a pleasure.

Medina City Council
February 28, 2022

Regi Haire thanked Dave for his years of service and wished him well on his retirement. Her condolences to the Kovack family.

Jessica Hazeltine congratulated Dave Birckbichler on his retirement. She thanked everyone who came out to the Faith in Action Dancing with the Medina Stars. Faith in Action does provide transportation and other services for our elderly population and they announced this year that we are passing over to the Office of Older adults and formed a new committee called Compassion in Action.

She expressed that there is a lot of conflict between Russia and Ukraine but remember when you see a Russian person here in Medina they are not the people that are attacking the Ukraine, they are just as saddened as we are about what is happening.


Mr. Shields thanked Dave for all he has done for the city and thanked him for all the times he has helped him over the years. Jim stated he can't think of anyone more respected and appreciated than Dave at the Police Department.

Mr. Rose congratulated Dave on his retirement and thanked him for all the advice he has offered over the years. Paul echoed Ms. Hazeltine's words and support of the Ukrainian People. Congratulations to Chief Kinney.

Mr. Lamb spoke highly of Dave and wished him the best in his retirement stating he will clearly be missed. Congratulations to Ed Kinney. Bill spoke of restoration and preservation in the city. Demolition through neglect should never be allowed here in the city. This recent approval of demolition is the biggest disappointment he's had since he's been here. The idea of tearing something down in this 9-block historic district is absolutely unacceptable!

There being no further business, the meeting adjourned at 8:39 p.m.


Kathy Patton, Clerk of Council


John M. Coyne, President of Council

