

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

March 22, 2021
Medina City Hall – Council Rotunda
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (March 8, 2021)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

Liquor Permit:

Not to object to the issuance of a new C2 permit to Rivalry Brews LLC dba Rivalry Brews, 1st Floor, 124 Lafayette Rd. #101.

Unfinished business.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Motion to suspend the Rules requiring three readings on the following ordinances and resolutions:

Ord. 39-21, Res. 40-21, Ord. 41-21, Ord. 42-21, Ord. 43-21, Ord. 44-21, Ord. 45-21, Res. 46-21, Ord. 47-21, Ord. 48-21.

Ord. 39-21

An Ordinance authorizing the Mayor to execute a Memorandum of Understanding with the Medina County Board of Commissioners and the City of Medina, for Medina TV Production Services of County programming.

(emergency clause requested)

Res. 40-21

A Resolution authorizing the application for grant assistance from the Supreme Court of Ohio for the 2021 Technology Grant for the Medina Municipal Court.

Medina City Council
March 8, 2021

Ord. 41-21

An Ordinance amending Section 31.14 (L) of the Salaries and Benefits Code of the City of Medina, Ohio relative to Sick Leave.

Ord. 42-21

An Ordinance amending Section 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Building Official paygrade.

Ord. 43-21

An Ordinance amending Ordinance No. 157-20, passed September 14, 2020, relative to the West Liberty Storm Sewer Improvement / City Hall Parking Deck Detention Project.
(emergency clause requested)

Ord. 44-21

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the 2021 Concrete Street Repair Program.

Ord. 45-21

An Ordinance authorizing the Final Resolution and execution of all documentation between the Ohio Department of Transportation and the City of Medina for the SR 18 Corridor Improvement Project.
(emergency clause requested)\

Res. 46-21

A Resolution authorizing the Ohio Regional Development Corporation on behalf of the City of Medina, Ohio to file an application for grant assistance through the PY2020 Targets of Opportunity Cares Act (CDBG-CV) Grant funding.
(emergency clause requested)

Ord. 47-21

An Ordinance authorizing the expenditure to the Ohio Regional Development Corporation (ORDC) for the administration of the PY2020 Community Housing Impact and Preservation (CHIP) Program.

Ord. 48-21

An Ordinance amending Ordinance No. 217-20, passed December 14, 2020. (Amendments to 2021 Budget)

Ord. 49-21

An Ordinance authorizing the Mayor to enter into an agreement with USI Insurance Services LLC for the City's Property and General Liability Insurance for the period of April 1, 2021 through March 31, 2022.
(emergency clause requested)

Council comments.

Adjournment.

MEDINA CITY COUNCIL
Monday, March 08, 2021

Call to Order:

Medina City Council met in regular session and on Monday, February 8, 2021 at Medina City Hall with Mr. Coyne and Ms. Hazeltine attending remotely. The meeting was called to order at 7:30 p.m. by President of Council John Coyne. Eagle Scout Brandon Fisher led in the Pledge of Allegiance.

Roll Call:

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

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

Minutes:

Mr. Shields moved that the minutes from the regular meeting on Monday, February 22, 2021, as prepared and submitted by the Clerk be approved. The roll was called and the motion passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, J. Coyne, and J. Hazeltine.

Reports of Standing Committees:

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

Health, Safety & Sanitation Committee: Mr. Simpson was not present.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb will be holding a Special Legislation meeting at 4:30 p.m., March 9, 2021 to discuss changes to demolition as well as feeding of wild animals.

Streets & Sidewalks Committee: Mr. Heffinger had no report.

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

Emerging Technologies Committee: Mr. Rose has no meeting scheduled but they do have the software on order for SSI for the new budgeting.

Requests for Council Action:

- 21-045-3/8 – Grant Application – 2021 Tech Grant, Municipal Court
- 21-046-3/8 – Contract – Administrator for PY20 CHIP Grant – ORDC
- 21-047-3/8 – Amend S&B Code 31.14 – Sick Leave
- 21-048-3/8 – Amend S&B Code 31.05 – Pay Adjustment for Building Official
- 21-049-3/8 – Amend Ord. 157-20, Parking Deck Detention System Estimate
- 21-050-3/8 – Bids, 2021 Concrete Street Repair – Job #1088
- 21-051-3/8 – Final Resolution & Certificate – SR 18 Improvement Project
- 21-052-3/8 – Contract w/ ODOT – SR 18 Corridor Improvement Project

Medina City Council
March 08, 2021

- 21-053-3/8 – Grant Application – CDBG-CV Targets of Opportunity Grant
- 21-054-3/8 – Special Event Vendor Fees – MCRC
- 21-055-3/8 – Program & Activity Rate Change Proposal – MCRC
- 21-056-3/8 – Request to amend 2021 Civil Service Budget

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 websites. Recent health advisory from MCHD Krista Wasowski recommends that Medina County residents should remain at home as frequently as possible to assist in curtailing the spread of COVID of late. All of your efforts, along with ongoing vaccine administration has greatly reduced the number of cases in our county as well as hospital admissions. Well done!
- B. Fiber to the home - Please take survey at this link- www.Medina.LitCommunities.net
- C. Foundry Social - Great article in the March 1, 2021 Crain's Cleveland Business Magazine highlighting the Foundry Social!
- D. Congratulations to Friends of the Cemetery- Spring Grove Cemetery being awarded Level II Accreditation by the Arbnat Arboretum Accreditation Program and the Morton Arboretum. First and only Arboretum in Medina County. Well done!
- E. Welcome new Fire Chief Larry Walters- Larry was sworn in as Chief in private ceremony on Monday, March, 1, 2021, to give him authority to carry out his Chief's functions. We then had a public oath on Thursday, March 4, 2021 at 10am. Chief Walters scored number one on the list after very competitive testing. Please join me in welcoming Fire Chief Larry Walters. I would respectfully ask Council to confirm his appointment to Fire Chief this evening.
- F. Proclamation for Eagle Scout Brandon Scott Fisher with Res. 31-21

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 ritaoh.com and forms are also available there. As far as we know, the deadline is not going to be extended like last year, so be prepared to file before April 15th.

Greg Huber, Law Department, had no report.

Chief Kinney, Police Department, had no report.

Chief Walter, Fire Department, had no report.

Kimberly Marshall, Economic Development Director, was not present.

Jonathan Mendel, Planning Community Director, had no report.

Dan Gladish, Building Official, was not present.

Jansen Wehrley, Parks and Recreation Director, stated the Rec Center Advisory Committee meetings have been changed from the 3rd Thursday of every month to the 2nd Thursday at 7:30 a.m. beginning March 11, 2021. They are scheduled to open the spa in the leisure pool area on March 15th with new rules in place following sector specific operating requirements. Jansen acknowledged the Friends of the Cemetery for their financial contribution and work in attaining level two accreditation through the Arbnet Arboretum Accreditation Program and the Morton Arboretum. Check out the Facebook page or www.medinarec.org for more information.

Nino Piccoli, Service Director, had no report.

Patrick Patton, City Engineer, stated that ODOT recently awarded the project for the State Route 18 Corridor improvement and this will start in the city just west of Albert Drive and extend into the township near 71 to just past Nettleton Rd. Project begins in April and will last two construction seasons. For the next two years you can expect some traffic delays and construction zones.

Confirmation of Mayor's appointments

Fire Chief – Larry Walters (appointed 3/1/2021)
Mr. Shields moved to confirm the Mayor's appointment, seconded by Mr. Rose. Roll was called and passed by the yeas votes of B. Lamb, P. Rose, J. Shields, J. Coyne, J. Hazeltine, and E. Heffinger.

Medina County Advisory Council on Aging – Linda Williams (City Rep.) – Exp. 3/31/2024
Mr. Shields moved to confirm the Mayor's appointment, seconded by Mr. Rose. Roll was called and passed by the yeas votes of P. Rose, J. Shields, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb.

Notices, communications and petitions:

There are none.

Unfinished Business:

There is none.

Introduction of Visitors:

Nathan Case resides at 513 E. Washington in Medina.

Nathan expressed that throughout the last year we have experienced lasting stagnation on both political and social life, without the ability to make a change. We all stand for something, we all have a voice. We need to start in our small community. Nathan spoke of the ballot vote on Issue #7, stating the results of the vote halted any expenditures and blocked city officials from using any resources to plan on the east side of the Medina square. Nathan understands the motive and the current litigation but the fact of the matter is it is not responsible to stand idle we should still plan, we should still push forward and as a city collective need to foresee future needs and address the current problems. Stagnation will serve no party any benefit.

We need to plan for a Municipal Court, we the citizens have an idea and with the county help can achieve all of our past goals. Need a volunteer bi-partisan committee to discuss our future.

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. 31-21, Ord. 32-21, Ord. 33-21, Ord. 34-21, Res. 35-21, Res. 36-21, Ord. 37-21, Ord. 38-21. The roll was called and the motion passed with the yea votes of J. Shields, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

Res. 031-21:

A Resolution congratulating Brandon Scott Fisher on attaining the rank of Eagle Scout (Project Learn) Mr. Shields moved for the adoption of Ordinance/Resolution No. 031-21, seconded by Mr. Simpson. Brandon was presented with a resolution on obtaining the rank of Eagle Scout. The Mayor presented Brandon with a City of Medina proclamation. Mrs. Hazeltine stated that she spoke with Angie from Project Learn and she was very excited about his project. If anyone wants to look on the Project Learn FaceBook page there is a photo of Brandon with the giant book case. Angie spoke very highly of Brandon Fisher. Mr. Shields stated that he has known Brandon for many years, he is his poinsettia salesman every year for Boy Scouts. The roll was called and Ordinance/Resolution No. 031-21 passed by the yea votes of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Ord. 032-21:

An Ordinance authorizing the Mayor to advertise for competitive bids and to award a contract to the successful bidder for Project #946C: Ray Mellert Fitness Trail, Phase 2. Mr. Shields moved for the adoption of Ordinance/Resolution No. 032-21, seconded by Mr. Simpson. Jansen Wehrley stated this project is phase two of the Community Development Block Grant. The engineer estimate for the project is around \$60,000.00. This is using some of the funds they reallocated from the grant. The roll was called and Ordinance/Resolution No. 032-21 passed by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and J. Coyne.

Res. 033-21:

A Resolution authorizing the filing of an Application for Grant Assistance with the Ohio Rail Development commission (ORDC). Mr. Shields moved for the adoption of Ordinance/Resolution No. 033-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 033-21, seconded by Mr. Simpson. Mr. Patton stated the track area north of State Rt. 18 has been battling some run off issues for many years, and they hope to get funding to replace the grate crossing on State Rt. 18 near AI Root. Asking for emergency clause due to money moving fast and the sooner they act the better chance they have of getting funding. The roll was called on adding the emergency clause and was approved by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, J. Coyne, and J. Hazeltine. The roll was called and Ordinance/Resolution No. 033-21 passed by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, J. Hazeltine, and E. Heffinger.

Ord. 034-21:

An Ordinance authorizing the payment to Software Solutions, Inc. (SSI) for annual support services for the City's VIP Professional Accounting System. Mr. Shields moved for the adoption of Ordinance/Resolution No. 034-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 034-21, seconded by Mr. Simpson. Mr. Dirham stated this is their renewal with SSI and the emergency clause is needed because the effective period begins March 1st. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb. The roll was called and Ordinance/Resolution No. 034-21 passed by the yea votes of J. Shields, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

Res. 035-21:

A Resolution donating used Medina TV and City of Medina equipment to Medina County. Mr. Shields moved for the adoption of Ordinance/Resolution No. 035-21, seconded by Mr. Simpson. Mr. Fry stated this is for equipment that used to reside here in the rotunda before the renovation project. Instead of sending it to auction for pennies on the dollar, they would like to donate it to the County Commissioners in which they are working on a memo of understanding at this point to use this equipment and hopefully to continue an agreement to televise their meetings. The roll was called and Ordinance/Resolution No. 035-21 passed by the yea votes of J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields.

Res. 036-21:

A Resolution authorizing an Application for Grant Assistance from the Federal Aviation Administration (FAA) for FAA CRRSAA Airport Funding. Mr. Shields moved for the adoption of Ordinance/Resolution No. 036-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 036-21, seconded by Mr. Simpson. Mr. Patton stated this is their second award from COVID relief funds from the Federal Government. Last year we received \$30,000 in funding for the airport and this year we are eligible to receive \$13,000.00. Emergency clause is being requested because the FAA intends on beginning distribution of these funds in mid-March. The roll was called on adding the emergency clause and was approved by the yea votes of J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, J. Shields, and J. Coyne. The roll was called and Ordinance/Resolution No. 036-21 passed by the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

Ord. 037-21:

An Ordinance authorizing the expenditure of \$10,000.00 to the Medina County Society for the Prevention of Cruelty to Animals (SPCA) for animal related services for the year of 2021. Mr. Shields moved for the adoption of Ordinance/Resolution No. 037-21, seconded by Mr. Simpson. Mr. Rose stated that Medina City does not have an animal warden and the SPCA does provide us a service in helping us rid the city of unwanted animals. This is our contribution to help them with their over \$300,000.00 budget they have every year. The roll was called and Ordinance/Resolution No. 037-21 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and E. Heffinger.

Ord. 038-21:

An Ordinance amending Ordinance No. 3-21, passed January 11, 2021, relative to the purchase of one (1) 2021 Ford Explorer from Lebanon Ford for the Police Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 038-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 038-21, seconded by Mr. Simpson. Chief Kinney stated this is an increase, the state bid transferred at the beginning of the year and it was during their council process and meanwhile the dealership has increased the price by the requested amount \$481.60. The emergency clause is requested so that is no additional delays. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, J. Coyne, J. Hazeltine, E. Heffinger, and B. Lamb. The roll was called and Ordinance/Resolution No. 038-21 passed by the yea votes of J. Shields, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, and P. Rose.

Council Comments:

Mr. Shields officially welcomed Chief Walters. He stated he had the honor of sitting in on his interview, and from a very impressive group of candidates, Larry rose to the top. Congratulations and good luck, the department is in good hands.

Mr. Rose welcomed Larry Walters to the city and has heard so much good about him.

Mrs. Hazeltine stated in Councilman Simpson's absence she would like to say be kind to everyone. Jess recognized that it is International Women's Day and this year theme is "choose to challenge". Through challenge comes change and she wants to encourage every female out there to challenge themselves and change the things they see as far as inequality that is directed towards women.

Mr. Lamb welcomed Chief Walters, stating Larry has served the city for a long time and served well. Bill thanked the Medina County Health Department for the work they have done with the distribution of the vaccine.

There being no further business, the meeting adjourned at 8:03p.m.

Kathy Patton, CMC - Clerk of Council

John M. Coyne, President of Council

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7403935		N		RIVALRY BREWS LLC DBA RIVALRY BREWS 1ST FL 124 LAFAYETTE RD #101 MEDINA OH 44256
PERMIT NUMBER		TYPE		
09 29 2020				
ISSUE DATE		FILING DATE		
C2				
PERMIT CLASSES				
52	077	C	C86957	
TAX DISTRICT		RECEIPT NO.		

FROM 03/08/2021

PERMIT NUMBER		TYPE	
ISSUE DATE		FILING DATE	
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 03/08/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN.

04/08/2021

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **C N 7403935**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF MEDINA CITY COUNCIL
132 NORTH ELMWOOD AVENUE
MEDINA OHIO 44256**

ORDINANCE NO. 39-21

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE MEDINA COUNTY BOARD OF COMMISSIONERS AND THE CITY OF MEDINA, FOR MEDINA TV PRODUCTION SERVICES OF COUNTY PROGRAMMING, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Mayor is hereby authorized and directed to execute a Memorandum of Understanding with the Medina County Board of Commissioners for Medina TV to provide presentation of local meetings involving the County of Medina, and additional issues involving local County government, commencing on February 25, 2021.

SEC. 2: That a copy of the Memorandum of Understanding is marked Exhibit A, attached hereto and incorporated herein.

SEC. 5: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 6: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason this Memorandum of Understanding is effective February 25, 2021; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council Pro-Tem

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Acting Mayor

AGREEMENT

This Agreement made on the _____ day of _____, 2021, between the **CITY OF MEDINA**, a municipal corporation, having its principle place of business at 132 North Elmwood Avenue, Medina, Ohio 44256, and the **MEDINA COUNTY BOARD OF COUNTY COMMISSIONERS**, a body politic, having its principle place of business at 144 North Broadway Street, Medina, Ohio 44256, in consideration of the mutual covenants and agreements set forth below, the parties agree as follows:

1. **Background.** The City of Medina manages television programming known as Medina TV; local government access is provided by Medina TV as a result of television broadcasting of local government meetings and other television programming that involves local government officials, government employees, and other issues related to local government. The City of Medina and the Medina County Board of County Commissioners wish to enter into agreement for presentation of local meetings involving the County of Medina and additional issues involving local county government. Medina TV is currently in a position to provide a broadcasting service to the County of Medina so as to broaden government access television programming.
2. **Scope of Service.** The City of Medina and Medina TV agree to provide staff for the benefit of the Medina County Commissioners so as to produce and broadcast Medina County Commissioners' meetings. Medina TV will provide the staff and the initial equipment necessary to complete the television broadcast of Medina County Commissioners' meetings. Medina TV will, in addition, distribute and air any rebroadcast of the aforementioned Medina County Commissioners' meetings.
3. **Compensation.** As compensation for services rendered by the City of Medina and Medina TV pursuant to this Agreement, the County of Medina agrees to pay to Medina TV personnel an hourly rate of Fifty-Two Dollars (\$52) per hour for each hour that Medina TV staff work in the taping and production of Medina County Commissioners' meetings. The Fifty-two (\$52) per hour charge shall also apply to any additional programming and production services associated with the broadcast of Medina County Commissioners' meetings. The City of Medina shall submit an invoice to the County of Medina on a quarterly basis for all services rendered during the preceding quarterly billing period, and the County of Medina will make payment within thirty (30) days after receipt of said invoice.

There may be an additional equipment use rate assessed for services rendered pursuant to this Agreement dependent upon the scope of work requested by the County of Medina. The additional equipment use rate shall be agreed upon, in writing, in advance by the City of Medina and the County of Medina.

4. **Capital Improvement.** The Medina County Board of County Commissioners shall establish and maintain a Ten Thousand Dollar (\$10,000) capital improvement fund for purchase of new equipment and maintenance of equipment used in the broadcast and production of Medina County government access programming and used in the broadcast of Medina County Commissioners' meetings. The use of monies from the capital improvement fund shall be agreed upon by the parties, in writing, so as to meet future technology needs. The Medina County

Board of County Commissioners shall promptly carry out purchases agreed to in writing by the parties.

5. **Term.** The term of this Agreement shall commence on February 25, 2021, which is the date Medina TV began to render services to the County of Medina, and terminate within a period of one (1) year after the date of the signing of this Agreement. This Agreement will automatically renew from year to year unless the party that desires to terminate the agreement at the end of the term provides ninety (90) days' written notice before the end of the then current term.

6. **Termination.** This Agreement may be terminated by either party upon ninety (90) days' written notice to the other party. Termination shall not prejudice any remedy that the terminating party may have at law or in equity.

7. **Effect of Termination upon Compensation.** If this Agreement is terminated prior to the completion of the term specified in this Agreement, the City of Medina shall be entitled to compensation earned prior to the date of termination as provided for in this Agreement completed upon a pro rata basis. The City of Medina shall be entitled to no further compensation as of the date of termination. Funds in the capital improvement fund will be reimbursed to the party that paid it.

8. **Agreement Review.** This Agreement will be evaluated on a yearly basis by the City of Medina, the County of Medina, and Medina TV. Any alterations to this Agreement shall be discussed and completed in writing as necessary. This Agreement may be renewed upon written agreement of the parties.

Signed and acknowledged by the parties hereto the day and year first above written.

CITY OF MEDINA, OHIO

By: _____
DENNIS HANWELL, Mayor

COUNTY OF MEDINA, OHIO

By: _____
STEPHEN D. HAMBLEY, County Commissioner

By: _____
WILLIAM F. HUTSON, County Commissioner

By: _____
COLLEEN M. SWEDYK, County Commissioner

Approved as to Form and Correctness:

GREGORY A. HUBER
Law Director, City of Medina

MICHAEL K. LYONS
Chief Assistant, Civil Division
Medina County Prosecutor's Office

RESOLUTION NO. 40-21

A RESOLUTION AUTHORIZING THE APPLICATION FOR GRANT ASSISTANCE FROM THE SUPREME COURT OF OHIO FOR THE 2021 TECHNOLOGY GRANT FOR THE MEDINA MUNICIPAL COURT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the filing of an Application for Grant Assistance from the Supreme Court of Ohio for the 2021 Technology Grant, is hereby authorized for the Medina Municipal Court.

SEC. 2: That if the Grant is awarded to the City of Medina Municipal Court, the Mayor is authorized to accept the grant and execute any and all documentation associated with said grant.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council Pro-Tem

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Acting Mayor

ORDINANCE NO. 41-21

AN ORDINANCE AMENDING SECTION 31.14 (L) OF THE SALARIES AND BENEFITS CODE OF THE CITY OF MEDINA, OHIO RELATIVE TO SICK LEAVE.

WHEREAS: Section 31.14 (L) of the Salaries and Benefits Code of the City of Medina, Ohio presently reads as follows:

SECTION 31.14 SICK LEAVE.

(L) **A City employee may elect, at the time of retirement from the active service and with ten (10) or more years of service with the City, to be paid in cash for 37.5% of the value of his accrued but unused sick leave credit.** Such payment shall be based on the employee's rate of pay at the time of retirement. Payment for sick leave credit on this basis shall be considered to eliminate all sick leave credit accrued by the employee at the time. Such payment shall be made only once to any employee. The maximum payment that may be made under this section shall be four hundred (400) hours. (Ord. 97-14)

In the event of the death of a full time employee, the estate may request payment for 37.5% of the value of the accrued but unused sick leave credit as described above provided the employee has five (5) or more years of service with the City. The maximum payment that may be made under this section shall be four hundred hours (400 hours). (Ord. 97-14)

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That Section 31.14 (L) of the Salaries and Benefits Code of the City of Medina, Ohio shall be amended to read as follows (with the new addition in bold & underlined):

SECTION 31.14 SICK LEAVE.

(L) **A City employee providing two-weeks notification and continuing to work that two-week period, may elect, at the time of retirement and/or resignation from active service with the City and with ten (10) or more years of full-time service with the City, to be paid in cash for 37.5% of the value of his accrued but unused sick leave credit.** Such payment shall be based on the employee's rate of pay at the time of retirement. Payment for sick leave credit on this basis shall be considered to eliminate all sick leave credit accrued by the employee at the time. Such payment shall be made only once to any employee. The maximum payment that may be made under this section shall be four hundred (400) hours. (Ord. 97-14, **Ord. 41-21**)

In the event of the death of a full time employee, the estate may request payment for 37.5% of the value of the accrued but unused sick leave credit as described above provided the employee has five (5) or more years of service with the City. The maximum payment that may be made under this section shall be four hundred hours (400 hours). (Ord. 97-14)

SEC. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 3: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council Pro-Tem

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

ORDINANCE NO. 42-21

AN ORDINANCE AMENDING SECTION 31.05 OF THE SALARIES AND BENEFITS CODE OF THE CITY OF MEDINA, OHIO RELATIVE TO THE BUILDING OFFICIAL PAYGRADE.

WHEREAS: Section 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio, pertaining to the Community Development Department Building Official pay grade presently reads in part as follows:

COMMUNITY DEVELOPMENT DEPARTMENT

<u>Number</u>	<u>Classification</u>	<u>Steps Authorized</u>
1	Community Development Director	Pay Grade 122
1	Economic Development Director	Pay Grade 112
1	Building Official	Pay Grade 113
1	Building Dept. Admin. Assist.	7 A-F
1	Economic Development/Planning Admin. Asst.	7 A-F
1	Building/Property Maintenance Inspector	16 A-F per contract
1	Code Enforcement Inspector	93A
1	Clerk (part-time)	Sec. 31.02(B)(11)
1	Economic Development & Marketing Manager	Pay Grade 110

Ord. 41-06, 88-06, 99-09, 82-10, 152-02, 153-02, 2-04, 21-04, 33-04, 7-06, 22-11, 25-11, 76-11, 134-11, 151-11, 2-12, 14-12, 130-13, 120-14, 114-15, 41-17, 158-18

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That Section 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio pertaining to the Community Development Department Building Official pay grade shall be amended to read as follows:

COMMUNITY DEVELOPMENT DEPARTMENT

<u>Number</u>	<u>Classification</u>	<u>Steps Authorized</u>
1	Community Development Director	Pay Grade 122
1	Economic Development Director	Pay Grade 112
1	Building Official	Pay Grade 113 Pay Grade 114
1	Building Dept. Admin. Assist.	7 A-F
1	Economic Development/Planning Admin. Asst.	7 A-F

1	Building/Property Maintenance Inspector	16 A-F per contract
1	Code Enforcement Inspector	93A
1	Clerk (part-time)	Sec. 31.02(B)(11)
1	Economic Development & Marketing Manager	Pay Grade 110

Ord. 41-06, 88-06, 99-09, 82-10, 152-02, 153-02, 2-04, 21-04, 33-04, 7-06, 22-11, 25-11, 76-11, 134-11, 151-11, 2-12, 14-12, 130-13, 120-14, 114-15, 41-17, 158-18, **42-21**

SEC. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 3: That this Ordinance shall be in full force and effect at the earliest period allowed by law

PASSED: _____

SIGNED: _____
President of Council Pro-Tem

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Acting Mayor

ORDINANCE NO. 43-21

AN ORDINANCE AMENDING ORDINANCE NO. 157-20, PASSED SEPTEMBER 14, 2020, RELATIVE TO THE WEST LIBERTY STORM SEWER IMPROVEMENT/CITY HALL PARKING DECK DETENTION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS: Ordinance No. 157-20, passed September 14, 2020, authorized the bidding of the West Liberty Storm Sewer Improvement/City Hall Parking Deck Detention Project; and

WHEREAS: All bids received were significantly higher than the original estimate of \$156,625.00 and further review has determined that \$204,000.00 would be a more appropriate estimate; and

WHEREAS: The City Engineer requests that Ordinance No. 157-20, passed September 14, 2020 be amended to reflect the increased estimate.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That Section 2 of Ordinance No. 157-20, passed September 14, 2020 shall be amended to read as follows:

That the estimated cost of the project, in the amount of \$204,000.00, is available as follows: \$129,000.00 in Account No. 108-0610-54411, and \$75,000.00 in Account No. 301-0725-54412.

SEC. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 3: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to get the project completed prior to the start of construction of the adjacent Liberty View project; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council Pro-Tem

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Acting Mayor

ORDINANCE NO. 44-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR COMPETITIVE BIDS AND TO AWARD A CONTRACT TO THE SUCCESSFUL BIDDER FOR THE 2021 CONCRETE STREET REPAIR PROGRAM.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Mayor is hereby authorized and directed to advertise for competitive bids and to award a contract to the successful bidder for the 2021 Concrete Street Repair Program in accordance with specifications on file in the office of the Mayor.

SEC. 2: That the estimated cost of the contract, in the amount of \$500,000, is available as follows: \$475,000 in Account No. 108-0610-54411 and \$25,000 in Account No. 513-0533-54414.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____
President of Council Pro-Tem

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Acting Mayor

ORDINANCE NO. 45-21

AN ORDINANCE AUTHORIZING THE FINAL RESOLUTION AND EXECUTION OF ALL DOCUMENTATION BETWEEN THE OHIO DEPARTMENT OF TRANSPORTATION AND THE CITY OF MEDINA FOR THE SR 18 CORRIDOR IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS: Ordinance No. 166-20, passed September 28, 2020, authorized Preliminary Legislation between the City of Medina and the Ohio Department of Transportation for the City's portion of the SR 18 Corridor Improvement Project, PID No. 92953; and

WHEREAS: The Director of Transportation has approved said legislation and the City of Medina desires the Director of Transportation to proceed with the aforesaid highway improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Medina City Council hereby authorizes the Final Resolution for the US 42 Corridor Improvement Project, PID No. 92953, and authorizes the Mayor and Clerk of Council to execute said Final Resolution. A copy of the Final Resolution is marked Exhibit A, attached hereto and incorporated herein.

SEC. 2: That the sum of \$70,210.00 is available in Account No. 108-0610-54414 and the Director of Finance is hereby authorized to execute the Fiscal Officer's Certificate, marked Exhibit B, attached hereto and incorporated herein, and issue said check.

SEC. 3: That the Mayor is hereby authorized to execute the Contract for said project. A copy of said Contract is marked Exhibit C, attached hereto and incorporated herein.

SEC. 4: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

SEC. 5: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 6: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the project is anticipated to start shortly; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council Pro-Tem

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Acting Mayor

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Medina**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the **28th day of September, 2020**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of the widening and reconstruction of S.R. 18 between approximately 320 feet west of Alber Drive and the easternmost Medina corporation limit and the construction of a 10-foot multi-use path, including sidewalk, curb ramps, drainage, water work, a structure, a culvert, traffic signals, signage, and pavement markings, lying within the City of Medina; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **Seventy Thousand Two Hundred Ten and - - - 00/100 Dollars, (\$70,210.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **Seventy Thousand Two Hundred Ten and - - - - 00/100 Dollars, (\$70,210.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that the **Mayor** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 20____.

Legislative Authority of the
City of **Medina**, Ohio

Mayor

Clerk (Secretary Ex-Officio)

SEAL
(If Applicable)

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$70,210.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **S.R. 18**, lying within the corporate limits of the City of **Medina**, more particularly described as follows:

The project consists of the widening and reconstruction of S.R. 18 between approximately 320 feet west of Alber Drive and the easternmost Medina corporation limit and the construction of a 10-foot multi-use path, including sidewalk, curb ramps, drainage, water work, a structure, a culvert, traffic signals, signage, and pavement markings, lying within the City of Medina; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Medina**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page _____.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20____.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Medina, Ohio

CONTRACT
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Medina, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of the widening and reconstruction of S.R. 18 between approximately 320 feet west of Alber Drive and the easternmost Medina corporation limit and the construction of a 10-foot multi-use path, including sidewalk, curb ramps, drainage, water work, a structure, a culvert, traffic signals, signage, and pavement markings, lying within the City of Medina.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Seventy Thousand Two Hundred Ten and - - - - 00/100 Dollars, (\$70,210.00)**.
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Medina
132 North Elmwood Avenue
Medina, Ohio
44256

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Medina**

Director of Transportation

Mayor

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Stephen H. Johnson
Unit Coordinator, Transportation
Executive Agencies Section

**OHIO DEPARTMENT OF TRANSPORTATION
ACCOUNT RECEIVABLE**

Make check payable to: Treasurer of State

**Mail to: Helene Ware
Senior Financial Analyst
Ohio Department of Transportation
Office of Estimating - #4110
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223**

**PID No. 92953
Invoice No. 11320**

**To: City of Medina
132 North Elmwood Avenue
Medina, Ohio
44256**

**Federal Project No. E120394
Medina County
City of Medina
S.R. 18**

PLEASE ENCLOSE A COPY OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

Proposal of Participation	Type of Agreement	Amount
		\$70,210.00

Contract amount \$65,620.92
ODOT Engineering amount \$ 4,589.08

For the improvement of that portion of **S.R. 18**, more particularly described as follows:

The project consists of the widening and reconstruction of S.R. 18 between approximately 320 feet west of Alber Drive and the easternmost Medina corporation limit and the construction of a 10-foot multi-use path, including sidewalk, curb ramps, drainage, water work, a structure, a culvert, traffic signals, signage, and pavement markings, lying within the City of Medina.

Total Amount Due \$70,210.00

Ohio Department of Transportation
By: E-SIGNED by Joseph Anthony
on 2021-02-24 14:14:13 GMT
Construction Cost Manager
Office of Estimating

RESOLUTION NO. 46-21**A RESOLUTION AUTHORIZING THE OHIO REGIONAL DEVELOPMENT CORPORATION ON BEHALF OF THE CITY OF MEDINA, OHIO TO FILE AN APPLICATION FOR GRANT ASSISTANCE THROUGH THE PY2020 TARGETS OF OPPORTUNITY CARES ACT (CDBG-CV) GRANT FUNDING, AND DECLARING AN EMERGENCY.**

WHEREAS: The State of Ohio received 27.2 million in the first allocation of Community Development Block Grant (CDBG-CV) funds through the Coronavirus Aid Relief and Economic Security Act (CARES Act), and the City of Medina is eligible to apply for projects under CDBG-CV that prevent, prepare for, and respond to the COVID-19 pandemic through the Targets of Opportunity CARES Act funding; and

WHEREAS: This request is to apply for CDBG-CV grant funds on behalf of the Battered Women's Shelter of Medina County in the amount of \$355,450.00 for the renovation of the shelter located in the City of Medina in order to accommodate social distancing and ensure the health and safety of residents that rely on the shelter for safety and security, and \$35,545.00 for administration costs.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

- SEC. 1:** That the Ohio Regional Development Corporation is hereby authorized to file an application for grant assistance on behalf of the City of Medina for grant assistance through the PY2020 Targets of Opportunity CARES Act (CDBG-CV) Grant funding.
- SEC. 2:** That if the Grant is awarded to the City, the Mayor is authorized to accept the grant and enter into an agreement with the Ohio Regional Development Corporation and the Ohio Department of Development for its implementation and administration and execute any and all documentation associated with said grant.
- SEC. 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 4:** That this Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to comply with Ohio Department Development requirements and deadlines; wherefore, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council Pro-Tem

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Acting Mayor

ORDINANCE NO. 47-21

AN ORDINANCE AUTHORIZING THE EXPENDITURE TO THE OHIO REGIONAL DEVELOPMENT CORPORATION (ORDC) FOR THE ADMINISTRATION OF THE PY2020 COMMUNITY HOUSING IMPACT AND PRESERVATION (CHIP) PROGRAM.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the expenditure in the amount of \$182,600.00 to the Ohio Regional Development Corporation for the Administration of the PY20 CHIP grant is hereby authorized.

SEC. 2: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

SEC. 3: That the funds to cover this expenditure, in the amount of \$182,600.00 are available as follows: \$22,280.00 in an Account No. 138-0460-52215 (Line 001), \$48,720.00 in Account No. 139-0460-52215 (Line 002), \$3,000.00 in Account No. 138-0460-52215 (Line 003), \$62,400.00 in Account No. 139-0460-52215 (Line 004), and \$46,200.00 in Account No. 138-0460-52215 (Line 005).

SEC. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 5: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____

President of Council Pro-Tem

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Acting Mayor

ORDINANCE NO. 48-21

**AN ORDINANCE AMENDING ORDINANCE NO. 217-20,
PASSED DECEMBER 14, 2020. (Amendments to 2021 Budget)**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That Ordinance No. 217-20, passed December 14, 2020, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
001-0723-52215 (Civil Service-Contractual)	13,500.00 *
301-0726-54411 (Airport Detention Basin)	25,740.00 *

SEC. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 3: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

* - new appropriation

PASSED: September 28, 2020 **SIGNED:** James A. Shields
President of Council Pro-Tem

ATTEST: Kathy Patton **APPROVED:** September 28, 2020
Clerk of Council

SIGNED: John M. Coyne, III
Acting Mayor

ORDINANCE NO. 49-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH USI INSURANCE SERVICES, LLC FOR THE CITY'S PROPERTY AND GENERAL LIABILITY INSURANCE FOR THE PERIOD OF APRIL 1, 2021 THROUGH MARCH 31, 2022, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

- SEC. 1:** That the Mayor is hereby authorized and directed to enter into a contract with USI Insurance Services, LLC (Argonaut) for the City's Property and General Liability Insurance for the period of April 1, 2021 through March 31, 2022.
- SEC. 2:** That the funds to cover this expenditure in the estimated amount not to exceed \$280,000.00 are available in each appropriate budget.
- SEC. 3:** That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.
- SEC. 4:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 5:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the previous agreement expires on March 31, 2021; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council Pro-Tem

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Acting Mayor