

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

May 8, 2023
Medina City Hall – Council Rotunda
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (April 10, 2023)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

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: Res. 89-23, Ord. 90-23, Ord. 91-23, Ord. 92-23

Res. 89-23

A Resolution accepting the donation from Larry and Francine Johns of “The Helios Project”, an interactive display of our Solar System to be installed along the Champion Creek Multipurpose Trail.

Ord. 90-23

An Ordinance authorizing the purchase of one (1) 2023 Ford F-150 Pickup Truck from National Auto Fleet Group for the Parks Department.
(emergency clause requested)

Ord. 91-23

An Ordinance authorizing the Mayor to enter into an agreement with Mark Klaus Properties, LLC for the use of the parking lot area located on Permanent Parcel No. 028-19B-20-103.
(emergency clause requested)

Ord. 92-23

An Ordinance amending Ordinance No. 221-22, passed December 12, 2022. (Amendments to 2023 Budget)

Council comments.

Adjournment.

MEDINA CITY COUNCIL

Monday, April 24, 2023

Call to Order:

Medina City Council met in regular session on Monday, April 24, 2023 at Medina City Hall. The meeting was called to order at 7:30 p.m. by Council President John Coyne III who also led in the Pledge of Allegiance.

Roll Call:

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

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

Minutes:

Mr. Shields moved that the minutes from the regular meeting on Monday, April 10, 2023, as prepared and submitted by the Clerk be approved, seconded by Mr. Shields. The roll was called and passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated the Finance Committee met prior to the Council Meeting and will meet again on May 8th, 2023.

Health, Safety & Sanitation Committee: Mr. Simpson stated he plans to have a meeting prior to Finance Committee meeting on May 8th to discuss a request from the Police Department for adding another Communications Specialist, and also to discuss underground sanitation containers.

Public Properties Committee: Mr. Shields stated they have been working through the Helios Project which came through Finance tonight and will now move on to Council.

Special Legislation Committee: Mr. Lamb has scheduled two meetings, Wednesday, May 10 at 5:00 p.m. to update the parking policy, and Monday, May 15 at 5:00 p.m. to discuss consideration of prohibiting feeding of deer and wild animals.

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

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

Emerging Technologies Committee: Mr. Rose had no report.

Requests for Council Action:

23-093-4/24 – Advance Request

23-094-4/24 – Budget Amendments

23-095-4/24 – Increase Exp. – Let's Make a Difference

23-096-4/24 – Castle Noel Parking Agreement Extension

23-097-4/24 – Purchase 2023 Ford F-150 Truck Parks Dept.

Reports of Municipal Officers:

Dennis Hanwell, Mayor:

- A. 2022 City of Medina annual report is posted in city website at www.medinah.org
- B. On Sunday, April 16th there was a community pinwheel walk to prevent child abuse. Each pinwheel placed represents a new child abuse/neglect case opened in Medina County in 2022. 595 pinwheels were placed on the Library lawn. Pinwheel gardens were placed at various locations in the county to bring attention to April as Child Abuse Awareness Month. Proclamations were presented by the City and County.
- C. National Day of Prayer breakfast is at Cornerstone Chapel on Thursday, May 4th at 6:30 a.m. Must register/pay online at www.medinanop.org Prayer stations around the city from noon to 7 p.m.
- D. Pastor John Peterson from Fellowship Baptist Church passed away on April 23, 2023. He served in the city for over 40 years.
- E. Proclamation for small business week to City Economic Development Director Kimberly Marshall. Proclamations to Medina area Chamber of Commerce Executive Director Jaclyn Ringstmeier and MSM Executive Director George Sam.

Keith Dirham, Finance Director, Keith stated there are a number of items on the agenda that originated with finance and he will address them accordingly.

Kimberly Marshall, Economic Development Director, had no report.

Greg Huber, Law Department, had no report.

Lt. Marcum, Police Department, had no report.

Chief Walters, Fire Department, had no report.

Jansen Wehrley, Parks and Recreation Director, shared program/activities update from Rec Center such as playground play dates, bus trip to Guardians games for senior citizens, Party in the Park series is approaching soon. Check out website at medinarec.org for more information.

Dan Gladish, Building Official, had no report.

Nino Piccoli, Service Director, had no report.

Patrick Patton, City Engineer, had no report.

