

**CITY OF MEDINA
AGENDA FOR COUNCIL MEETING**

June 12, 2023
Medina City Hall – Council Rotunda
7:30 p.m.

Public Hearing.

To consider an amendment to the contract establishing and governing the City of Medina-Montville Township Joint Economic Development District pursuant to Ohio Revised Code Section 715.72(L) to add certain property to the district.

Call to Order.

Roll Call.

Reading of minutes. (May 22, 2023)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

Liquor Permit:

Not to object to the transfer of a C1 and C2 permit from WJF Investment Corp, dba Medina Marathon, 429 S. Court St. to Shoreline Convenience LLC, dba Medina Marathon, 429 S. Court Street.

Liquor Permit:

Not to object to a new C1 and C2 permit to Meijer Stores Limited Partnership, dba Meijer Store #335, 1105 N. Court Street.

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. 99-23, Ord. 100-23, Ord. 101-23, Ord. 102-23, Res. 103-23, Ord. 104-23

Ord. 99-23

An Ordinance amending Section 505.08 of the codified ordinances of the City of Medina, Ohio relative to Animals and Fowl – Feeding of Animals Prohibited, with the addition of a new Section 505.082.

Medina City Council
June 12, 2023

Ord. 100-23

An Ordinance amending Section 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Police Department Communication Operators.

Ord. 101-23

An Ordinance authorizing the payment to Cleveland Communications, Inc. for the communications radio console upgrade for the Police Department.

Ord. 102-23

An Ordinance authorizing the Mayor to execute a Dark Fiber Services Agreement with the Medina County Fiber Network to provide the Medina Police Department Communications Center LIT Fiber Services from Medina Fibernetwork to Parma.

Res. 103-23

A Resolution authorizing the filing of an application for grant assistance from the Ohio Development Services Agency, Office of Housing and Community Development, in connection with the Small Cities PY23 Community Development Block Grant (CDBG) Program.
(emergency clause requested)

Ord. 104-23

An Ordinance authorizing the purchase of one (1) 2024 Mack TE Front Loader from Bell Equipment Company for the Sanitation Department.

Council comments.

Adjournment.

MEDINA CITY COUNCIL

Monday, May 22, 2023

Call to Order:

Medina City Council met in regular session on Monday, May 22, 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, Chief Kinney, Chief Walters, Andrew Dutton, and Kimberly Marshall.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on Monday, May 8, 2023, as prepared and submitted by the Clerk be approved, seconded by Mr. Simpson. 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 June 12, 2023.

Public Properties Committee: Mr. Shields had no report.

Health, Safety & Sanitation Committee: Mr. Simpson stated he attended the LST quarterly meeting.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb stated he had two meetings one on Wednesday, May 10th to update the parking policy, and the other was Monday, May 15th 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:

23-108-5/22 – Communications Radio Console Upgrade - Police

23-109-5/22 – Communications Dark Fiber Services Agreement & Service Fees – Police

23-110-5/22 – PY23 CDBG Allocation Grant

23-111-5/22 – Increase PO #23-1070 – R & T Fence, Inc. – Parks Dept.

23-112-5/22 – Cooperative Purchase - 2024 Mack TE Front Loader – Sanitation

23-113-5/22 – Increase PO #23-0930 – Wheeling & Lake Erie Railway – Engineering

23-114-5/22 – Increase PO #23-840 – Rocco Masonry – Street Dept.

Reports of Municipal Officers:

Dennis Hanwell, Mayor:

- A. Medina Farmers' Market began on Saturday, May 20th on public square and will run through Saturday, October 7th. Times are 9 a.m. to 1 p.m. Thanks to Medina Main Street for organizing this ongoing event.
- B. Medina Community Band Concerts on Friday nights in June and July on the square starting at 8:30 p.m.
- C. Kids day of Safety and Play - Saturday, June 3rd from 10 a.m. to 2 p.m. On square activities and entertainment for children.
- D. Teen Fest Saturday, June 3rd from 2:30 p.m. to 5:30 p.m. Activities, games art music and food for teens.
- E. ORMACO Jazz/Opera under the stars is on the square June 3rd. 7 p.m. – 9 p.m.
- F. Resident complemented the City of Medina and how blessed they are to live here. There is something special about Medina!

Keith Dirham, Finance Director, Keith had no report.

Kimberly Marshall, Economic Development Director, had no report.

Greg Huber, Law Department, had no report.

Chief Kinney, Police Department, had no report.

Chief Walters, Fire Department, had no report.

Jansen Wehrley, Parks and Recreation Director, Absent.

Dan Gladish, Building Official, Absent.

Nino Piccoli, Service Director, Nino stated the crews are out prepping for the Memorial Day Parade. Cleaned out catch basins throughout the city and the sweeping program started and will continue throughout the summer. The Water Department started flushing out the fire hydrants.

Patrick Patton, City Engineer, Patrick stated on Prospect Street they will be pouring the length of the street.

Andrew Dutton, Planning and Community Development Director, stated they received an application from Meyer to redevelop the former K-Mart site at 1105 North Court St.

Notices, communications and petitions:

There were none.

Unfinished Business:

There was none.

Introduction of Visitors:

Kathy Jones and MaryAnn Hoff from Protect Ohio Choice spoke on gathering signatures in a public space and being made to leave. Asked for police report.

Introduction and consideration of ordinances and resolutions.

Mr. Shields moved to suspend the rules requiring three readings on the following ordinances and resolutions: Ord. 93-23, Ord. 94-23, Ord. 95-23, Ord. 96-23, Ord. 97-23, and Ord. 98-23, seconded by Mr. Simpson. The roll was called and approved by the yea votes of D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

Ord. 93-23

An Ordinance repealing Ordinance No. 204-21, passed December 13, 2021, and readopting a new Purchasing Card Policy for the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 093-23, seconded by Mr. Simpson. Mr. Dirham stated the only thing they are changing are the amounts. The roll was called and Ordinance/Resolution No. 093-23 passed by the yea votes of J. Coyne, R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 94-23

An Ordinance authorizing the Job Creation Grant Agreement for Allfasteners USA LLC. Mr. Shields moved for the adoption of Ordinance/Resolution No. 094-23, seconded by Mr. Simpson. Kimberly stated this is for the purpose of expansion. Grant agreement has been reviewed by Greg Huber and approved. The roll was called and Ordinance/Resolution No. 094-23 passed by the yea votes of R. Haire, J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 95-23

An Ordinance authorizing the Mayor to enter into an Agreement with IamGIS for Geographic Information Systems (GIS) Services for the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 095-23, seconded by Mr. Simpson. Mr. Patton stated this is another 3-year agreement with the cost of \$14,000 per year. The roll was called and Ordinance/Resolution No. 095-23 passed by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and R. Haire.

Ord. 96-23

An Ordinance authorizing the Mayor to enter into an Amended Agreement to Establish the Medina County Emergency Management Agency. Mr. Shields moved for the adoption of Ordinance/Resolution No. 096-23, seconded by Mr. Simpson. Mayor stated this is simply amending the agreement with some minor changes and has been reviewed by the law director and

approved. The roll was called and Ordinance/Resolution No. 096-23 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire and J. Hazeltine.

Ord. 97-23

An Ordinance amending Sections V, VI, VII and VIII of the Civil Service Rules and Regulations of the City of Medina relative to Later Transfer Applicants for Communication Operators. Mr. Shields moved for the adoption of Ordinance/Resolution No. 097-23, seconded by Mr. Simpson. Chief Kinney stated that this will allow them to bring in dispatchers who have one year plus of fulltime experience in community/public safety dispatching services. This program has been approved by the Civil Service Board and signed off by the Law Director. The roll was called and Ordinance/Resolution No. 097-23 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, and B. Lamb.

Ord. 98-23

An Ordinance authorizing the expenditure to American Ramp Company for the renovation of the Reagan Park Skatepark. Mr. Shields moved for the adoption of Ordinance/Resolution No. 098-23, seconded by Mr. Simpson. Mayor spoke for Jansen stating this would authorize the purchase and installation of the above ground galvanized steel ramps, concrete features and steel grind rails for the skate park in Reagan Park. This purchase will be made through Sourcewell Cooperative Purchasing Program utilizing American Rescue Plan Act Funding. The roll was called and Ordinance/Resolution No. 098-23 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, R. Haire, J. Hazeltine, B. Lamb, and P. Rose.

Council comments

Regi Haire thanked all involved for installing the flashing lights at the intersection of Reagan Parkway and Ashwood Lane crosswalk.

Adjournment

There being no further business, the meeting adjourned at 7:53 p.m.

Kathy Patton, Clerk of Council

John 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

8106350	TRFO	SHORELINE CONVENIENCE LLC	
10 01 2018	PERMIT NUMBER	DBA MEDINA MARATHON	
06 10 2022	ISSUE DATE	429 S COURT ST	
C1 C2	FILING DATE	MEDINA OH 44256	
52 077	PERMIT CLASSES		
C	TAX DISTRICT	F27740	RECEIPT NO.

FROM 05/26/2023

95669500010		WJF INVESTMENT CORP	
10 01 2018	PERMIT NUMBER	DBA MEDINA MARATHON	
06 10 2022	ISSUE DATE	429 S COURT ST	
C1 C2	FILING DATE	MEDINA OH 44256	
52 077	PERMIT CLASSES		
C	TAX DISTRICT		RECEIPT NO.



MAILED 05/26/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN.

06/26/2023

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 TRFO 8106350

(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

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
 8606 TUSSING ROAD, P.O. BOX 4005
 REYNOLDSBURG, OHIO 43068-9005
 (614)644-2360 FAX(614)644-3166

TO

58111440610 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	MEIJER STORES LIMITED PARTNERSHIP DBA MEIJER STORE #335 1105 N COURT ST MEDINA OH 44256	
05 26 2023 <small>ISSUE DATE</small>				
C1 C2 <small>PERMIT CLASSES</small>				
52 <small>TAX DISTRICT</small>	077 <small>PERMIT CLASSES</small>	C	D83935 <small>RECEIPT NO.</small>	

FROM 06/02/2023

<small>PERMIT NUMBER</small>		<small>TYPE</small>		
<small>ISSUE DATE</small>				
<small>FILING DATE</small>				
<small>PERMIT CLASSES</small>				
<small>TAX DISTRICT</small>			<small>RECEIPT NO.</small>	



MAILED 06/02/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/03/2023

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 NEW 5811144-0610

(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. 99-23

**AN ORDINANCE AMENDING SECTION 505.08 OF THE
CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO
RELATIVE TO ANIMALS AND FOWL – FEEDING OF
ANIMALS PROHIBITED, WITH THE ADDITION OF A NEW
SECTION 505.082.**

WHEREAS: That Section 505.08 of the codified ordinances of the City of Medina, Ohio presently reads as follows:

505.08 NUISANCE CONDITIONS PROHIBITED.

- (a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
 - (b) No person being the owner or in charge or control of any animal shall permit the animal to defecate upon any public or private land other than the land where the owner or person in charge of such animal resides.
 - (c) The owner or person in charge or control of any animal which defecates on any such prohibited land shall immediately clean such and cause its removal to a proper receptacle.
 - (d) The owner or person in charge of any animal shall keep the property where he resides in a clean and sanitary condition by regularly removing the defecation of his animal to prevent accumulation.
 - (e) The accumulation of defecation of any animal is hereby created to be a nuisance condition if it creates an unsanitary or unhealthy condition and is a violation of this section.
 - (f) This section shall not apply to any animal which has been expressly invited to enter upon private property by the owner or person in charge of such animal.
 - (g) Whoever violates this section is guilty of a minor misdemeanor.
- (Ord. 138-98. Passed 9-14-98)

505.081 PROHIBITED AREAS.

(EDITOR'S NOTE: Former Section 505.081 was repealed by Ordinance 64-02, passed April 22, 2002.

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

SEC. 1: That Section 505.08 of the codified ordinances of the City of Medina, Ohio shall be amended to read as follows pertaining to Feeding of Animals Prohibited:

505.08 NUISANCE CONDITIONS PROHIBITED.

- (a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
- (b) No person being the owner or in charge or control of any animal shall permit the animal to defecate upon any public or private land other than the land where the owner or person in

charge of such animal resides.

- (c) The owner or person in charge or control of any animal which defecates on any such prohibited land shall immediately clean such and cause its removal to a proper receptacle.
 - (d) The owner or person in charge of any animal shall keep the property where he resides in a clean and sanitary condition by regularly removing the defecation of his animal to prevent accumulation.
 - (e) The accumulation of defecation of any animal is hereby created to be a nuisance condition if it creates an unsanitary or unhealthy condition and is a violation of this section.
 - (f) This section shall not apply to any animal which has been expressly invited to enter upon private property by the owner or person in charge of such animal.
 - (g) Whoever violates this section is guilty of a minor misdemeanor.
- (Ord. 138-98. Passed 9-14-98)

505.081 PROHIBITED AREAS.

(EDITOR'S NOTE: Former Section 505.081 was repealed by Ordinance 64-02, passed April 22, 2002.

505.082 FEEDING OF ANIMALS PROHIBITED.

- (a) No person shall purposely or knowingly provide food for deer, geese, ducks, raccoons, fowl or other wild animals, wildlife or stray animals, except as otherwise specifically authorized in designated and marked public areas, where such feeding:
 - (1) Causes or contributes to damage to the property of another; or
 - (2) Creates a public or private nuisance.
- (b) This section does not apply to fishing, feeding of animals owned by that person or to song birds fed from a stationary and off-ground/hanging bird feeder.
- (c) This section shall not apply to a law enforcement officer, game officer or conservation officer enforcing the laws of the State of Ohio, or any local ordinances, nor to anyone officially authorized by the City to engage in an animal control program, including, without limitation, a feral cat Trap-Neuter-Vaccinate-Return Program or similar program.
- (d) The City may initiate a civil action in the Court of Common Pleas for injunctive and other relief for any violation of this section.
- (e) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. A separate offense shall be deemed committed on each day on or during which a violation of this section occurs.

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

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

Effective date:

ORDINANCE NO. 100-23

AN ORDINANCE AMENDING SECTION 31.05 OF THE SALARIES AND BENEFITS CODE OF THE CITY OF MEDINA, OHIO RELATIVE TO THE POLICE DEPARTMENT COMMUNICATION OPERATORS.

WHEREAS: Section 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio presently reads in part as follows:

POLICE DEPARTMENT

<u>Number</u>	<u>Classification</u>	<u>Steps Authorized</u>
10	Communications Operator	per contract

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 shall be amended to read in part as follows:

POLICE DEPARTMENT

<u>Number</u>	<u>Classification</u>	<u>Steps Authorized</u>
10 11	Communications Operator	per contract

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

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 101-23

AN ORDINANCE AUTHORIZING THE PAYMENT TO CLEVELAND COMMUNICATIONS, INC FOR THE COMMUNICATIONS RADIO CONSOLE UPGRADE FOR THE POLICE DEPARTMENT.

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

SEC. 1: That the payment of \$177,868.68 is hereby authorized to Cleveland Communications, Inc., 5220 Hauserman Road, Cleveland, OH 44130 for the Communications Radio Console Upgrade for the Police Department.

SEC. 2: That the funds to cover this payment are available in Account No. 106-0102-53321.

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 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. 102-23

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DARK FIBER SERVICES AGREEMENT WITH THE MEDINA COUNTY FIBER NETWORK TO PROVIDE THE MEDINA POLICE DEPARTMENT COMMUNICATIONS CENTER LIT FIBER SERVICES FROM MEDINA FIBERNETWORK TO PARMA.

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

SEC. 1: That the Mayor is hereby authorized to execute a Dark Fiber Services Agreement with the Medina County Fiber Network to provide the Medina Police Department Communications Center LIT Fiber Services from Medina Fibernetwork to Parma.

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

SEC. 3: That the funds to cover this expenditure, in the estimated amount of \$14,400.00 are available in Account No. 106-0102-53315.

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

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

**Dark Fiber Services Agreement
MCH-001
Reference Master Service Agreement December, 2017**

FIBER CONSTRUCTION AND OSP ENTRANCE SERVICES

WHEREAS, the City of Medina desires to engage the services of the Medina County Fiber Network (MCFN) for the construction of an outside plant (OSP) fiber optic lateral entrance; and

NOW THEREFORE, in consideration of the mutual covenants and Agreements hereinafter set forth in this Lit Fiber Services Agreement, the PARTIES agree as follows:

1. **DEFINITIONS** As used in this Agreement, the following terms have meaning given to them below:
 - 1.1. **Path Engineering** – Path engineering involves walking the fiber routes to survey poles, railroad crossings, and bridge under/over passes. This process is to ensure that the fiber path chosen can be physically built on the structures available. During this process all available poles will surveyed and recorded, any underground spans are measured for distance and public utilities are noted, and any obstructions are surveyed and recorded. After this process all information should be gathered for the permitting process.
 - 1.2. **Permits** – Involves filing all the appropriate paperwork with the various facility providers for access to poles and utility right of ways.
 - 1.3. **Materials** – Includes cables, hardware and equipment.
 - 1.4. **Construction Preparation** – Includes make ready on utility poles, right away agreements for undergrounds spans and closing any issues with materials needed to construct the infrastructure. Also includes a final review of all construction plans and maps along with filings.
 - 1.5. **Construction** – Physical fiber infrastructure is placed on the utility poles and/or buried underground. This process will involve interaction with construction project managers and outside plant crews.
 - 1.6. **Site Preparation** – Site surveys will need to be performed on all locations to determine available space, power, and environmental requirements. Involves pre-site installation work that is required to bring the site to operational status.
 - 1.7. **Site Constructions** - Includes any site entrances and cabling required connecting outside plant into the physical space.
 - 1.8. **Equipment Installation** – Installation of equipment and hardware to support the network infrastructure. This includes physically installing the equipment at the Physical customer locations. Includes all items needed to attach the customer premise to the network infrastructure.
 - 1.9. **Turn-Up and testing** – OTDR testing of all lateral fibers on the implemented network span. Provisioning connectivity from the customer premise to the appropriate gateway and enabling contracted services.
 - 1.10. **Network Certification** - Includes certification from MCEDC and the customer that the services are active and delivered per the contract.
2. **CONSTRUCTION STANDARDS**
 - 2.1 Review the design and develop a project plan for fiber implementation.
 - 2.2 Review all drawings of proposed routes and identify any potential conflicts.
 - 2.3 Meet-Me Pole, Manhole and Mid-Span Interconnection Splicing - plans include splicing into the fibers at locations as defined in the network design documentation. Order of splicing is existing splice cases, followed by existing slack coils.
 - 2.4 Provide materials for the project, including fiber optic cabling, splice closures, fold back shoes, stranding, conduit, and all necessary hardware for aerial and underground construction.
 - 2.5 Install conduit and/or pull fiber optic cable underground via plowing or boring, as per the route design specifications.
 - 2.6 Comply with all local and state regulations with respect to traffic management while installing fiber optic cable.
 - 2.7 All contractors participating in fiber optic build services will be registered in the appropriate city.
 - 2.8 Install, terminate and splice the number of fibers stated in the service addendum.
 - 2.9 Testing with OTDR.

3. BUILD REQUIREMENTS & QUALITY

- 3.1. The latest revision of the National Electrical Safety Code and the National Electrical Code shall be followed unless local codes are more stringent, in which case local codes will be followed.
- 3.2. Final network acceptance will include a live on-line operation of the network.
- 3.3. Materials containing asbestos shall not be used in the cable construction.
- 3.4. All hardware is of Industry Standard.
- 3.5. All grounds will be returned to original conditions after construction is complete.
- 3.6. Only fusion splicing is used.
- 3.7. All terminations will be LC connectors unless otherwise noted
- 3.8. A composite single mode cable will be used.
- 3.9. Guys shall be placed where necessary per Industry Standards.
- 3.10. Anchor assembly units shall be placed per Industry Standards.
- 3.11. All strand wire will be Industry Standard 6M or 10M type as required.
- 3.12. Suspension strand will be grounded at all poles that have existing grounds.
- 3.13. Cable guards shall be applied over the cable at points of potential abrasion such as at supports and in locations where tree trimming is not permitted
- 3.14. Cable will be double lashed.

4. TESTING

- 4.1. Fiber optic cable will be tested for conformance to the referenced ICEA and EIA specifications prior to installation.
- 4.2. Each cable will be tested after installation with an OTDR @ 1310 and 1550 nm.

5. SAFETY

- 5.1. Construction services observe and comply with all applicable federal, state and local safety rules and regulations including, without limitation, the Occupational Safety and Health Act ("OSHA"). All construction equipment utilized in the installation of fiber optics is operated only by licensed operators.

6. PROPERTY RIGHTS

- 6.1. All materials used in the construction of the fiber optic lateral and in operation of the fiber network for transport services are the sole property of MCFN.

7. FIBER PATH

- 7.1 The fiber path will be constructed in accordance with the diagram shown in Exhibit 1.

8. RIGHT OF ENTRY

- 8.1. The Subscriber permits the MCFN and/or its agents to enter upon our property for the purpose of installing an underground fiber cable in conduit. It will be the responsibility of the MCFN and/or its agents to repair and/or replace any fences or structures damaged during the construction period, and/or restore turf lying within the working limits to its original condition with seed.

I. Services:

Lit Fiber: Dark Fiber: _____ Lateral Construction: _____

Fiber count: 2 ___ 6 12 ___ 24 ___

Bandwidth Agreement [Insert guaranteed minimum bandwidth]: 20 Mbps

Leased Pair: _____ IRU Pair: _____

Point-to-Point: Loop Fiber: _____

Single-Entry: Dual Entry: _____

II. Subscriber Locations:

A. 132 North Elmwood
Medina, OH 44256

B. 7335 Ridge Road
Parma, OH 44129

III. **Demarcation Points:** At customer equipment.

IV. **MCFN Equipment:** MRV 606

V. **Fiber Installation at Subscriber Locations:**

A-Site: Extend street fiber to front of building to customer equipment.

Z-site: Extend street fiber to front of building to customer equipment.

VI. **Site Connection, Service and Equipment:**

Charges		
	Comment	Amount
Monthly Recurring Fee		\$400
36 month contract		
Total		\$400

ACCEPTED AND AGREED AS OF THE ABOVE DATE:

Medina County Port Authority

By: _____
Authorized Signature

Name (Print or Type)

Title

Date

City of Medina, Subscriber

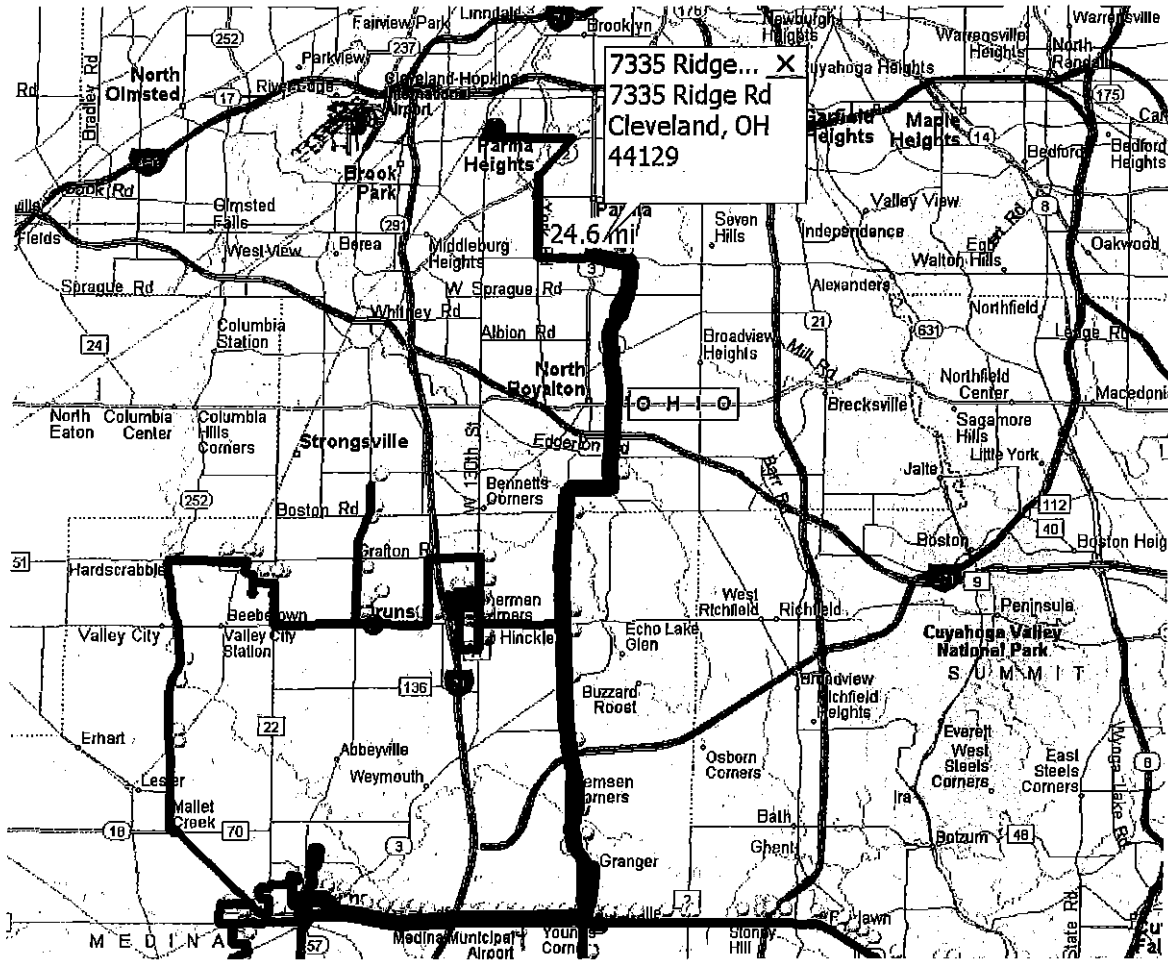
By: _____
Authorized Signature

Name (Print or Type)

Title

Date

Exhibit 1



RESOLUTION NO. 103-23

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT ASSISTANCE FROM THE OHIO DEPARTMENT OF DEVELOPMENT, OFFICE OF COMMUNITY DEVELOPMENT, IN CONNECTION WITH THE SMALL CITIES PY2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS: The City of Medina, Ohio intends to apply to the Ohio Department of Development, Office of Housing and Community Development, for funding under the Small Cities Community Development Block Grant Program, a federally-funded program administered by the State of Ohio in the amount of \$150,000.00 for the Allocation Grant for PY2023.

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

SEC. 1: That the Mayor is hereby authorized and directed to submit an application for grant assistance with the Ohio Department of Development, Office of Community Development, for the Small Cities Community Development Block Grant Program for the fiscal year 2023 with the funds to be used as follows:

PY2023 CDBG Allocation Grant

Activity No. 1	Public Service	\$75,000
Activity No. 2	Code Enforcement	\$45,000
Activity No. 3	Fair Housing	\$ 3,500
Activity No. 4	Administration	<u>\$26,500</u>
		\$150,000

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 Department of Development Office of Community Development for their implementation and administration.

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 apply for said grant before the deadline of June 14, 2023; wherefore, this Resolution 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. 104-23

**AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE
(1) 2024 MACK TE FRONT LOADER FROM BELL
EQUIPMENT COMPANY FOR THE SANITATION
DEPARTMENT**

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.

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

SEC. 1: That the Sanitation Department is hereby authorized to purchase one (1) 2024 Mack TE Front Loader from Bell Equipment Company, utilizing the Sourcewell Cooperative Purchasing Contract index #091219THC.

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 purchase, in the amount of \$386,807.12, are available in Account No. 514-0543-54417.

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

ATTEST: _____
Acting Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor