

MEDINA CITY COUNCIL
Monday, September 26, 2022

Public Hearing

To consider amending Sections 1137.02 and 1137.04 of the Planning and zoning Code regulating Principally Permitted Uses and Conditionally Permitted Uses in the C-3 (General Commercial) zoning district.

The proposed amendment removes “Wholesale Establishment” from Principally Permitted Uses allowed in Section 1137.02. The amendment also adds Wholesale Establishments as a Conditionally Permitted Use when smaller than 10,000 sq. ft. in size in Section 1137.04.

Mr. Dutton stated this use is permitted in the industrial districts. This requires a wholesale establishment in the C-3 district to receive conditional use approval from the Planning Commission and be smaller than 10,000 sq. ft.

No one spoke against the proposed amendments.

Public hearing closed at 7:30 p.m.

Call to Order:

Medina City Council met in regular session on Monday, September 26, 2022 at Medina City Hall. The meeting was called to order at 7:30 p.m. by Council President Pro-Tem Jim Shields who led in the Pledge of Allegiance.

Roll Call:

The roll was called with the following members of Council present R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson. John Coyne III was present as Acting Mayor.

Also present were the following members of the Administration: Acting Mayor – John Coyne, 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. Simpson moved that the minutes from the regular meeting on Monday, September, 12, 2022, as prepared and submitted by the Clerk be approved, seconded by Mr. Rose. The roll was called and the motion passed by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, 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 on Tuesday, October 11, 2022.

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

Public Properties Committee: Mr. Shields had no report but stated he and Jansen Wehrley are working on an October date to have a meeting for public properties.

Special Legislation Committee: Mr. Lamb had no report.

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

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

Emerging Technologies Committee: Mr. Rose had no report.

Requests for Council Action:

Finance Committee

22-207-9/26 – Budget Amendments

22-208-9/26 – Amend Code Sec. 505.07 – Cruelty to Animals Generally (a)

22-209-9/26 – Grant Application – Body-Worn Cameras - Police

22-210-9/26 – Master Services Agreement w/ Medina County Port Authority – Fiber Circuit

22-211-9/26 – Revocable Use Permit – Fencing & Stairs on City Parking Lot Property

22-212-9/26 – ARPA Funding for Permanent Supportive Housing Approval

22-213-9/26 – Donation to Farmers and Hunters Feeding the Hungry

22-214-9/26 – Resolution of Support – Champion Creek Connector Project

22-215-9/26 – Increase Exp. – Kokosing P.O. 2022-689 – Service Dept.

22-216-9/26 – Storm Water Operation and Maintenance Agreement – Taco Bell

22-217-9/26 – Bids, Job #1124: Fire Station #1 Parking Lot Replacement

22-218-9/26 – Bids, Job #1097: City Railroad Drainage & Crossing Improvements

22-219-9/26 – Easements – Gates Mills Bridge Replacement

22-220-9/26 – Increase P.O. #2022-1083, Emergency Railroad Repair

22-221-9/26 – ARPA – Approve Small Business Workforce Assistance Grants

22-222-9/26 – Increase P.O. #22-1077 to \$24,000 – Fire Dept.

22-223-9/26 – Amend S&B Code, Chief Building Official Compensation

Reports of Municipal Officers

John Coyne III, Acting Mayor – Stated Council is doing a heck of a job for the city. John thanked the department heads, they had a department head meeting to discuss some issues as it relates to council and there was some good info that he will pass it on as they move through some of these ordinances and resolutions from the finance committee coming up.

Keith Dirham, Finance Director, stated there are a few items from finance on the agenda, and he will address them as they come up.

Greg Huber, Law Department, had no report.

Chief Kinney, Police Department, had no report.

Chief Walters, Fire Department, stated the department's annual Open House and safety day is on Saturday, October 15, 2022 at 11 a.m. to 2 p.m. at Fire Station #1 on West Reagan Parkway. Great event for kids and families with a lot of safety information.

Kimberly Marshall, Economic Development Director, had no report.

Jansen Wehrley, Parks and Recreation Director, provided the Municipal Deer Control Permit information so that the public is aware of what is going to be required, it is also listed on the Medina County Website under Parks.

Dan Gladish, Building Official, had no report.

Nino Piccoli, Service Director, reminded all of the City Auction being held Saturday, October 22nd at the city garage, 781 West Smith Road at 10 a.m. with the preview beginning at 9 a.m.

Patrick Patton, City Engineer, had no report.

Andrew Dutton, had no report.

Confirmation of Mayor's appointments

Historic Preservation Board – Matt Weiderhold (1st Alternate) – term 12/31/22 - 12/31/26
Kevin Hutchinson (2nd Alternate) – term 12/31/22 - 12/31/26

Mr. Simpson moved to approve, seconded by Mr. Rose. The roll was call and approved by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and R. Haire.

Notices, communications and petitions:

There are none.

Unfinished Business:

There was none.

Introduction of Visitors:

Tammy Kirby, resides at 246 W. Friendship St. She stated she would like the residents to understand the deer petition that is currently being sent around to be signed. If you agree with the ordinance that was voted on in city council, there is no need for you to sign or put your signature on the deer petition.

Krista Wasowski, Health Commissioner at the Medina County Health Department. Krista stated she resides at 5981 Derby Drive and that she came to ask for support of the Levy renewal that will be on the ballot November 8th. She stressed that this is just a renewal and will not be affected by re-appraisals, it is a fixed cost levy. The Health Department provides health education, immunizations, food inspections which protects all of us continuously. They have expanded low cost medical and dental services, they now provide cribs, car seats for program eligible families. Still issued birth and death certificates throughout the pandemic when other health departments shut that down or only issued once a week. They maintained all of their services without missing a beat. Families needed them and they were there for them.

Mr. Shields read a letter sent in by Dolly Yowler a city resident.

Many people against the culling of the deer in the City of Medina, just seemed to have gotten on board regarding this topic. I have attended committee, Finance and Council meetings for many

years. If not in person, always watch on Medina Live TV or on cable.

So many people who want to delay the already passed ordinance, I have never seen before at any meetings or heard of their names until this topic has come up. Not saying all; but most of them. Some who have spoken at the last few meetings, seem to think and say they are not being listened to by council and the administration. Where were these same people when the topic came up decades ago? In my opinion, they do not pay attention to what takes place in all of the City of Medina or they would have come forward prior to just the last 4 mos.

Many of the people against culling, say they love animals and the deer were here before us. Also, I keep hearing that elderly people enjoy watching the deer. The same can be said regarding flowers, plants, gardens, etc.

Some people might have a deceased loved one who planted their last tree, planted their last flowers, or planted their last garden together only to have the deer destroy all of the items. Some people might have had a relative help them plant the same; there is not only the cost of losing the plants, flowers, bushes, trees, etc., but the sentimental value is lost. Some people think of taking care of a nice yard, as therapy and enjoyment which is being taken away by the deer.

Trying to stop the already passed city ordinance, will only delay doing anything that will help not only the residents but also the deer. If people truly care about the animals, they will care about the diseases they can spread to one another, to others' animals or to people.

There are several places around the city that no matter how slow one drives, you cannot always see them popping out of low laying areas or out of trees. A prime example is where the fairly new bridge is on Guilford. I can't tell you how many times I have seen deer jump out and over the bridge area and then into the road and the same with several running into the road from the aligned trees.

Every topic cannot be placed on the ballot. There have been other hot topics that council has voted on and I may not have agreed on but didn't protest and demand it go on the ballot.

If this topic goes on the ballot, will the anti-cullers even accept the vote if it does not go their way? So many already have said they don't believe the count of the deer from when there were studies done in the past. They don't believe the ODNR on their stats so if they were to get the topic placed on the ballot and it is not voted their way, will they still be in disbelief?

Introduction and Consideration of Ordinances and Resolutions:

Mr. Simpson moved to suspend the rules requiring three readings on the following ordinances and resolutions, seconded by Mr. Rose. Res. 170-22, Res. 171-22, Ord. 172-22, Ord. 173-22, Res. 174-22, Ord. 175-22, Ord. 176-22, Ord. 177-22, Ord. 178-22, Ord. 179-22, and Ord. 180-22. The roll was called and the motion passed with the yea votes P. Rose, J. Shields, D. Simpson, R. Haire and J. Hazeltine. B. Lamb casted a nay vote.

Res. 170-22:

A Resolution donating used City of Medina Mitel phones and hardware to the Medina County Sheriff's Office. Mr. Shields moved for the adoption of Ordinance/Resolution No. 170-

22, seconded by Mr. Simpson. Chief Kinney stated they did a recent upgrade with their phones and service. Their old equipment which is at end of life is compatible with the Sheriff's Department equipment so they are donating the remaining inventory they have to get them along until they come up with a new solution as well. The roll was called and Ordinance/Resolution No. 170-22 passed by the yea votes of P. Rose, J. Shields, D. Simpson, R. Haire, J. Hazeltine, and B. Lamb.

Res. 171-22:

A Resolution donating used City of Medina Dell Optiplex PC's to the Medina City Schools.

Mr. Shields stated that he knows on a pretty regular basis as they replace and upgrade their computers they have tried to donate the ones that are still workable and have some value to them to the Medina City Schools and Buckeye Schools. This group of computers are going to the Medina City Schools and he will be abstaining from voting due to Medina City Schools being his employer. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 171-22, seconded by Mr. Rose. The roll was called and Ordinance/Resolution No. 171-22 passed by the yea votes of D. Simpson, R. Haire, J. Hazeltine, B. Lamb, and P. Rose. J. Shields abstained.

Ord. 172-22:

An Ordinance authorizing the purchase of one (1) 2023 Ford F150 Pickup Truck from National Auto Fleet Group for the Parks Department. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 172-22, seconded by Mr. Rose. Mr. Simpson moved that the emergency clause be added to Ordinance/Resolution No. 172-22, seconded by Mr. Rose. Mr. Wehrley stated this is through the Sourcewell cooperative purchasing contract. This vehicle is replacing a 2009 GMC truck that was identified for replacement through the 2022 budgeting process. The emergency clause is requested in order to secure current pricing. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 172-22 passed by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 173-22:

An Ordinance amending Section 31.07 of the Salaries and Benefits Code of the City of Medina, Ohio adopting the revised Job Description for the Economical Development and Marketing Manager. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 173-22, seconded by Mr. Rose. Mrs. Marshall stated this request is to make modifications to the Economic Development Marketing Manager position. These modifications are to better reflect the work and tasks associated with this position. The roll was called and Ordinance/Resolution No. 173-22 passed by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and R. Haire.

Res. 174-22:

A Resolution authorizing the Forestry Department to file an application for the Urban Canopy Restoration Grant Program through the Ohio Department of Natural Resources, Division of Forestry. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 174-22, seconded by Mr. Rose. Mr. Wehrley stated this grant is to increase urban canopy cover in the State of Ohio. Jansen would like to apply for this grant with the total project amount being \$15,000.00 with a 50% match. Total grant amount applying for is \$7,500 and will focus this project in the area surrounding Ward 1, specifically Ray Mellert Park to try and get some larger trees planted in that

area. If the grant funds are awarded to the city we are asking that the mayor be authorized to accept those. The emergency clause is requested because the grant application is due by October 14th. Mr. Simpson moved that the emergency clause be added to Ordinance/Resolution No. 174-22, seconded by Mr. Rose. The roll was called on adding the emergency clause and was approved by the yeas votes of B. Lamb, P. Rose, J. Shields, D. Simpson, R. Haire and J. Hazeltine. The roll was called and Ordinance/Resolution No. 174-22 passed by the yeas votes of P. Rose, J. Shields, D. Simpson, R. Haire, J. Hazeltine, and B. Lamb.

Ord. 175-22:

An Ordinance authorizing the Mayor to solicit Requests for Proposals (RFP's) for Drug Screening and Associated Professional Services for the employees of the City of Medina. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 175-22, seconded by Mr. Rose. Mr. Coyne stated this is annual for drug screening and professional services associated with Medina City employees. The roll was called and Ordinance/Resolution No. 175-22 passed by the yeas votes of J. Shields, D. Simpson, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

Ord. 176-22:

An Ordinance authorizing the Mayor to execute Consent Legislation with the Ohio Department of Transportation (ODOT) to implement the Municipal Bridge Inspection Program. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 176-22, seconded by Mr. Rose. Mr. Simpson moved that the emergency clause be added to Ordinance/Resolution No. 176-22, seconded by Mr. Rose. Mr. Patton stated they are required to inspect their roadway bridges every year. This is a renewal for ODOT to do the inspecting with no cost to us. Emergency is requested due to late notification and needs to be returned to ODOT by the end of the month. The roll was called on adding the emergency clause and was approved by the yeas votes of D. Simpson, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 176-22 passed by the yeas votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 177-22:

An Ordinance authorizing the reimbursement of \$344,265.00 to Medina Hospital, A Cleveland Clinic Hospital, for an over-charge for rubbish containers. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 177-22, seconded by Mr. Rose. Mr. Dirham stated a number of years ago the hospital changed the way they handled their trash which involved the elimination of some containers that they were renting from the city and the elimination of the collection of those containers, that information eluded the Finance Department and so they continued to be billed for those containers and for their periodical removal for a number of years to the amount of the \$344,265.00. Having met with them, the proposal is the City will pay back half of it (\$172,265.00) as soon as this ordinance takes effect and then \$86,000 each in August 2023 and August 2024. The roll was called and Ordinance/Resolution No. 177-22 passed by the yeas votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and R. Haire.

Ord. 178-22:

An Ordinance establishing an Information Technology Fund (#688) for IT and related issues. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 178-22, seconded by Mr. Rose.

Mr. Dirham stated this creates a new fund, it will get it's funding by billing back the departments that it serves. The roll was called and Ordinance/Resolution No. 178-22 passed by the yeas votes of B. Lamb, P. Rose, J. Shields, D. Simpson, R. Haire and J. Hazeltine.

Ord. 179-22:

An Ordinance authorizing the Finance Director to make certain fund advances. Mr. Simpson moved for the adoption of Ordinance/Resolution No. 179-22, seconded by Mr. Rose. Mr. Dirham stated this is to advance \$75,000 from the General Fund to the newly created internal service fund. The roll was called and Ordinance/Resolution No. 179-22 passed by the yeas votes of P. Rose, J. Shields, D. Simpson, R. Haire, J. Hazeltine, and B. Lamb.

Ord. 180-22:

An Ordinance amending Ordinance No. 201-21, passed December 13, 2021. (Amendments to 2022 Budget). Mr. Simpson moved for the adoption of Ordinance/Resolution No. 180-22, seconded by Mr. Rose. The roll was called and Ordinance/Resolution No. 180-22 passed by the yeas votes of J. Shields, D. Simpson, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

Council Comments:

Mr. Simpson spoke on the impending hurricane in Florida and hopes everyone stays safe. He also asked to keep the people of Ukraine in your thoughts and prayers and be kind to one another.

Ms. Hazeltine encouraged everyone to vote for the Health levy, she stated she has utilized many of their services.

Ms. Haire echoed Ms. Hazeltine on the Health levy, she also has utilized some of their services in the past and was unaware of all their services they have to offer.

Mr. Shields thanked Krista and the Health Department stating they were a huge asset to the schools during the pandemic. We are very lucky to have them.

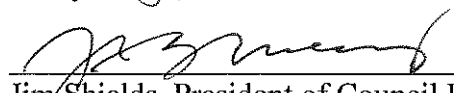
Mr. Rose also spoke in favor of the Health Department levy.

Paul spoke regarding the charitable donation that was passed in Finance for the Hunters and Farmers to help give harvested deer to the Feeding Medina County organization when deer are donated. This is an opportunity for those who don't have meat on a regular basis to be able to put some on their table. This is a great opportunity to help our community.

There being no further business, the meeting adjourned at 8:07 p.m.



Kathy Patton, Clerk of Council



Jim Shields, President of Council Pro-Tem