Andrew Dutton, Planning and Community Development Director, reported the Community Development Department is continuing the process of creating a Multi-Use Path Plan with their consultant the Envision Group. Currently looking for public input and feedback. A survey regarding the multi-use plan is available on the front page of our website at medinah.org and the first public meeting for the project will be held on Tuesday, May 30th at 6 p.m. here at City Hall.

Andrew stated the city is also applying for the 2023 Community Development Block Grant (CDBG) looking for input regarding the use of these funds. A public hearing will also be held regarding the CDBG funding on Friday, May 5th at City Hall.

Confirmation of Council's appointment

Strategic Plan Advisory Committee – Ward 4 Rep. – Shirley Larabee (Exp. 12/31/26)
Mr. Shields moved to approve Council's appointment, seconded by Mr. Simpson. The roll was called and passed by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

Notices, communications and petitions:

There were none.

Unfinished Business:

There was none.

Introduction of Visitors:

There were none.

Introduction and consideration of ordinances and resolutions.

Mr. Shields motioned to suspend the rules requiring three readings on the following ordinances and resolutions: Ord. 77-23, Ord. 78-23, Res. 79-23, Ord. 80-23, Ord. 81-23, Ord. 82-23, Ord. 83-23, Ord. 84-23, Ord. 85-23, Ord. 86-23, Ord. 87-23, Ord. 88-23, seconded by Mr. Simpson. The roll was called and passed by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 77-23

An Ordinance amending Section 141.01 of the codified ordinances of the City of Medina, Ohio relative to the Advertising and Awarding of Contracts. Mr. Shields moved for the adoption of Ordinance/Resolution No. 077-23, seconded by Mr. Simpson. Mr. Dirham stated this would increase the authorities of various levels for purchases and this is due to price increases. New thresholds for approvals are up to \$2,000.00 by department head. Up to \$20,000.00 by Board of Control, up to \$35,000.00 will be by the Finance Committee and then anything over that will come before Council. The roll was called and Ordinance/Resolution No. 077-23 passed by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 78-23

An Ordinance amending Ordinance No. 35-23, passed February 13, 2023, decreasing the expenditure to Dunlop & Johnson. Mr. Shields moved for the adoption of Ordinance/Resolution No. 078-23, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 078-23, seconded by Mr. Simpson. Mr. Dutton stated this is for work performed at the Women's Battered Shelter as part of the CDBG Target of Opportunity Grant and is a reduction from \$141,000 to \$139,022 and is due to the availability of remaining grant funding. Emergency clause is needed as the work has been completed and contractor needs paid. The roll

was called on adding the emergency clause and was approved by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire. The roll was called and Ordinance/Resolution No. 078-23 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire and J. Hazeltine.

Res. 79-23

A Resolution authorizing participation in the Ohio Department of Transportation's Cooperative Purchasing Program for the purchase of sodium chloride (rock salt). Mr. Shields moved for the adoption of Ordinance/Resolution No. 079-23, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 079-23, seconded by Mr. Simpson. Mr. Piccoli stated this is for authorization to participate in the ODOT's purchasing program for salt for 2023/2024 winter season. Emergency clause is requested due to time restraints. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb. The roll was called and Ordinance/Resolution No. 079-23 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

Ord. 80-23

An Ordinance authorizing the Mayor to enter into a three-year contract with Rea & Associates, Inc. for the preparation of the City's CAFR in accordance with accounting principles generally accepted in the United States of America (GAAP) for the years ending December 31, 2022, December 31, 2023, and December 31, 2024. Mr. Shields moved for the adoption of Ordinance/Resolution No. 080-23, seconded by Mr. Simpson. Mr. Dirham explained this ordinance and the next together. The audit is a bid process but not normal bid process and is run by the State Auditor's Office. The roll was called and Ordinance/Resolution No. 080-23 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

Ord. 81-23

An Ordinance authorizing the expenditure of up to \$40,000 to Rea & Associates for the preparation of the annual audit for the City of Medina for the fiscal period ending December 31, 2022. Mr. Shields moved for the adoption of Ordinance/Resolution No. 081-23, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 081-23 passed by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 82-23

An Ordinance repealing Ordinance No. 5-23, passed January 9, 2023, relative to the Job Creation Grant Agreement for Agrati, Inc. Mr. Shields moved for the adoption of Ordinance/Resolution No. 082-23, seconded by Mr. Simpson. Mrs. Marshall stated the company sent a formal letter to withdraw their Job Creation Grant application. The roll was called and Ordinance/Resolution No. 082-23 passed by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 83-23

An Ordinance amending Ordinance No. 48-23, passed February 27, 2023, relative to the

consultant services for the Multi-Use Path Plan for the City of Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 083-23, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 083-23, seconded by Mr. Simpson. Mr. Dutton stated they contracted with Envision for \$49,300 for this planning process. There was a \$5,000 contribution from Medina County Parks District which now splits that \$49,300 between ARPA Funds and Planning and Zoning. The roll was called on adding the emergency clause and was approved by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 083-23 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire and J. Hazeltine.

Ord. 84-23

An Ordinance repealing and replacing Ordinance No. 24-17, passed February 27, 2017, pertaining to the Memorial Park Swimming Pool Rates. Mr. Shields moved for the adoption of Ordinance/Resolution No. 084-23, seconded by Mr. Simpson. Mr. Wehrley stated this will approve an increase to the pool rates with the intention of recovering some of the operational costs that have increased due to inflation. This request will raise the daily admission \$1 for individuals and the season pass rate will go up \$25 for individual or \$50 for family up to 5 members. This will also allow rec center members limited access to the outdoor pool for special circumstances. The roll was called and Ordinance/Resolution No. 084-23 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb.

Ord. 85-23

An Ordinance repealing and replacing the Program Rates and Pool Rental Rates for the Memorial Park Pool. Mr. Shields moved for the adoption of Ordinance/Resolution No. 085-23, seconded by Mr. Simpson. Mr. Wehrley stated this is the second part of the Municipal Pool changes. Requesting to change cabana rental to a Party Package and putting the rental opportunity online. This will also change the hourly rate for before or after-hours pool rentals. The roll was called and Ordinance/Resolution No. 085-23 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

Ord. 86-23

An Ordinance authorizing the increase of the expenditure to Dixon Engineering, Inc. for the Service Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 086-23, seconded by Mr. Simpson. Mr. Piccoli stated currently there is \$9,560.00 on the P.O. and the project required additional inspections in order to complete beyond the original scope. New total is \$28,444.00. The roll was called and Ordinance/Resolution No. 086-23 passed by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

Ord. 87-23

An Ordinance authorizing the Finance Director to make certain fund advances. Mr. Shields moved for the adoption of Ordinance/Resolution No. 087-23, seconded by Mr. Simpson. Mr. Dirham stated this is to cover the expenditure for some grant projects. The roll was called and Ordinance/Resolution No. 087-23 passed by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Medina City Council
April 24, 2023

Ord. 88-23

An Ordinance amending Ordinance No. 221-22, passed December 12, 2022. (Amendments to 2023 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 088-23, seconded by Mr. Simpson. Mr. Dirham explained that a number of these are in relation to the grants that were mentioned in the last ordinance and then there are some transfers. The roll was called and Ordinance/Resolution No. 088-23 passed by the yeas and nays of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Council comments

Dennie Simpson offered sympathy to the Peterson Family. Be kind to one another.

Mr. Rose extended his sympathies to Pastor Peterson's Family.

Paul stated there are a lot of residents concerned that the city isn't doing enough to reduce the deer population and he wants to remind the public that the deer issue will be on the ballot this fall.

Mr. Lamb stated there will be a very muscular campaign to ensure that the deer ordinance council did pass will be addressed in the general election.

Adjournment

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

Kathy Patton, Clerk of Council

John Coyne, President of Council

RESOLUTION NO. 89-23

A RESOLUTION ACCEPTING THE DONATION FROM LARRY AND FRANCINE JOHNS OF "THE HELIOS PROJECT", AN INTERACTIVE DISPLAY OF OUR SOLAR SYSTEM TO BE INSTALLED ALONG THE CHAMPION CREEK MULTIPURPOSE TRAIL.

WHEREAS: Larry and Francine Johns wish to donate to the City of Medina the "Helios Project"; an interactive display of our Solar System to be installed along the Champion Creek Multipurpose Trail, with an estimated value of \$65,000.

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

SEC. 1: That the City hereby accepts the donation from Larry and Francine Johns for the "Helios Project"; an interactive display of our Solar System that will be installed along the Champion Creek Multipurpose Trail beginning at Spokes Café and ending at Southport Drive.

SEC. 2: That the estimated value of the donation is approximately \$65,000.

