

MEDINA CITY COUNCIL
Monday, September 12, 2022

6:45 p.m. Mayor Dennis Hanwell presented the State of the City Address to City Council

Call to Order:

Medina City Council met in regular session on Monday, September 12, 2022 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 R. Haire, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. Jessica Hazeltine was absent.

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

Minutes:

Mr. Shields moved that the minutes from the regular meeting on Monday, August 22, 2022, as prepared and submitted by the Clerk be approved, seconded by Mr. Simpson. The roll was called with the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

Reports of Standing Committees:

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

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

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report.

Streets & Sidewalks Committee: Mrs. Haire had no report.

Water & Utilities Committee: Mrs. Hazeltine was not present.

Emerging Technologies Committee: Mr. Rose had no report.

Requests for Council Action:

Finance Committee

22-194-9/12 – CHIP Grant Rehab Payment – 172 Normandy Dr. Brunswick

22-195-9/12 – Budget Amendments

22-196-9/12 – Repayment of Over-Charge to Hospital

22-197-9/12 – Donate Used Mitel Phones to Medina County Sheriff's Office

22-198-9/12 – Donate Used PC's to Medina City Schools

22-199-9/12 – Create New Internal Service Fund for IT & Related Issues

22-200-9/12 – Purchase 2023 Ford F-150 – Parks

22-201-9/12 – Modify ED & Marketing Manager Job Description

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22-202-9/12 – Expenditure Over \$15,000 – C&J Noble Construction
22-203-9/12 – Grant Application, Urban Canopy Restoration Grant Program
22-204-9/12 – RFP’s Drug Screen and Related Professional Services
22-205-9/12 – ODOT Consent Legislation – Bridge Inspection Program
22-206-9/12 – Expenditure – Cattman Co. Inc. – Rotunda Flooring (ARPA)

Reports of Municipal Officers:

Dennis Hanwell, Mayor, had no report.

Keith Dirham, Finance Director, stated there are a couple of items on the agenda that originated with Finance and he will address them as they go.

Greg Huber, Law Department, had no report.

Chief Kinney, Police Department, had a couple personnel updates with some promotions. Brian Wagner has been promoted to lieutenant, Officer Raven Ory has been promoted to Sergeant, and Officer Jim Tighe will be the new resource officer at Claggett Middle School, congratulations to all 3 of them.

Chief Walters, Fire Department, had no report.

Kimberly Marshall, Economic Development Director, this Friday, September 16th ribbon cutting events are: 11 a.m. – Stockman Learning Center Business expansion project at 620 E. Smith Rd., 4 p.m. – Medina Center for Dance Art (20th anniversary celebration)

Jansen Wehrley, Parks and Recreation Director, as of September 6th the outdoor pool and both splashpads are closed for the season. He thanked everyone for their support. He also thanked the American Legion Post #202, Sherwin Williams Protective Coatings and Marine Division as well as Armor Light Coatings for restoring our cannon in the square.

Dan Gladish, Building Official, had no report.

Nino Piccoli, Service Director, had no report.

Patrick Patton, City Engineer, the Concrete Street Repair Program is underway and expected to last another 8 weeks. Ray Mellert Park – parking lot and dog park is continuing and should be completed in about 3 weeks. Started repainting of the South Court elevated water tank and should last about 30 days. They will be bidding the West Smith Road Phase 4 Project, bidding next Wednesday, September 21st.

Mr. Toth, LST Director, Life Support Team had three members retire and those positions have been filled. For the month of August, they did 358 ambulance calls to the City of Medina which brings the year to date total of 2,356.

Andrew Dutton, The Historic Preservation Board, Planning Commission and Board of Zoning

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Appeals will hold a work session regarding the proposed hotel on South Court Street on Tuesday, September 20th at 6 p.m. in the Rotunda and is open to the public.

Cindy Lastuka, Municipal Court – No report.

Notices, communications and petitions:

There are none.

Unfinished Business:

There was none.

Introduction of Visitors:

In attendance were residents that both spoke for and against the deer culling ordinance.

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. Res. 155-22, Ord. 156-22, Ord. 157-22, Ord. 158-22, Ord. 159-22, Ord. 160-22, Res. 161-22, Ord. 162-22, Res. 163-22, Ord. 164-22, Ord. 165-22, Ord. 166-22, Ord. 167-22, Ord. 168-22, & Ord. 169-22. The roll was called and the motion passed with the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire. B. Lamb cast a nay vote.

Res. 155-22:

A Resolution authorizing the adoption of the 2022 Comprehensive Plan Update for the City of Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 155-22, seconded by Mr. Simpson. Mr. Dutton stated this is to update the most recent Comprehensive Plan. It has been a long process directed by our consultant for the project. Guided by a steering committee of 26 members, which included Councilmen Rose and Lamb. It has passed through the Planning Commission and Finance Committee. There was a slight revision on page 20 with a minor correction concerning background housing values. Mr. Lamb was pleased with OHM. Mr. Rose was pleased with the number and variety of age of people. Mr. Coyne stated this comprehensive plan gives council and administration the guidance in what direction and the vision we want for the city. The roll was called and Ordinance/Resolution No. 155-22 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, B. Lamb, and P. Rose.

Ord. 156-22:

An Ordinance establishing a OneOhio Opioid Settlement Fund #153 for the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 156-22, seconded by Mr. Simpson. Mr. Dirham stated they are required to create this fund to account for the money they get from this. The roll was called and Ordinance/Resolution No. 156-22 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, B. Lamb, P. Rose, and J. Shields.

Ord. 157-22:

An Ordinance authorizing the Mayor to advertise for the auction, sale or disposal of city equipment and vehicles no longer in use. Mr. Shields moved for the adoption of Ordinance/Resolution No. 157-22, seconded by Mr. Simpson. Mr. Piccoli stated this is scheduled

for Saturday, October 22nd at the city garage located 781 West Smith Road with auction starting at 10 a.m. and preview is at 9 a.m. Numerous police vehicles, tools, items from the park and rec center and court will be auctioned off. The roll was called and Ordinance/Resolution No. 157-22 passed by the yea votes of J. Coyne, R. Haire, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 158-22:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the South Court Street Curb Replacement Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 158-22, seconded by Mr. Simpson. Mr. Patton stated this will replace curbs on South Court Street starting south of Lafayette Rd. heading south. Several trees will have to be removed in order to complete this project. They will reach out to all the property owners and advise them ahead of time of the tree situations. Mr. Lamb mentioned this being a 2-part program working in conjunction with the Sidewalk program. Mr. Patton stated that any trees that have to be removed will be replaced after the project. The roll was called and Ordinance/Resolution No. 158-22 passed by the yea votes of R. Haire, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 159-22:

An Ordinance authorizing the Job Creation Grant payments to Carlisle Brake & Friction / Friction Products. Mr. Shields moved for the adoption of Ordinance/Resolution No. 159-22, seconded by Mr. Simpson. Mrs. Marshall stated the payment is in the amount of \$51,750.06 for two job creation grants that were expansion projects. The roll was called and Ordinance/Resolution No. 159-22 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

Ord. 160-22:

An Ordinance authorizing the Job Creation Grant payments to Sandridge Food Corporation. Mr. Shields moved for the adoption of Ordinance/Resolution No. 160-22, seconded by Mr. Simpson. Mrs. Marshall stated the payment is in the amount of \$36,875.00 for two job creation grants. Both were for expansion projects. Regi Haire will abstain from voting due to this being her employer. The roll was called and Ordinance/Resolution No. 160-22 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, and B. Lamb. R. Haire abstained.

Res. 161-22:

A Resolution authorizing the Mayor to approve and receive grant assistance from the Ohio Criminal Justice Services Grant for reimbursement for Coronavirus pandemic associated expenses for the Medina Municipal Court. Mr. Shields moved for the adoption of Ordinance/Resolution No. 161-22, seconded by Mr. Simpson. Cindy Lastuka stated due to the COVID pandemic the Municipal Court has a backlog on warrants and these funds will help offset any payroll costs to get those caught up. The roll was called and Ordinance/Resolution No. 161-22 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, B. Lamb, and P. Rose.

Ord. 162-22:

An Ordinance amending Section 505.11 of Chapter 505 of the Codified Ordinances of the City of Medina authorizing a nuisance abatement initiative for both short-term control and

long-term control and reduction of the white-tailed deer population in coordination with the Ohio Department of Natural Resources and contiguous, adjoining, political subdivisions that opt for a similar plan for nuisance abatement. Mr. Shields moved for the adoption of Ordinance/Resolution No.162-22, seconded by Mr. Simpson. Mr. Wehrley reviewed the municipal deer control permit information sheet they have as part of the packet including additional rules and regulations. Chief Kinney reiterated that hunting is by permit only once all the program requirements are fulfilled. Hunting will only take place on private property with permission from the property owner. All hunting locations will be inspected by police officers signed off by him. Inspections will be conducted through a lens of public safety and very restrictive. Hunter check-ins are required before and after hunting. Any violations of the rules of the program will result revocation of any permits that were issued and possible criminal charges. Violation of this ordinance is a 1st degree misdemeanor punishable up to 6 months in jail and \$1,000 fine. No hunter is permitted to trespass on any property that they don't have written permission to be on. Hunters who violate this are also subject to revocation of their permit and potential charges for criminal trespass. Criminal Trespass in the State of Ohio is a 4th degree misdemeanor, up to \$250.00 fine and jail for 30 days.

Bill Lamb made a motion to table the current proposal for further review and consideration of measures and limitations that would provide for better safety through more specific regulations. Motion died for lack of a second.

Mr. Lamb made a motion to amend the ordinance by limiting the hours of hunting for those permitted to those hours that school students are not traveling to and from school or likely to be at a school bus stop. Motion died for lack of a second.

Mr. Lamb made a third motion to amend the ordinance to exclude hunting on residential property, property of public or private schools, churches, cemeteries and locations frequented by the public and adjacent properties. Motion died for lack of second.

Mr. Lamb proposed a fourth motion to amend the ordinance to include all properties adjacent to properties granted a permit for hunting, that those properties must be notified in writing prior to the issuance of a permit. Motion died for lack of second.

Mr. Lamb made a fifth motion to table the ordinance, mail a hard copy of this ordinance to every resident, and then put the issue on the ballot in order to let the proposal stand or fall by a vote. Motion died for lack of second.

John Coyne added that from his observations, he has been involved from the beginning from Mr. Lamb's Special Legislation meetings, and even prior to that, going all the way back to the ward meetings. We've heard different things and different opinions from various sides such as the ordinance should have additional provisions added to it and his understanding or take on it is that he has listened to everybody and have read the ordinance, there is a provision in the ordinance that he thinks is important and he feels it has not drawn enough attention in Section 3 of the ordinance revised that we are going to implement a non-lethal program together with the culling program. He stated he believes that Mr. Bill Lamb is working on that, and we should have more information

on that to adopt something that is more comprehensive from a non-lethal perspective. Culling alone is not the solution to the deer problem in our community it is going to take everything we have in our tool box to make sure we investigate and do all that is possible to provide the safety of residents and the safety of the deer. This is going to take years to develop. If people think we are going to cull this year and it's going to solve the problem that is not going to happen.

This ordinance may pass tonight and Mr. Coyne stated he feels comfortable enough listening to the Police Chief and Parks Director with all the rules and regulations, with the implementation of this ordinance, that we have done with the utmost safety in mind and he also feels that the deer that will be harvested throughout this process hopefully will be done in the utmost respectful manner by the hunters. He has a belief that this can be accomplished in a way we want this to occur and has confidence and trust in the administration for the implementations. The roll was called and Ordinance/Resolution No. 162-22 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, P. Rose, and J. Shields. Bill Lamb cast a nay vote.

Res. 163-22:

A Resolution authorizing a loan application with the State of Ohio, Ohio Public Works Commission relative to a water system improvement project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 163-22, seconded by Mr. Simpson. Mr. Patton stated every year they apply for and usually accept a grant from the Ohio Public Works Commission. In addition to the grant program, they have a loan program and are requesting to participate in it. This would be a \$510,000.00 loan, it's a 20-year 0% interest loan and will be used to improve our water system on West Washington Street and South Elmwood. The roll was called and Ordinance/Resolution No. 163-22 passed by the yea votes of J. Coyne, R. Haire, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Mr. Huber took the floor and raised a question on the deer ordinance stating he may have missed it, but he didn't hear a motion to adopt the ordinance and did not hear a second. Do we have that in the minutes because he did not catch it.

Mr. Coyne asked Clerk of Council, Kathy Patton if there was a motion and a second. Kathy stated yes.

Mr. Huber asked who made motion and who seconded it, because he didn't hear it and suggested council make a motion and second to adopt the ordinance.

Mr. Coyne stated they did make the motion and seconded it. John stated every time they do an ordinance Mr. Shields moves to approve that ordinance and Mr. Simpson seconds it and then John asks for discussion and that is exactly how it happened.

Mr. Huber asked if that was before the discussion, and Mr. Coyne stated yes that is correct and he is 100% positive. Mr. Coyne suggested looking at the tape again before the end of the meeting.

Ord. 164-22:

An Ordinance authorizing the Mayor to enter into an agreement between the Medina County

Commissioners and the City of Medina, Ohio pertaining to the operation and maintenance of the City's sanitary sewer system. Mr. Shields moved for the adoption of Ordinance/Resolution No. 164-22, seconded by Mr. Simpson. Mr. Patton stated in 1972 the city and county entered into an agreement whereas the county would operate and maintain the city sanitary sewer system and that was a 50-year agreement which expires on December 31st of this year, and in anticipation of that Mayor Hanwell, Greg Huber and himself met with the county and the county prosecutor's office to craft a new agreement. It essentially is the same as the old one with some minor changes and it is an additional 50-year agreement.

Mr. Huber suggested this be passed subject to his approval because there is one issue he would like to talk to the prosecutor about before this is signed. Mr. Shields moved to amend his motion to include subject to the final approval of the Law Director, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 164-22 passed by the yea votes of R. Haire, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Council President John Coyne asked Matt Tomek from Medina TV to go back and check to see if Ordinance 162-22 had a motion and was seconded, so they can alleviate Mr. Huber's concern about the adoption of Ordinance 162-22.

Ord. 165-22:

An Ordinance amending Ordinance No. 120-22, passed June 8, 2022, relative to the contract for the emergency SR 18 waterline extension. Mr. Shields moved for the adoption of Ordinance/Resolution No. 165-22, seconded by Mr. Simpson. Mr. Patton stated in conjunction with the ODOT project and SR18 after a number of significant breaks, Council authorized an emergency replacement waterline on SR18 in the area of the Hospital. At that time the estimated cost was just an estimate because we had not figured the total extent of the repair. \$80,000 was approved and the final cost was a little over \$138,000.00, which is why we are asking for the addition right now. The roll was called and Ordinance/Resolution No. 165-22 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

Ord. 166-22:

An Ordinance authorizing the purchase of various fitness equipment from Design2Wellness for the Medina Community Recreation Center. Mr. Shields moved for the adoption of Ordinance/Resolution No. 166-22, seconded by Mr. Simpson. Mr. Wehrley stated this is to purchase several pieces of fitness equipment through the Matrix/Johnson Health Tech North America on the National Cooperative Purchasing Alliance Contract #08-23 through the dealer Design2Wellness. Jansen stated they are also requesting to apply a used equipment trade of \$6,200.00. This equipment purchase will upgrade existing equipment in the free weight area. Total amount purchase is for \$51,021.93 and they are purchasing this using carryforward funds. The roll was called and Ordinance/Resolution No. 166-22 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, and B. Lamb.

Ord. 167-22:

An Ordinance authorizing the expenditure of \$33,660.00 to Fire Safety Services Inc. for the purchase of twelve (12) sets of Turn Out Gear for use by the Fire Department. Mr. Shields

moved for the adoption of Ordinance/Resolution No. 167-22, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 167-22, seconded by Mr. Simpson. Chief Walters stated this is to bring some of the fire fighters back into date. The majority of their gear is beyond or approaching the 10-year NFPA guideline. The vendor agreed to hold the beginning of the years price point if we could get this through. Additionally this was taken to our attorney that manages the ARPA funds, and they did agree this was an approved purchase. The emergency clause is for the price hold. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, B. Lamb, and P. Rose. The roll was called and Ordinance/Resolution No. 167-22 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, B. Lamb, P. Rose, and J. Shields.

Ord. 168-22:

An Ordinance authorizing the payment to C & J Noble Construction for the Private Home Rehabilitation at 172 Normandy Dr., Brunswick, as part of the PY20 CHIP Grant Program.

Mr. Shields moved for the adoption of Ordinance/Resolution No. 168-22, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 168-22, seconded by Mr. Simpson. Mr. Dutton stated the request amount is for \$72,000, which is a few hundred over the contractor's estimate. Emergency is for the contractor to get the project started. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, R. Haire, B. Lamb, P. Rose, J. Shields, and D. Simpson. The roll was called and Ordinance/Resolution No. 168-22 passed by the yea votes of R. Haire, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 169-22:

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. 169-22, seconded by Mr. Simpson. Mr. Dirham stated this is the ARPA Funds and the increase in appropriations for fuel for all the departments to buy fuel. The roll was called and Ordinance/Resolution No. 169-22 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

Mr. Coyne asked Mr. Tomak if he had an answer after reviewing the tape. Matt stated in order to do that, council would have to take a quick break, because in order for him to go back on a tape he has to stop the recording.

Council Comments:

Mr. Simpson stated that tonight has been a long night, it's been a long several months. Everyone here has listened to comments on both sides of the culling issue. Dennie stated he has never been a hunter and does not even own a gun and if he had to kill what he had to eat, he would be a vegetarian. He does believe there is a problem and he is confident that the ordinance that was passed tonight with the direction from the Police Chief and the Parks Director, that safety is going to be of the utmost concern. We can always amend as we move forward if there is a problem that arises, and he is not talking a safety problem, he is talking about any other problem that occurs with any ordinance that we pass. He feels this has been vetted very thoroughly. Debate is a positive thing.

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It doesn't matter what side of the issue you are on, and it doesn't matter what political affiliation, just be kind to one another. Hate has no place in this city.

Ms. Haire stated we are not going to agree on everything, but that is why there are seven on council. She respects opinions and respects her coworkers as they are and their opinions but thinks collectively they could do this in a safe manner.

Mr. Shields stated on a high note for the Police Department, he is excited for the three promotions. Jim stated he will miss Sergeant Ory at Claggett Middle School, she did a great job! Jim said he is very thankful for the SRO Program in the school system and is looking forward to Officer Tighe being there, and also excited for Lt. Wagner, he has always known him to be a fine member of the Medina Police Department.

Jim thanked everyone for attending tonight's meeting and appreciates everyone's input and thoughts and especially appreciates people that had good appropriate conversations and tried to keep this respectful and professional. We do care and we do want to listen and we will continue to do those things. We will tweak this program if it needs to be tweaked. Jim apologized on behalf of the Ward 3 & Ward 4 meeting if somebody thinks that we were being disrespectful, he was trying to keep things moving that night and making sure the residents of ward 3 & 4 which the ward meetings are designed for, had a chance to speak. There was already a ward 1 & 2 meeting earlier this year where we did listen to residents from wards 1 & 2.

Mr. Rose congratulated the officer promotions. Mr. Rose mentioned the "Stop Government Waste Committee" and their total is at \$92,000.00 in wasted government money for all the lawsuits brought against the city in which the city has won 4 out of the 5 so far with one still in process, all with creating some false hysteria.

Mr. Lamb stated this isn't actually about let's all be positive or let's all get a long well or let's be kind, what this is really about to him is we are not supposed to make decisions based on the size of the crowd or the survey that ODNR took. We make decisions on what we have deemed to be the very best thing we can do for this community. Mr. Lamb feels this was all pieced together outside of the Special Legislation Committee. He stated what bothers him the most about this whole thing has absolutely nothing to do with the deer, it's all about the behavior, not the behavior of the people in the audience but the behavior here.

Presidents John Coyne checked with Matt from Medina TV on the adoption of Ordinance 162-22 and he did not hear any motion or second.

Mr. Coyne stated he would entertain a motion to reconsider Ordinance 162-22, and be put back on the floor for discussion.

Mr. Shields motioned to reconsider the adoption of Ordinance/Resolution No. Ord. 162-22, seconded by Mr. Simpson. The roll was called to reconsider Ordinance/Resolution No. 162-22 and the motion passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, and B. Lamb.

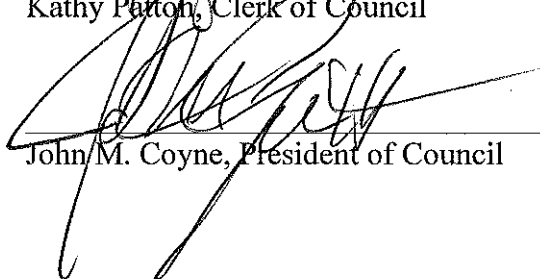
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There being no further business, the meeting adjourned at 9:54 p.m.



Kathy Patton, Clerk of Council



John M. Coyne, President of Council