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 in full force and effect at the earliest period allowed by law.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 90-23

**AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE
(1) 2023 FORD F-150 PICKUP TRUCK FROM NATIONAL
AUTO FLEET GROUP FOR THE PARKS DEPARTMENT,
AND DECLARING AN EMERGENCY.**

WHEREAS: In accordance with ORC 125.04 the City of Medina, Ohio requested authority to participate in State contracts which the Department of Administrative Services has entered into for the purchase of supplies, services, equipment and certain materials; and

WHEREAS: The request for participation provides for the waiving of the state and local competitive bidding requirements and allows the City the ability to purchase from centralized state contracts; and

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

SEC. 1: That the purchase of one (1) 2023 Ford F-150 XL 4WD Extended Cab Truck under the Sourcewell (formerly known as NJPA) Purchasing Contract #091521-NAF (Member #29417) and National Auto Fleet Group, is hereby authorized for the Parks Department.

SEC. 2: That the funds to cover this purchase, in the amount of \$43,907.52, are available in Account No. 104-0301-54417.

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 secure current pricing; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 91-23

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MARK KLAUS PROPERTIES, LLC FOR THE LEASE OF THE PARKING LOT AREA LOCATED ON PERMANENT PARCEL NO. 028-19B-20-103, 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 an Agreement with Mark Klaus Properties, LLC for the lease of parking lot area located on South Court Street; known as Permanent Parcel No. 028-19B-20-103, commencing on May 19, 2023 and shall continue to renew on the first of every month for five (5) years unless terminated by the City or Mark Klaus.

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

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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason the current lease expires on May 18, 2023; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

AGREEMENT

ORD. 91-23
EXH. A

This Agreement is hereby entered into this 28 day of APRIL 2023, by and between the **CITY OF MEDINA**, an Ohio Municipal Corporation, located at 132 North Elmwood Avenue, Medina, Ohio 44256, (hereinafter referred to as "the City") and **MARK KLAUS PROPERTIES, LLC**, an Ohio Limited Liability Company, located at 260 South Court Street, Medina, Ohio 44256, (hereinafter referred to as "Mark Klaus").

WITNESSETH:

WHEREAS, Mark Klaus Properties, LLC is the owner of property located on South Court Street, Medina, Ohio, known as Permanent Parcel No. 028-19B-20-103; and

WHEREAS, the City of Medina desires to use the parking lot area located on Permanent Parcel No. 028-19B-20-103, including the sidewalks located thereon ("Parking Lot"); and

WHEREAS, the City agrees to maintain the Parking Lot for the term of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties, City, and Mark Klaus, their successors and assigns, hereby covenant, promise, and agree as follows:

I. PREMISES

Mark Klaus hereby grants to the City the nonexclusive use and occupancy of the parking lot area for public parking purposes located on South Court Street, Medina, Ohio, known as Permanent Parcel No. 028-19B-20-103. The City's use of the Parking Lot shall not be exclusive as Mark Klaus retains use of the parking lot area. The parties agree and understand that the City may permit use of the Parking Lot by individuals associated with the Medina City Schools.

Mark Klaus may exclusively utilize the entire parking lot and prohibit public parking by posting barricades with signs indicating that the lot is closed for a special event at both entrances and having a staff person at each. Mark Klaus shall provide notice to the City no less than seventy-two (72) hours prior to exclusively utilizing the parking lot.

II. MAINTENANCE

The City of Medina hereby agrees to be solely responsible for all maintenance of the Parking Lot, including adjacent sidewalk areas, so as to keep the property in good condition during the term of this Agreement. Mark Klaus shall not be responsible for any maintenance needs with respect to the Parking Lot if they should occur. No alterations shall be made to the property except as required for purposes of maintenance and as set forth in this Agreement. The City's obligation to maintain the Parking Lot includes, but is not limited to, snow removal, deicing, crack repair, resurfacing, and striping of parking spaces. During the term of this lease,

no city or city contracted trucks or construction equipment will be granted use of the lot. Pick-up trucks and plow equipment, when needed for snow removal, or parking lot painting equipment will be allowed. Any other equipment deemed necessary, must have written approval by Mark Klaus.

The parties hereto specifically recognize that the Parking Lot known as Permanent Parcel No. 028-19B-20-103 will be restriped in its current configuration or with alterations mutually agreed upon by the City and Mark Klaus. The City hereby agrees to be solely responsible for all costs incurred to restripe the Parking Lot.

III. TERM

This Agreement shall be valid commencing on May 19, 2023 and shall continue to renew on the first of every month for five (5) years unless terminated by the City or Mark Klaus. The City and Mark Klaus shall each have the right to terminate this Agreement at any time for any reason, with a thirty (30) day written notice.

IV. UTILITIES

The City of Medina shall be responsible for all utility costs with respect to the Parking Lot.

V. REAL ESTATE TAXES

Mark Klaus Properties, LLC agrees to remain solely responsible for the payment of real estate taxes on the subject property pursuant to the terms of the Land Installment Contract.

VI. RISK OF LOSS AND INSURANCE

The City of Medina agrees to primary responsibility for damage and/or injury to person or property proximately caused by use of the subject parking lot property during the term of this Agreement. The City of Medina shall maintain, during the entire term of this Agreement, liability insurance coverage covering the City's use of the subject property in the amount of One Million Dollars (\$1,000,000). To the extent permissible under Ohio law and to the extent of the City's insurance liability coverage, the City agrees to indemnify, hold harmless, and defend Mark Klaus Properties, LLC, Mark Klaus LLC, Alien Vacation Mini Golf Attraction LLC, their principles, officers and assignees from and against any and all liability, losses, damages, costs, and expenses, including reasonable attorneys' fees, incurred in connection with any claim, suit, proceeding, inquiry, or investigation based upon or relating to any use of the Parking Lot during the term of the lease.

VII. NOTICES

All notices which may be proper and necessary to be served hereunder shall be in writing and shall be served by personal delivery or by certified mail. Any such correspondence shall be sent to the following addresses:

To the City:

Office of the Mayor
City of Medina
132 North Elmwood Avenue
Medina, OH 44256

To Mark Klaus Properties, LLC:

Mark Klaus, Member
Mark Klaus Properties, LLC
260 South Court Street
Medina, OH 44256

VIII. FORCE MAJUERE

Neither City nor Mark Klaus Properties, LLC, shall be deemed to be in breach of this Agreement by reason of failure to perform any of its obligations hereunder if, while and to the extent that such failure is due to strikes, boycotts, labor disputes, embargoes, shortages of materials, acts of God, acts of the public enemy, acts of government authority, weather conditions, floods, riots, rebellion, sabotage, or any other circumstance for which it is not responsible and which are not within its control; provided that this provision shall not prevent either party from exercising its right of termination under this agreement.

Signed in the presence of:

**MARK KLAUS PROPERTIES LLC,
an Ohio Limited Liability Company**

Crika Richmond

By: Mark Klaus
MARK KLAUS, Member

Kara Kinzel

STATE OF OHIO)
)
COUNTY OF MEDINA)ss:

Before me, a Notary Public in and for said County and State, personally appeared the above-named Mark Klaus Properties, LLC, by Mark Klaus, its Member, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said company and his voluntary act individually and as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at Medina, Ohio, this 28th day of April, 2023.



MARIELENA WALLACE
Notary Public, State of Ohio
My Comm. Expires May 02, 2026

Marielena Wallace
NOTARY PUBLIC

Document & Form Approved by:

Gregory A. Huber
GREGORY A. HUBER, Law Director
City of Medina

Signed in the presence of:

**CITY OF MEDINA,
an Ohio Municipal Corporation**

By: _____
DENNIS HANWELL, Mayor

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named City of Medina, an Ohio municipal corporation, by Dennis Hanwell, its Mayor, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said City and his voluntary act individually and as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at Medina, Ohio, this _____ day of _____, 2023.

NOTARY PUBLIC

ORDINANCE NO. 92-23

**AN ORDINANCE AMENDING ORDINANCE NO. 221-22,
PASSED DECEMBER 12, 2022. (Amendments to 2023 Budget)**

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

SEC. 1: That Ordinance No. 221-22, passed December 12, 2022, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
171-0743-52214	4,930.00 *
547-0650-54413	50,000.00 *
138-0460-53315	1,220.20
171-0743-52214	5,700.00
104-0301-54411	1,080.00 *

SEC. 2: That Ordinance No. 221-22, passed December 12, 2022, shall be amended by the following reductions:

<u>Account No./Line Item</u>	<u>Reductions</u>
138-0460-51126	1,220.20
171-0410-52215	5,700.00

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: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor