

REQUESTS FOR COUNCIL ACTION/DISCUSSION

Finance Committee

- 22-142-6/27 – Codification Update
- 22-143-6/27 – ARPA Funding for Law Enforcement – Police Dept.
- 22-144-6/27 – Medina TV Contract with Main Street Medina
- 22-145-6/27 – Amend Chapter 145 – Historic Preservation Board Member Requirements
- 22-146-6/27 – Economic Development Trex Transfer – Pickleback
- 22-147-6/27 – Expenditure - Railroad Liability Insurance
- 22-148-6/27 – Amend Ord. 61-22, Cyber Security Liability Insurance
- 22-149-6/27 – Amend Ord. 191-19, MCRC Joint Operating Agreement
- 22-150-6/27 – Expenditure Over \$15,000 – KTS Equipment – Parks Dept.
- 22-151-6/27 – Discussion: Add-Alternate S. Prospect St. Reconstruction
- 22-152-6/27 – Bids, Job #1025 W. Smith Reconstruction, Phase 4
- 22-153-6/27 – Then & Now – Wintrow Construction – Emergency Repairs
- 22-154-6/27 – Amend Chapter 1519.04 Re: Fireworks

Special Legislation Committee

- 22-155-6/27 – Adopt Guidelines for Flying Flags on Government Property
- 22-156-6/27 – Amend Code – 505.11 Hunting Prohibited (Deer Abatement)

6/27/22

ORDINANCE NO. _____-20

AN ORDINANCE TO APPROVE, ADOPT AND ENACT
CURRENT REPLACEMENT PAGES TO THE
CODIFIED ORDINANCES OF THE CITY OF MEDINA,
OHIO.

WHEREAS: Various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of the City of Medina, Ohio; and

WHEREAS: Certain traffic and misdemeanor ordinances should be revised to comply with current State law; and

WHEREAS: The codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council.

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

SEC. 1: That the ordinances of the City of Medina, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2022 Replacement Pages to the Codified Ordinances, which are hereby attached to this Ordinance as Exhibit A, are hereby approved and adopted.

SEC. 2: The following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

Traffic Code

Administrative Code

101.03 Rules of Construction. (Amended)

Traffic Code

- 303.082 Private Tow-Away Zones. (Amended)
- 303.083 Impounding Vehicles on Public Property. (Added)
- 331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle.
(Amended)
- 333.03 Maximum Speed Limits. (Amended)
- 335.02 Permitting Operation Without Valid License; One License Permitted.
(Amended)
- 335.021 Ohio Driver's License Required for In State Residents. (Amended)
- 335.09 Display of License Plates or Validation Stickers; Temporary License Placard.
(Amended)
- 371.13 Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)

General Offenses Code

- 513.15 Sale of Dextromethorphan. (Added)
- 517.01 Gambling Definitions. (Amended)
- 517.02 Gambling. (Amended)
- 517.06 Methods of Conducting a Bingo Game; Prohibitions. (Amended)
- 517.08 Raffles. (Amended)
- 517.09 Charitable Instant Bingo Organizations. (Amended)
- 517.11 Bingo or Game of Chance Records. (Amended)
- 517.13 Bingo Exceptions. (Amended)
- 517.14 Instant Bingo Conduct by a Veteran's or Fraternal Organization. (Amended)
- 517.15 Skill-Based Amusement Machines. (Amended)
- 517.16 Electronic Instant Bingo; Prohibited Conduct. (Added)
- 525.13 Interfering with Civil Rights. (Amended)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.22 Hazing Prohibited. (Added)
- 545.03 Property Exceptions as Felony Offense. (Amended)
- 545.09 Passing Bad Checks. (Amended)

Fire Prevention Code

- 1519.01 Fireworks Definitions. (Amended)
- 1519.05 Application. (Amended)
- 1519.06 Safety Requirements for Fireworks Showroom Structures. (Added)

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

ATTEST: _____
Clerk of Council

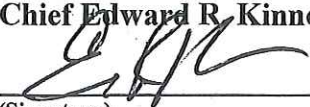
APPROVED: _____

SIGNED: _____
Mayor

REQUEST FOR COUNCIL ACTION

No. RCA 22-143-6/27

Committee Finance

From: **POLICE DEPARTMENT**
Chief **Edward R. Kinney**


(Signature)

Mayor's Initials:
ET

Guidelines: See information on back of form

Date: 6/16/22

Subject: American Rescue Plan Act (ARPA) Funding for Law Enforcement

Summary and Background: The ARPA grant funding relates to recruitment, retention and wellness of our first responders. Research suggests that physical wellness is a component of mental wellbeing and can reduce stress. This funding will incentivize physical wellness that may tie in and complement the City's current mental well-being health plan (Healthy Medina). Although this grant's focus is "First Responder Wellness, Recruitment, Retention & Resiliency", all city employees may benefit for years to come, as it will support the upgrade and renovation of the City's fitness room. The total proposal is \$142,011.00. The break down includes; \$67,600 toward gym equipment and audio/entertainment equipment; \$19,235 toward new impact resistant flooring and paint; \$50,400 toward fitness incentives within a two-year period for up to 42 officers; \$4,776 for fitness programming for 2 years. The Medina Police Department respectfully requests Council's approval to apply, accept the award, if granted and appropriate the funds to the applicable accounts.

Estimated Cost: \$0.0

Suggested Funding:

Sufficient Funds in Account:

Transfer Needed From: n/a To:

New Appropriation Needed: Yes

Account No: 106-0101-54412 (\$19,235); 106-0101-54413 (\$67,600); 106-0101-51129 (\$55,176)

Emergency Clause Requested:

No Yes If yes, reason: Grant Due 6/17/22

Council Use Only:

Committee Recommendation:

Council Action Taken:

Ord./Res.No:
Date:



Ohio

**Office of
First Responder
Wellness**

**American Rescue Plan Act (ARPA)
First Responder Wellness, Recruitment,
Retention & Resiliency**

2022

REQUEST FOR PROPOSALS

Deadline: June 17, 2022

OHIO EMERGENCY MANAGEMENT AGENCY

2855 West Dublin-Granville Road

Columbus, Ohio 43235-2712

Telephone: 614.889.7150

MIKE DEWINE, Governor

JON HUSTED, Lt. Governor

THOMAS J. STICKRATH, ODPS Director

SIMA MERICK, Ohio EMA Executive Director





OHIO EMERGENCY MANAGEMENT AGENCY

ARPA First Responder Wellness, Recruitment, Retention & Resiliency Grant

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OEMA AND ARPA

The primary mission of the Ohio Emergency Management Agency is to coordinate activities to mitigate, prepare for, respond to and recover from disasters. This mission is carried out by closely interfacing with local, state and federal agencies in an effort to bring resources of recovery and support to Ohioans impacted by the disaster. In addition to disaster response and recovery, Ohio EMA agency activities include education, training, planning and preparedness - strengthening Ohio's First Responder capabilities and improving communication across the state.

House Bill 169 of the 134th General Assembly appropriated a total of \$75 million to provide grants to support communities that have experienced adverse impacts to First Responder personnel during the COVID-19 pandemic. Governor Mike DeWine designated ODPS/OEMA to administer this portion of American Rescue Plan Act (ARPA) funding. As such, all funding is subject to ARPA guidelines and the final rule for Coronavirus State & Local Fiscal Recovery Funds [[SLFRF-Final-Rule.pdf \(treasury.gov\)](#)].

OFRW AND OCJS

The Office of First Responder Wellness (OFRW) provides training and resources for First Responder personnel and serves as a connection between agencies and mental health services and resources. The Office of Criminal Justice Services (OCJS) is a division of the Ohio Department of Public Safety. By statute, OCJS is the lead justice planning and assistance office for the state, administering millions of dollars in state and federal criminal justice funding every year. OCJS also evaluates programs and develops technology, training, and products for criminal justice professionals and communities.

Ohio First Responders stand ready to protect, defend and provide life-saving services to the citizens of the State of Ohio, 24 hours a day, 365 days a year. Often, this can put them at risk, both physically and mentally. Governor Mike DeWine, The Ohio Department of Public Safety, Office of Criminal Justice Services, and Ohio Office of First Responder Wellness support all Ohio First Responders.

WHAT TO EXPECT

As part of the application process, the eligibility screening tool must be completed and submitted with the application. This information will be reviewed by OEMA/OCJS staff upon receipt. If additional information is required, applicants will be contacted.

Application. For technical assistance on the narrative and budget pieces of the ARPA Wellness and Resilience application, email arpa@dps.ohio.gov.

Review. OEMA, OCJS, and other external grant reviewers will review ARPA proposals. Reviewers will ensure that project budget costs are allowable and directly related to the program. The OEMA Executive Director makes final funding recommendations and the Director of the Ohio Department of Public Safety approves them.

AWARD NOTIFICATIONS AND EXPECTATIONS

Projects will be notified and required to complete all forms and pre-award conditions electronically via email. Forms and assurances included with pre-award conditions include, but are not limited to:

- Special Conditions Form
- Registration in the System for Award Management (www.sam.gov/SAM/)

Project applicants are required to complete all forms and pre-award conditions and send them via email to Geoffrey Martin, Grants Branch Chief, Ohio EMA at gsmartin@dps.ohio.gov.

In addition to the above requirements and this Grant Guidance, all subrecipients are bound by the Federal Subgrant Conditions Handbook. Please note that once awards have been issued, projects will be required to submit Quarterly Subgrant Reports through the EM Grants online grants management system as well as meet the requirements of the grant including but not limited to performance reporting requirements as described in the Pre-Award Conditions

ELIGIBLE APPLICANTS

All ARPA applicants must have an organization, or subrecipient, that will serve as the fiduciary agent and assume overall responsibility for the grant. As this is a First Responder grant, First Responder agencies or their units of government are eligible. Eligible ARPA subrecipients include:

1. First Responder agencies include Law Enforcement, Fire, and EMS, or Public Safety Answering Point / Multi-Agency Dispatch Center, or
2. A unit of local government that has legislative autonomy, jurisdiction, and authority to act in certain circumstances. Units of government include a city, county, township, or village. If two or more jointly apply, they must designate one body to take the lead role and identify that agency's fiscal officer, or
3. State agencies.

For an applicant and project to be eligible, the application must successfully complete the Eligibility Screening Tool (First Responder) that demonstrates eligibility in one or more of the purpose areas on the tool.

***Note: applications may include research or evaluation components if the applicant is partnering with an established college, university, or credentialed researcher for up to 10% of the funding awarded.**

***Note: Law enforcement agencies that applied for the Office of Criminal Justice Services' Law Enforcement Violence Reduction & Staffing funding in the areas of Hiring and Payroll or Retention Bonuses, Incentives and Activities are not eligible to apply for those areas of this funding.**

APPLICANT BIDDERS CONFERENCE

A voluntary bidders conference training webinar for the American Rescue Plan Act Funding will take place May 13, 2022, from 11:00 am to 12:00 pm. The training will provide information helpful for both the application preparation and review process.

Please register for the webinar at:

<https://attendee.gotowebinar.com/register/8308524909329326860>

PROGRAM PURPOSE

The purpose of this ARPA wellness and resilience funding is to address the negative impacts of the coronavirus pandemic. All proposals must demonstrate how the pandemic has negatively impacted the First Responder community and how the proposed response will mitigate that negative impact. Specifically, applicants can use these funds to address the mental and behavioral health impacts of the coronavirus pandemic on First Responder personnel, as well as staffing challenges brought on or made worse by the pandemic.

LENGTH OF FUNDING

Projects may apply for 12 months or 24 months of funding. Funding may be backdated to April 1, 2022.

FISCAL CONSIDERATIONS

All budget items must be related to the purpose of addressing the negative impacts of the coronavirus pandemic.

Unallowable Costs

- Deposit into any pension fund - *does not include the payment to a pension fund as part of covered benefits for eligible personnel charged to the fund.*
- Contribute to rainy day funds, financial reserves, budget stabilization, or similar funds – the revenue reduction amounts must be applied to general government services.
- Offset a reduction in net tax revenue.
- Pay interest or principal on outstanding debt instruments, including short-term revenue or tax anticipation notes, or other debt service costs.
- Satisfy a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding.
- Serve as non-federal match for other federal grant programs.

Fiscal Compliance Review

- OEMA is required to perform a funding pre-risk assessment on all grant applicants resulting in a risk assessment of low risk, moderate risk, or high risk.
- Moderate or high risk subrecipients will receive a fiscal compliance review. OEMA staff will be monitoring fiscal and programmatic activities to ensure federal subawards are being used for authorized purposes and financial and performance goals are being achieved.
- Reviewing performance and financial reports and following up on noted deficiencies are required activities per the Office of Management and Budget Uniform Guidance 200.331-333 Subrecipient Management and Monitoring and Subpart F Audit.

POST AWARD REPORTING REQUIREMENTS

All ARPA subgrantees are required to comply with any reporting requirements set forth by Ohio Emergency Management Agency.

PROPOSAL COMPONENTS CHECKLIST

Use the following checklist as a general guide for submitting proposals to OEMA. Read the entire Grant Guidance document before completing proposals.

- ARPA Eligibility Screening Tool
- Narrative
- Budget
- External Audit or Financial Report

FORMAT AND SUBMISSION

Please submit the Request for Proposal (RFP) and Audit/Financial Information via email to Geoffrey Martin at gsmartin@dps.ohio.gov. The deadline for application submission is 5:00 PM, June 17, 2022. The RFP form should be submitted in Excel format only and is available for download at the following location:

<https://www.ema.ohio.gov/Documents/PreparednessGrants/ARPA-First-Responder-Application.xlsx>

APPLICATION REQUIREMENTS

Narrative (limited to 8000 characters)

Describe the project to be implemented with grant funding. Narratives must respond to the following:

- Describe the behavioral health, recruitment or retention problem to be addressed by the proposed program.
- Describe the benefits of the proposed program for First Responders.
- Describe the history and background of the programs being recommended.
- Describe any measures or metrics that will be used to evaluate the efficacy of the program.
- Describe the plan to partner with local resources in providing training or support for First Responders.

Budget

Describe any costs associated with implementing the activities described in the narrative.

- Present a clear and detailed budget with a narrative that explains and justifies the budget information.
- Justify the costs of the proposed program and that the costs are considered reasonable and cost-effective in view of the types and range of activities to be conducted, the number of participants to be served, and the expected results and benefits.
- Include information on related funding the agency may be applying for or receiving.

*There is not a match requirement for this award; please leave this section of the budget blank.

Equipment

Agencies / departments are encouraged to tailor wellness initiatives and programs to fit their agency / department and the jurisdiction they serve. Please note the following guidance regarding the eligibility of equipment: ARPA funds may not be used for the purchase or acquisition of equipment unless there is a documented correlation between the equipment being requested and wellness and resilience, related directly to the adverse effects of COVID pandemic on First Responder Personnel. Documentation explaining the need for the equipment must be included with the application for consideration. These requests will be evaluated on a case-by-case basis.

External Audit or Financial Report

Please email a PDF copy of your organization's most recent external audit or most recent financial report as part of your application packet. This allows OEMA to ensure requirements are met for 2 C.F.R. § 200.331(f). Single Audit Act Amendment of 1996, and the OMB Circular A-133.

AMERICAN RESCUE PLAN ACT FUNDING (ARPA) GOALS AND PRIORITIES

Responding to the Pandemic and its Negative Impacts

The purpose of the First Responder Wellness, Recruitment, Retention and Resiliency ARPA funding is to respond to the negative impacts of the pandemic by addressing the mental wellness needs of Ohio's First Responder Community. The grant also offers assistance in hiring and retention incentives to promote First Responders to remaining in their chosen fields. Law enforcement, fire, EMS and dispatch have seen major staffing issues since the beginning of the pandemic. Below is a non-exhaustive list of potential projects that address this purpose.

Purpose: Hiring and Payroll

- First Responder recruitment efforts, such as recruitment drives, job fairs, and advertising.
- First Responder personnel payroll costs to (1) replace vacant or eliminated positions from the pandemic or to (2) return to pre-pandemic levels; whichever reason for hiring is used must be justified and demonstrated by using option 1. or 2. under "PURPOSE: HIRING AND PAYROLL" on the ARPA Eligibility Screening Tool. Payroll costs are limited to First Responder staff, which include dispatchers.
- First Responder hiring bonuses; limited to First Responder staff, which include dispatchers.

Purpose: Retention Bonuses, Incentives and Activities

- First Responder retention bonuses or other retention incentives, which may include reasonable compensation increases for employees to remain at the current employer versus leaving for other options. Any incentives must be in addition to regular compensation, tailored to the need and not exceed amounts traditionally offered by the current employer or competitive employers. Retention incentives must be less than 10% for a group/category of employees (may extend up to less than 25% if the incentive is only for an individual employee). These percent limits apply to annual salary and are for the life of this ARPA funding, meaning that they can be paid in a one-time payment to employees, or the equivalent of that one-time amount can be spread out in smaller payments during

the grant period. Retention bonuses are allowable for First Responder staff, including dispatchers.

Purpose: First Responder Agency / Personnel Wellness

- Examples of possible fundable projects include, but are not limited to:
 - Agency / Personnel Wellness Checks
 - Law Enforcement, Fire, EMS & Dispatch agencies will contract with a clinician or clinical practice to provide periodic wellness checks for their personnel.
 - Wellness check frequency to be determined by chief executive but no less often than every two (2) years.
 - Wellness checks will be mandatory for all personnel, including chief executive and command staff.
 - Clinician or practice may not be used for hiring evaluation, discipline or promotional process.
 - The clinician / practice will not report anything beyond personnel attendance to the agency / department unless required by their licensure.
 - All records of visits will be retained by the clinician / practice as a clinical record and protected as a medical record.
 - Additional visits, if needed, and consideration for a major event should be factored into the contract.
 - Peer Support Team Training
 - Support from peers after an event(s) has been shown to be very beneficial for First Responders. Being able to talk to someone “dressed like me” can be very impactful for First Responder personnel.
 - Having trained personnel within an agency provides on-going and immediate support for agency personnel.
 - Peer Support Team training must meet best practices and be provided by accredited programs such as, but not limited to; International Association of Firefighters, International Critical Incident Stress Foundation, Mental Health First Aid.
 - Funding would be provided for training cost, salary of attendee, overtime costs incurred covering an open shift, books and course costs.
 - Funding may cover reasonable travel costs associated with attending training.
 - Development and staffing of a Wellness Office or Program
 - Funding to cover cost of personnel assigned to perform duties as the Wellness Coordinator (or however an agency / department wants to designate).
 - Funding to cover training for personnel assigned to fulfill the role of wellness coordinator
 - (Resources are available through the International Association of Chiefs of Police)

REQUEST FOR COUNCIL ACTION

No. RCA 22-144-6/27

FROM: Cable

Committee: Finance Finance

DATE: 6/16/22

SUBJECT: MedinaTV contract with Main Street Medina

SUMMARY AND BACKGROUND:

Respectfully request Council to approve this contract with Main Street Medina. MedinaTV will provide photo and video services for Main Street Medina to use in promotional material and social media. Main Street will pay MedinaTV for their services as stated in this contract. Main Street Medina will be billed on a monthly basis for the services provided by MedinaTV.

Estimated Cost: \$0

Suggested Funding:

- Sufficient funds in Account No.
- Transfer needed from Account No.
to Account No.

NEW APPROPRIATION needed in Account No.

Emergency Clause Requested: Yes

Reason: To start work as soon as possible as Main Street has events on the Summer calendar.

COUNCIL USE ONLY:

Committee Action/Recommendation:

Council Action Taken:

Ord./Res.

Date:

AGREEMENT

This Agreement made on the _____ day of _____, 2022, between the **CITY OF MEDINA**, a municipal corporation, having its principle place of business at 132 North Elmwood Avenue, Medina, Ohio 44256, and **MAIN STREET MEDINA**, a body, having its principle place of business at 39 Public Square, Suite 305, 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 Main Street Medina wish to enter into agreement for photography and video services of local events involving Main Street Medina. Medina TV is currently in a position to provide these services to Main Street Medina so as to broaden MedinaTV and the scope of their work.
2. **Scope of Service.** The City of Medina and Medina TV agree to provide staff for the benefit of the Main Street Medina so as to photograph and videotape Main Street Medina events. Medina TV will provide the staff and the equipment necessary to complete the video and photographs of Main Street events. MedinaTV will provide copies of photos and video for use by Main Street Medina in advertising and promotions.
3. **Compensation.** As compensation for services rendered by the City of Medina and Medina TV pursuant to this Agreement, Main Street Medina agrees to pay to Medina TV personnel an hourly rate of one hundred and four dollars (\$104) per hour for each hour that Medina TV staff work in the taping, editing, and production of Main Street Medina events. The One hundred and four dollar (\$104) per hour charge shall also apply to any additional programming and production services associated with Main Street Medina

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

4. **Term.** The term of this Agreement shall commence on the date of the signing of this Agreement and terminate within a period of one (1) year after the date of the signing of this Agreement.
5. **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.
6. **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.

7. **Agreement Review.** This Agreement will be evaluated on a yearly basis by the City of Medina, Main Street 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

MAIN STREET MEDINA, OHIO

By: _____
GEORGE SAM, Executive Director, Main Street Medina

By: _____
ERIC STASIOWSKI, Executive Officer, Main Street Medina

Approved as to Form and Correctness:

GREGORY A. HUBER
Law Director, City of Medina

REQUEST FOR COUNCIL ACTION

No. RCA 22-145-6/27

FROM: Andrew Dutton

Committee: Finance

DATE: 6/16/22

SUBJECT: Chapter 145 Amendments – HPB Member Requirements

SUMMARY AND BACKGROUND:

Chapter 145 of the City of Medina Codified Ordinances includes requirements for the Historic Preservation Board (HPB). As found in Section 145.03, "Board Membership", the HPB consists of five regular members and no alternates. The proposed amendments align the HPB with the Planning Commission and the Board of Zoning Appeals by providing two alternate members if regular members are not able to attend a meeting. Providing alternate members for the HPB will assist the Board in their review of applications and ensure that necessary members are present.

In addition, the proposed amendment also makes changes to Section 145.03 and the adopted "Appendix A" to require that HPB members cannot hold another public office, a member be removed by the Mayor after a public hearing, and that three votes are required for an application to pass. These amendments align the HPB with similar language in the Codified Ordinances applicable to the Planning Commission and Board of Zoning Appeals. The amendment also expands possible non-resident members of the Board, if no qualified residents are available.

Per Section 13 of the adopted "Appendix A", the HPB must make a recommendation to City Council regarding amendments to Chapter 145. The HPB reviewed the proposed amendments at their regular meeting on June 9, 2022, and unanimously recommended approval.

Estimated Cost: NA

Suggested Funding:

- sufficient funds in Account No.
- transfer needed from Account No. _____ to Account No. _____
- NEW APPROPRIATION needed in Account No. _____

Emergency Clause Requested: No

Reason:

COUNCIL USE ONLY:

Committee Action/Recommendation:

Council Action Taken:

Ord./Res.

Date:



CITY OF MEDINA
Community Development Department
132 N. Elmwood Ave. Medina, OH 44256
Phone: 330-722-9056 Fax: 330-764-4385

MEMORANDUM

DATE: June 2, 2022
TO: Historic Preservation Board
FROM: Andrew Dutton, Community Development Director
SUBJECT: Chapter 145 – Historic Preservation Board - Amendments

Attached with this memo are proposed amendments to Chapter 145 of the City of Medina Codified Ordinances, Historic Preservation Board (HPB). The purpose of the amendments is to better align the HPB with the Board of Zoning Appeals and the Planning Commission. Similar language from the amendments is found in sections of the Charter and Codified Ordinances related to the Board of Zoning Appeals and Planning Commission.

In general, the amendments:

- Ad two alternate members to the HPB, who may attend the meeting and vote on applications if a regular member is absent
- Prohibit HPB members from holding another office in the City
- Allow the Mayor to remove a Member after a public hearing
- Remove the "professional or academic" stipulation for possible non-resident members
- Require 3 votes to pass a motion, which is the majority of the full HPB

Please let me know if you have any questions regarding the proposed amendments.

CHAPTER 145
Historic Preservation Board

145.03 BOARD MEMBERSHIP.

The Historic Preservation Board shall consist of five Regular ~~m~~Members who shall demonstrate a special interest, knowledge, or training in preservation, architecture, history, planning, conservation, landscape architecture, archeology, urban design or closely related field as follows:

- (a) Two ~~(minimum)~~ (2) preservation related professional or academic members to the extent that they are available;
- (b) Two (2) property or business owners from within the district;
- (c) One (1) resident of the City.

In addition, there shall also be a First Alternate Member and a Second Alternate Member. If any Regular Member is absent, the First Alternate Member may vote in the Regular Member's place. If the First Alternate Member is absent or if more than one (1) Regular Member is absent, the Second Alternate Member may vote in the Regular Member's place.

Members shall be residents of the City of Medina and shall not hold any other public office or position in the City. ~~professional or academic m~~Members may include non-residents if no qualified residents are available. Members shall be appointed by the Mayor and approved by Council and shall serve for four-year terms. The Mayor may remove any Member for cause after a public hearing, and any vacancy shall be filled in the same manner as an original appointment for the unexpired term. Members shall elect a Chair and Vice Chair, each to serve a one-year term. A staff member or designee of the Planning Department shall act as the Board Secretary.

APPENDIX A
Procedural Manual For Historic Preservation Board

- Chapter I Introduction and Organization
- Chapter II Certificate of Appropriateness
- Chapter III Conditional Sign Permit

CHAPTER I
INTRODUCTION AND ORGANIZATION

9. QUORUM.

A majority of the Board shall constitute a quorum, and such quorum shall be capable of conducting any business before the Board. ~~However, an affirmative vote by a majority of the quorum is necessary~~ The affirmative vote of three (3) Members of the Board shall be required to act on an application.

OK
D. Harwell
6-21-2022

REQUEST FOR COUNCIL ACTION

No. RCA 22-146-6/27

FROM: Kimberly Marshall, Economic Development Director Committee: Finance

DATE: June 21, 2022

SUBJECT: Economic Development (TREX) Transfer Form

SUMMARY AND BACKGROUND:

Marc Myers, Attorney for the owners of Pickleback, LLC located at 220 N. State Street. Medina, has identified a liquor permit that they are requesting to be transferred into the City of Medina. The seller is Sweet Carrot Grandview LLC and the Permit Number is 8735832-0005. The ORC 4303.29 states that a permit can be transferred from one area to another for the purposes of an economic development project.

Pickleback LLC has entered into a lease with Common Ground LLC for the real estate at 220 N State Street, which was formally occupied by Hollos Papercraft and former Pickle factory. The space had been vacant for approximately one year prior.

Pickleback, LLC desires to sell alcoholic beverages at its location. However, the quota for liquor permits allowing on-premises consumption in Medina is full. Therefore, Pickleback, LLC must purchase a permit and request consent of the Medina City officials to TREX in a liquor permit.

Pickleback, LLC will initially employ 10-12 persons. It will generate income tax for the City of Medina as well as investment in an underutilized building. The project timeline is to be up and running in the next 3-6 months.

I am respectfully requesting council to allow the Mayor to sign the attached Ohio Department of Commerce – Division of Liquor Control – Economic Development (TREX) Transfer Form.

Estimated Cost: N/A

Suggested Funding:

Sufficient funds in Account No.

- Transfer needed from Account No. _____ to Account No. _____

NEW APPROPRIATION needed in Account No.

Emergency Clause Requested: **YES**

Reason: The attorney has located a seller and would like to execute the final deal as soon as possible and submit documents to the State of Ohio for the transfer.

COUNCIL USE ONLY:

Committee Action/Recommendation:

Council Action Taken:

Ord./Res.
Date:



ECONOMIC DEVELOPMENT (TRES) TRANSFER FORM

Ohio Revised Code 4303.29 allows for the transfer of location or the transfer of ownership and location of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal corporation or the unincorporated area of a township to an economic development project located in another municipal corporation or the unincorporated area of another township in which no additional permits of that class may be issued to the applicant under the permit quota. However the transfer may occur only if the applicant notifies the municipal corporation or township to which the location of the permit will be transferred regarding the transfer and the municipal corporation or township acknowledges in Section B of this form OR in writing to the Division of Liquor Control, that the transfer will be to an economic development project. A permit may be transferred to a different owner at the same location, or to the same owner or a different owner at a different location in the same municipal corporation or in the unincorporated area of the same township. NOTE: The statute requires the applicant to provide the endorsement by the municipal corporation or township at the time the application for the transfer is filed with the division, therefore once Section B is completed return this form to the applicant so they may attach this information to their transfer application. NO fee required.

Seller - Current Permit Holder - (Individual, Corp., LLC or Partnership)

Sweet Carrot Grandview LLC

Buyer - Prospective Permit Holder - (Individual, Corp., LLC or Partnership)

Name: Pickleback LLC

Address: 220 N. State Street

Medina OH 44256

Permit Number: 8735832-0005

Check Class of Permits Being TRES Transferred:

C-1 C-2 C-2X D-1 D-2 D-2X D-3 D-3A D-3X D-5 D-6

SECTION A: (To Be Completed by the Applicant)

NOTE: Section A is for you to provide information to the local legislative authority (City, Village or Township Office) in which this Economic Development Project (TRES) will be located. In addition to the below information, you may be required to provide a projected earnings statement (brand new business), or a profit and loss statement (existing business), and a copy of building plans/drawings outlining any construction plans. The Division will also use this information to determine if you qualify and meet the criteria outlined under Section 4303.29(B)(2)(b).

1. The total amount invested in this project is \$ 120,000

2. The total number of jobs that will be created by this economic development project is 10-12

3. Existing or Estimated Tax Revenue generated by this project is:
(Type or print on the lines provided the type of tax & amount; i.e., Sales Tax, Property Tax, Unemployment Tax, etc.)

Sales Tax \$ 35,000

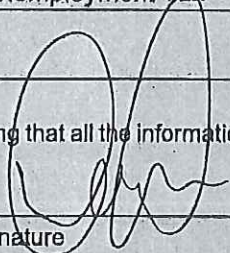
State Withholding Tax \$ 15,000

Ohio Unemployment Tax \$ 5,000

\$ _____

On behalf of the applicant as indicated above I am signing below and certifying that all the information provided with this application is complete and accurate to the best of my knowledge.

DAVID TEPEK
Print or Type Name


Signature

6/20/22
Date

330-461-4042
Phone Number

REPRESENTATIVE
Title

SECTION B: The applicant must have this section completed by the City, Village or Township Office in which this Economic Development Project (TRES) will be located. **This form must be returned to the applicant to accompany the transfer application.**

Based upon factors outlined above, the City, Village or Township of _____ hereby endorses and acknowledges that this transfer will be to an economic development project.
(City, Village or Township Name)

Print or Type Name

Signature of Mayor, Legislative Office Holder or Law Director

Date Phone Number

Title (e.g., Mayor, Clerk of Council, Fiscal Officer or Law Director)

OK
Dennis Hanwell
6-21-2022

REQUEST FOR COUNCIL ACTION

No. RCA 22-147-6/27
Committee: Finance

FROM: Mayor Dennis Hanwell
DATE: June 21, 2022
SUBJECT: Railroad Liability Insurance Renewal

SUMMARY AND BACKGROUND:

Respectfully request Council approve expenditure of \$15,225.00 to pay the insurance premium to CBIZ Insurance Services for Railroad Liability Coverage in the City of Medina, effective 6/29/22 through 6/29/23. PO 22-0504 in the amount of \$15,000.00 for Railroad Liability Coverage was approved at Board of Control in December 2021, however the insurance premium exceeded the estimate by \$225.00. The next Council meeting is not until July 11, 2022, so it is necessary to request approval of this expenditure at the June 27, 2022 meeting to avoid a lapse in liability coverage. Please note, we received this invoice on June 14, 2022, the day after the last Council meeting.

Respectfully ask the Council to permit taking this approval from Finance to Council and passing with the emergency clause at the June 27, 2022 meetings.

Estimated Cost: \$15,225.00

Suggested Funding:

- Sufficient funds in Account No. 145-0630-52213
- Transfer needed from Account No. _____ to Account No. _____

NEW APPROPRIATION needed in Account No. _____

Emergency Clause Requested: YES
Reason: The policy will expire June 29, 2022

COUNCIL USE ONLY:
Committee Action/Recommendation:

Council Action Taken:

Ord./Res.
Date:

MCRAIL

CBIZ Borden Perlman

CBIZ Borden Perlman
 200 Princeton South Corporate Center
 200 Charles Ewing Blvd., Suite 330
 Ewing, NJ 08628

Invoice # MEDINA0-01		Page 1
Client Code	Account Manager	Date
MEDINA0-01	Brian Anstock	6/14/2022
Producer:		
Chris Borden		
Policy Term		Amount Due
6/30/22 to 6/30/23		\$15,225.00

City of Medina
 132 North Elmwood Avenue
 Medina OH 44258-0703

Effective Date	Transaction	Policy Number	Amount
6/30/2022	Renewal	RL008QM21 Aspen Specialty Insurance	\$14,500.00

Taxes/Fee Total \$725.00
TOTAL \$15,225.00



ACH TO:
 First Bank
 1340 Parkway Avenue
 Ewing, NJ 08628



FOR THE BENEFICIARY:
 Borden Perlman Insurance
 200 Princeton South Corporate Center
 200 Charles Ewing Blvd., Suite 330
 Ewing, NJ 08628



Routing Number: 021 207 024
 Account Number: 2020007071

Please include your invoice number on your memo.



Make all checks payable to:
 CBIZ Insurance Services, Inc

Mail to:
 200 Princeton South Corporate Center
 200 Charles Ewing Blvd., Suite 330
 Ewing, NJ 08628



If you have questions regarding this invoice, please contact your Account Manager noted above.

Office: (800) 932-4476
Fax: (609) 895-1468

bordenperlman.com



City of Medina
 132 North Elmwood Ave
 P.O. Box 703
 Medina, OH 44258

PURCHASE ORDER

Page: 1
 P.O. Number: **2022000504**
 P.O. Date: 01/01/2022
 Req. Number: 2022-FIN-2722

Deliver To FINANCE DEPARTMENT
 CITY OF MEDINA
 132 N ELMWOOD AVE
 MEDINA OH 44256

Requested By: Lilly Selva
 Blanket Type:
 Ship Via:
 Terms:

Vendor C00797 *McRail*
 CBIZ INSURANCE SERVICES INC
 DBA: CBIZ BORDEN PERLMAN
 700 W 47TH STREET
 SUITE 1100
 KANSAS CITY, MO 64112

TERMS:
 1. City of Medina is exempt from excise or sales tax.
 2. Purchase order number must appear on all invoices, packages, packing slips, shipping papers and all other correspondence.
 3. Delivery must be prepaid to destination shown above or billed to same.
 4. No change may be made in this order without consent of the Director of Finance.
 DO NOT DUPLICATE THIS ORDER

FID# 34-6001856

Line	Description	Account	Qty	Unit	Price/Unit	Amount
BOC APPROVED 12/13/21						
Accounting						
001	6/29/22-6/28/23 RR LIABILITY INSURANCE	145-0630-52213				\$15,000.00

Purchase Order Total: \$15,000.00

This amount has been lawfully appropriated for such purpose and is in the treasury or in the process of collection.

Keith A. Oriskany

1/7/2022

Director of Finance

Date

OK
D.A. Amey
6/21/2022

REQUEST FOR COUNCIL ACTION

No. RCA 22-148-6/21

FROM: Mayor Dennis Hanwell

Committee: Finance

DATE: June 21, 2022

SUBJECT: Cyber Security Liability Insurance – Increase in coverage

SUMMARY AND BACKGROUND:

Respectfully request Council to increase the expenditure to Jackson Dieken Insurance for Cyber Security Liability Coverage for the City of Medina by \$8,306.00. Cyber insurance coverage effective from 4/1/22 to 4/1/23 was previously approved by Council at an annual cost of \$20,277.00 by Ordinance 61-22 for \$ 1 million in coverage. The additional expenditure of \$8,306.00 would increase our coverage from \$1 million to \$2 million, through 4/1/23. Evaluation by IT confirms that this is a good value for the increase in coverage.

Respectfully ask the Council to permit taking this approval from Finance to Council and passing with the emergency clause at the June 27, 2022 meetings.

Estimated Cost: \$8,306.00

Suggested Funding:

- Sufficient funds in Account No.
- Transfer needed from Account No. _____ to Account No. _____

NEW APPROPRIATION needed in Account No. _____

Emergency Clause Requested: YES

Reason: To increase cyber liability coverage by \$1 million, effective 6/28/22

COUNCIL USE ONLY:

Committee Action/Recommendation:

Council Action Taken:

Ord./Res.

Date:

JACKSON-DIEKEN

& ASSOCIATES

Complete Insurance Services

27893 Clemens Road, Suite #1
Westlake, OH 44145-1169
Phone: 440-250-6873 Fax: 440-250-6874

City of Medina
132 N Elmwood Ave
Medina, OH 44256

INVOICE NO. 70118		Page 1
ACCOUNT NO. MEDIN-2	CSR CY	DATE 06/21/2022
PRODUCER Kelly M McKeon		
BALANCE DUE ON 06/28/2022		
AMOUNT PAID	AMOUNT DUE \$8,306.00	

You can now pay ONLINE! To make a payment online,
please go to or click on the link
<https://jacksondieken.epaypolicy.com/>

Itm #	Eff Date	Trn	Type	Description	Amount
268470	06/28/22	MEM	PRIV	Cyber Policy Incr to \$2M Limit	\$8,306.00

If Coverage Bound Effective 6/28/2022.

Invoice Balance: \$8,306.00

Now accepting electronic payments at the MyJDA tab at our website and jacksondieken.epaypolicy.com. Thank you!!

OK
D. H. H. H. H. H.
6-21-2022

REQUEST FOR COUNCIL ACTION

No. RCA 22-149-6/27

FROM: Medina Recreation Center ^{JDW}

Committee: Finance

DATE: June 21, 2022

SUBJECT: Joint Operating Agreement Amendment, Amend Ord. 191-19, passed 11-25-2019

SUMMARY AND BACKGROUND:

The Medina Community Recreation Center respectfully requests Council to approve an amendment to Ordinance 191-19 : Joint Operating Agreement for Medina Recreation Center We are requesting to amend the agreement in two sections, 5.6 Capital Improvement Fund and 7.2 Utilities and Maintenance. It was agreed upon verbally on May 5th, 2022 by the City and School District's representatives that the original Capital Fund contribution amount will need to be increased. In addition, the City has installed a new phone system and will be responsible for the full cost of that utility going forward.

Amendment A:

Amendment 2022A: The annual Capital Fund Contribution amount will be increased by an additional \$10,000 per year per party until the amount reaches \$150,000.

2022:	\$110,000 per party	(\$220,000 total)
2023:	\$120,000 per party	(\$240,000 total)
2024:	\$130,000 per party	(\$260,000 total)
2025:	\$140,000 per party	(\$280,000 total)
2026 and beyond:	\$150,000 per party	(\$300,000 total)

Amendment B:

Amendment 2022B: The School Board shall provide all utilities with the exception of phone service which is the responsibility of the City.

Estimated Cost:

Suggested Funding:

- sufficient funds in Account No.
- transfer needed from Account No. to Account No.
- NEW APPROPRIATION needed in Account No.

Emergency Clause Requested:

Reason:

COUNCIL USE ONLY:

Committee Action/Recommendation:

Council Action Taken:

Ord./Res.

Date:

RCA 22-150-6/27
Finance Only

City of Medina
Board of Control/Finance Committee Approval
Administrative Code: 141

- Department Heads can authorize expenditures up to \$1,500.00 (requisition)
- Board of Control authorizes expenditures from \$1,500.01 to \$15,000.00 (BOC form).
- Finance Committee authorizes expenditures from \$15,000.01 to \$25,000.00 (BOC form).
- Council authorizes expenditures/bids over \$25,000.00 (RCA form). Board of Control awards all bids, unless otherwise specified in authorizing ordinance. (Ord. 61-18 eff.5.9.18)

Date: 6/21/2022

Department: Parks

Amount: \$21,430.48

B.O.C. Approval Date: _____
(Finance Use Only)

Account Number: 104-0303-53322

Vendor: KTS Equipment Inc. #K00271

Department head/Authorized signature: 

Item/Description:

Purchase one Kubota Utility Vehicle- RTV X 1100CWL-H 4X4
Sourcewell Contract #031121

Approve two trades to apply to the purchase:

2007 Toro Workman model 7365 Serial #270000725 in the amount of \$2,500.00

1989 John Deere model 1015 Serial #CH105015351 in the amount of \$4,000.00

FINANCE COMMITTEE APPROVAL: (expenditures from \$15,000.01 to \$25,000.00)

Date Approved/Denied by Finance Committee: _____

Date to Finance: _____

Clerk of council

- Please have all BOC items for the agenda to the Mayor's Office before 5 p.m. on Friday before the scheduled BOC meeting.
- Please have all Finance Committee items for the agenda to the Clerk of Council's Office before 5 p.m. on Tuesday before the scheduled Finance Committee meeting.

Thank you.

KTS EQUIPMENT INC.

47117 STATE ROUTE 18
WELLINGTON, OHIO 44090
(440) 647-2015



DATE: June 21, 2022
City of Medina Park and Recreation
785 E Washington St
Medina OH 44256
Quote is valid for 30 days
330-721-6950
Jwehrley@medinaoh.org

KTS Equipment is pleased to quote the following:

DESCRIPTION	UNIT PRICE
NEW KUBOTA UTILITY VEHICLE MODEL: RTV X 1100 CWL-H 4X4 Cab heat A/C Heavy duty worksite tires 25 X 10 -12, 6 ply Hydraulic cargo dump	\$23,549.00
V5012 full rack system/RTV	\$1,026.80
K7731 Turn signal/hazard light kit	\$339.58
V5059 Side mirror kit - cab	\$82.50
VC5058 Strobe light kit	\$182.03
V5200 Trailer hitch - 2 in receiver - 3/4 in mount	\$44.00
Configured Price:	\$25,223.91
Sourcewell Discount:	(\$5,549.26)
Subtotal:	\$19,674.65
Dealer Assembly:	\$474.58
Freight cost:	\$881.25
PDI:	\$400.00
Total Unit Price:	\$21,430.48
TRADE IN: <i>TBD</i>	
Toro Workman model 7365 Serial # 270000725 2007	\$2,500.00
John Deere Model 1050 Serial # CH10505015351 1989	\$4,000.00
	<u>\$14,930.48</u>

Paul Bursley

440-315-4669 - paulb@ktsequipment.com

Sourcwell
 Utility Tractors & Mowers - 031821
 CE and AG - 040319
 Utility Vehicles 122220
 Arkansas 4600041718
 Delaware GSS-21673
 Mississippi (CE Only) 8200056371
 Mississippi 8200055841

RTV-X1100CWL-H WEB QUOTE #2388521
 Date: 6/16/2022 6:45:06 AM
 - Customer Information -
 Wehrey, Jansen
 City of Medina park and rec
 jwehrey@medinaoh.org
 330-721-6950

Quote Provided By
 KRSTOWSKI TRACTOR SALES, INC.
 paul bursley
 47117 STATE ROUTE 18
 WELLINGTON, OH 44090
 email: paulb@krystowskitractor.com
 phone: 4403154669

- Standard Features -

- Custom Options -



V Series RTV-X1100CWL-H
 *** EQUIPMENT IN STANDARD MACHINE ***

DIESEL ENGINE
 Model Kubota D1105
 3 Cyl. 68.5 cu in
 +24.8 Gross Eng HP
 75 Amp Alternator

TRANSMISSION
 VHT-X
 Variable Hydro Transmission
 Forward Speeds:
 Low 0 - 15 mph
 High 0 - 25 mph
 Reverse 0 - 17 mph
 Limited-slip Front Differential
 Rear differential lock

HYDRAULICS
 Hydrostatic Power Steering
 with manual tilt-feature
 Hydraulic Cargo Dump
 Hydraulic Oil Cooler

FLUID CAPACITY
 Fuel Tank 7.9 gal
 Cooling 8.3 qts
 Engine Oil 4.3 qts
 Transmission Oil 1.8 gal
 Brake Fluid 0.4 qts

CARGO BOX
 Width 57.7in
 Length 40.5 in
 Depth 11.2 in
 Load Capacity 1102 lbs
 Vol. Capacity 15.2 cu ft

+ Manufacturer Estimate

TIRES AND WHEELS
 Heavy Duty Worksite 25 x 10 - 12, 6 ply

KEY FEATURES
 Factory Cab w/ A/C, Heater,
 Defroster
 Fully opening roll-down door
 windows
 Digital Multi-meter
 Speedometer
 Pre-wired w/ speakers/antenna for
 stereo
 Front Independent Adjustable
 Suspension
 Rear Independent Adjustable
 Suspension
 Brakes - Front/Rear Wet Disc
 Rear Brake Lights / Front
 Headlights
 2" Hitch Receiver, Front and Rear
 Deluxe 60/40 split bench seats
 with driver's side seat adjustment
 Underseat Storage Compartments
 Deluxe Front Guard
 (radiator guard, bumper, and lens
 guard)

SAFETY EQUIPMENT
 SAE J2194 & OSHA 1928 ROPS
 Horn
 Dash-mounted Parking Brake
 Spark Arrestor Muffler
 Retractable 2-point Seat Belts

DIMENSIONS
 Width 63.2 in
 Height 79.5 in
 Length 120.3 in
 Wheelbase 80.5 in
 Tow Capacity 1300 lbs
 Ground Clearance 10.4 in
 Suspension Travel 8 in
 Turning Radius 13.1 ft

Factory Spray-on Bedliner
 "L" Models Only

Bright Alloy Wheels (Silver-
 painted)
 Silver-painted with machined
 surface
 "S" Models only

RTV-X1100CWL-H Base Price: \$23,549.00

(1) FULL RACK SYSTEM / RTV 77700-V5012-FULL RACK SYSTEM / RTV	\$1,026.80
(1) TURN SIGNAL/HAZARD LIGHT KIT K7731-98610-TURN SIGNAL/HAZARD LIGHT KIT	\$339.58
(1) SIDE MIRROR KIT - CAB (1) 77700-V5059-SIDE MIRROR KIT - CAB (1)	\$82.50
(1) STROBE LIGHT KIT 77700-VC5058-STROBE LIGHT KIT	\$182.03
(1) TRAILER HITCH - 2IN RECIEVER - 3/4IN MOUNT 77700-V5200-TRAILER HITCH - 2IN RECIEVER - 3/4IN MOUNT	\$44.00
Configured Price:	\$25,223.91
Sourcwell Discount:	(\$5,549.26)
SUBTOTAL:	\$19,674.65
Dealer Assembly:	\$474.58
Freight Cost:	\$881.25
PDI:	\$400.00

Total Unit Price: \$21,430.48
 Quantity Ordered: 1
 Final Sales Price: \$21,430.48

**Purchase Order Must Reflect
 the Final Sales Price**

To order, place your Purchase Order directly with the quoting
 dealer

*Some series of products are sold out for 2022. All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

REQUEST FOR COUNCIL ACTION

OK
Attached
6/21/2022

NO. RCA 22-151-6/27

FROM: Patrick Patton

COMMITTEE

DATE: June 21, 2022

REFERRAL: Finance

SUBJECT: Add-Alternate Discussion: Job #1080 S. Prospect Street Reconstruction

On April 25, 2022 Council passed Ordinance No. 82-22 authorizing the bid and award of the South Prospect Street Reconstruction Project. That project was bid with an add-alternate to replace the sidewalks on the west side of S. Prospect.

The new water line on the east side of the road is within two feet of the existing sidewalks. There is no way to install the water line without disturbing the existing sidewalks, as such we plan on replacing all the sidewalks on the east side of the road. There are some small sections of sidewalk on the west side that will need to be replaced in order to install utilities to each home, but the majority of the sidewalk could remain in place.

During discussion, Council asked the administration to bid the project with an option to replace the sidewalks on the west side. In addition, Council asked that the City reach out to the property owners to solicit their opinions about replacing the sidewalks on the west side.

On May 4, 2022 the Engineering Department sent the attached letter to all of the property owners on S. Prospect Street. We received one response to the letter, that property owner was in favor of replacing the sidewalks.

Bids were received and opened for the project on May 27, 2022. See below for a summary of the bid and the add-alternate:

- Authorized amount: \$1,610,000.00 (Ord No. 82-22)
- Awarded amount: \$1,423,953.00 (Board of Control June 13, 2022)
- Add-Alternate bid: \$ 31,475.50
- Bid amount with Add-Alternate: \$1,455,428.50

Since the combined amount of the base bid and the add alternate bid (\$1,455,428.50) is within the amount authorized by Council (\$1,610,000.00), the Board of Control has the authority to revise the contract to accept the add-alternate bid. If Council decides to accept the add-alternate and complete the sidewalks on the west side, we will submit the request to the Board of Control at their next meeting.

As a reminder, the City was awarded an Ohio Public Works Commission (OPWC) grant in the amount of \$493,940 for this project.

Thank you for your consideration.

ESTIMATED COST: \$31,475.50

SUGGESTED FUNDING: Street Capital and Water Capital Improvements

Sufficient Funds in Account Number: 108 0610 54411

Transfer Needed from: to:

New Appropriation Account Number:

Emergency Clause Requested: No

Reason:

COUNCIL USE ONLY:

COMMITTEE RECOMMENDATION:

Council Action Taken:

Ord./Res. Number:

Date:

ORDINANCE NO. 82-22

**AN ORDINANCE AUTHORIZING THE MAYOR TO
ADVERTISE FOR COMPETITIVE BIDS AND TO AWARD A
CONTRACT TO THE SUCCESSFUL BIDDER FOR THE
SOUTH PROSPECT STREET RECONSTRUCTION PROJECT**

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 Job #1080, South Prospect Street Reconstruction Project in accordance with plans and specifications on file in the office of the Mayor.
- SEC. 2:** That the estimated cost of the project, in the amount of \$1,610,000.00, is available in Account No. 108-0610-54411.
- 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: April 25, 2022

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: April 26, 2022

SIGNED: Dennis Hanwell
Mayor



Dennis Hanwell, Mayor
May 4, 2022

132 North Elmwood Ave.
P.O. Box 703
Medina, Ohio 44258-0703
Phone: 330-725-8861
Fax: 330-722-9045
www.medinaoh.org

To: Residents and Property Owners on and adjacent to South Prospect Street

Re: Project Notification - S. Propsect Street Reconstruction Project

The City of Medina will be completing a project to reconstruct South Prospect Street between W. Smith Road and Lafayette Road. In addition to removing and replacing the existing pavement, this project will include installation of new water line, storm sewer and sanitary sewer. We anticipate receiving bids and awarding a contract for this project in June.

Once a contractor is selected, we will receive from them a detailed schedule of work. We will forward that schedule along with more specific project information at that time. In addition, prior to commencing work we will conduct a public open house and invite all residents and property owners to attend to learn more about the project and to ask any questions that they may have.

This letter is intended to advise you of the upcoming work, and to highlight a couple of items that we want to make you aware of ahead of time. These include:

1. This project is being funded by both local City funds and through a State of Ohio grant that the City has secured. Property owners will not be assessed any costs for this project.
2. As part of this project, the street trees located within the tree lawn along the east side of S. Prospect Street along with a few select trees on the west side of S. Prospect must be removed to complete the project. The City will plant new trees within the tree lawn once the project has been completed. Please note that the City typically plants trees in the late fall so depending on the timing of this project these tree may not be planted until the fall of 2023.
3. All drive aprons that are within the construction zone that abut S. Prospect Street will be removed and replaced.
4. The sidewalks along the east side of the road will be removed and replaced to accommodate the installation of the new water main.
5. Only a few isolated areas of sidewalk on the west side of street must be replaced in order to build the project. That being said, Medina City Council is considering removing and replacing all of the existing sidewalks on the west side of the road. If completed, this cost would be borne entirely by the City, property owners would not be charged. Before we make the final decision whether or not to replace the sidewalks on the west side of the street, Council wanted us to reach out to you to ask your opinion as to whether or not to replace the west side sidewalks.

We would appreciate hearing your thoughts regarding the project, and specifically whether or not you believe the City should replace the sidewalks on the west side of the road. Please do not hesitate to write or call to register your opinion. I can be reached by email at ppatton@medinaoh.org and by phone at (330) 721-4721.

Sincerely,

Patrick Patton
City Engineer



City of Medina
 132 North Elmwood Ave.
 P.O. Box 703
 Medina, OH 44258

PURCHASE ORDER

Page: 1
 P.O. Number: 2022001362
 P.O. Date: 06/13/2022
 Req. Number: 2022-ENG-0065

Requested By: Lilly Selva
 Blanket Type:
 Ship Via:
 Terms:

Deliver To ENGINEERING DEPT
 CITY OF MEDINA
 132 N ELMWOOD AVE
 MEDINA OH 44256

Vendor T00429
 TRI MOR CORPORATION
 8530 N BOYLE PKWY
 TWINSBURG, OH 44087

TERMS:
 1. City of Medina is exempt from excise or sales tax.
 2. Purchase order number must appear on all invoices, packages, packing slips, shipping papers and all other correspondence.
 3. Delivery must be prepaid to destination shown above or billed to same.
 4. No change may be made in this order without consent of the Director of Finance.
 DO NOT DUPLICATE THIS ORDER

FID# 34-6001856

Line	Description	Account	Qty	Unit	Price/Unit	Amount
ORD 82-22; PASSED 4/25/22; EFFECTIVE 5/25/22						
TOTAL ENGINEERS ESTIMATE APPROVED FOR BEST BIDDER = \$1,610,000						
BID AWARD BOC APPROVED 6/13/22 = \$1,423,953.00						
BALANCE AVAILABLE 6/13/22 = \$168,567 ACCT# 108-0689-54414 (COUNTY)						
BALANCE AVAILABLE 6/13/22 = \$17,480 ACCT# 108-0689-54414 (CITY)						
Accounting						
001	#1080-SOUTH PROSPECT ST RECONSTRUCTION PROJECT (CITY)	108-0689-54414				\$748,580.00
002	#1080-SOUTH PROSPECT ST RECONSTRUCTION PROJECT (COUNTY)	108-0689-54414				\$181,433.00
003	#1080-SOUTH PROSPECT ST RECONSTRUCTION PROJECT (OPWC)	380-0689-54414				\$493,940.00

Purchase Order Total: \$1,423,953.00

This amount has been lawfully appropriated for such purpose and is in the treasury or in the process of collection.

Keith A. Dvornik

6/17/2022

Director of Finance

Date

OK
D. Stammers
6/21/2022

REQUEST FOR COUNCIL ACTION

NO. RCA 22-152-6/27

FROM: Patrick Patton

COMMITTEE REFERRAL: Finance

DATE: June 21, 2022

SUBJECT: Bids: Job #1025 West Smith Reconstruction, Phase 4

This request is for permission to advertise, bid and award the West Smith Road Reconstruction, Phase 4. This project will consist of complete reconstruction of W. Smith from approximately 400 feet east of State Road to S. Court Street. The work will include new concrete pavement, sidewalk, water line and storm sewers.

The total cost for this project \$4,996,062 (see attached). We request that Council allocate this estimate plus 2% for contingencies, resulting in a total estimated cost of \$5,096,000.

Previously Council authorized submittal of a grant application for federal funding for this project. The City was awarded \$2,046,590 (attached). As such, the funding for this project will be provided as follows:

- City 108 funds: \$3,049,500.
- Federal Grant: \$2,046,590.
- o TOTAL: \$5,096,000.

Thank you for your consideration.

ESTIMATED COST: \$5,096,000.

SUGGESTED FUNDING: Street Capital and Water Capital Improvements

Sufficient Funds in Account Number: 108 0610 54411

Transfer Needed from: to:

New Appropriation Account Number:

Emergency Clause Requested: No
Reason:

COUNCIL USE ONLY:

COMMITTEE RECOMMENDATION:

Council Action Taken:

Ord./Res. Number:

Date:

Construction Cost Estimate Certification

WEST SMITH ROAD IMPROVEMENTS, PID 112540

The attached Construction Cost Estimate for the MED - CR 0004 15.47 infrastructure project is submitted per the requirements of the ODOT Locally Administered Transportation Projects Manual of Procedures.



Robert D. Chappelle

Robert D. Chappelle

6/1/22

Estimate Estimator

Estimated Cost:\$4,996,062.47

Contingency: 0.00%

Estimated Total: \$4,996,062.47

FINAL TRACING ESTIMATE
PID 112540

Base Date: 06/01/22

Spec Year: 19

Unit System: E

Work Type: PORTLAND CEMENT CONCRETE PAVEMENT

Highway Type:

Urban/Rural Type: URBAN CLASS

Season: SUMMER

County: MEDINA

Latitude of Midpoint: 410810

Longitude of Midpoint: 815242

District: 03

Federal/State Project Number: E200691

Prepared by System Administrator



October 17, 2019

The Honorable Dennis Hanwell
 Mayor
 City of Medina
 132 North Elmwood Avenue
 Medina, Ohio 44256

RE: NOACA 2021-2024 TIP Funding Award and Agreement

Dear Mayor Hanwell,

Congratulations! On September 13, 2019, the Northeast Ohio Areawide Coordinating Agency (NOACA) Board of Directors approved the NOACA funded portion of the funding State Fiscal Year 2021-2024 Transportation Improvement Program (TIP). We are pleased to inform you that the following project was selected for funding as it represents an alignment of NOACA and community priorities toward the implementation of the region's *AIM Forward 2040* long-range transportation plan.

Project Name	NOACA Funding	SFY
West Smith Road Rehabilitation (East off State Road to South Court Street)	\$2,046,590 (80% STBG)	2021

Thus, NOACA will provide eligible construction costs, up to the maximum amount in the specified State Fiscal Year of implementation. The local share must be provided from a non-federal funding source.

This funding award represents a partnership between the City of Medina and NOACA to develop and implement the stated project. Enclosed with this letter are 'Sponsor Partnership Responsibilities' that the project sponsor must agree to as a condition of accepting funding. Please read all of the conditions carefully, sign, and return as soon as possible. After we receive your signed acknowledgement of Sponsor Partnership Responsibilities, NOACA will work with the appropriate state and federal agencies to program the project in the TIP for the stated funding amount and indicated year of implementation.

If you have any questions, please do not hesitate to call me at (216) 241-2414, Ext. 100. Also, your staff may contact Randy Lahé, Director of Programming, at (216) 241-2414 ext. 300 or by email at rlane@mpo.noaca.org.

On behalf of NOACA, we are excited to be a partner toward the successful planning and implementation of your project.

Respectfully,

Grace Gallucci
 Executive Director

CC: Patrick Patton, City Engineer

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- Ex Officio Members**
 Kurt Prince, District Chief, Northeast District Office, Ohio Environmental
- Executive Committee Members**

NOACA 2021-2024 TIP Project Award – Sponsor Partnership Responsibilities

Sponsor Agency: City of Medina

Project(s):

Project Name	NOACA Funding	SFY
West Smith Road Rehabilitation (East off State Road to South Court Street)	\$2,046,590 (80% STBG)	2021

The sponsor shall work with NOACA as a partner in the development and implementation of the stated project(s). To ensure NOACA program objectives are being met, NOACA participation and approval is required for each activity listed below. If these conditions are not met, NOACA reserves the right to cancel this agreement and withdraw or reduce its funding commitment.

1. NOACA participation in the project kick off/scope meeting between the sponsor, its consultants, ODOT, and other stakeholders (as applicable).
2. NOACA participation in any formed project steering and stakeholder committee, inclusive of agenda setting and schedule of meetings (if applicable).
3. NOACA review and approval of the original, and any proposed modifications to, project scope of services, delivery milestone dates, and staged design plans.
4. NOACA participation in and approval of the project public engagement and involvement process and related materials.
5. NOACA participation in and approval of Media, press releases and other widespread external communications and events regarding the project.

NOACA will provide timely coordination and review in the issuance of any comments and approval of these items in its role as project partner.

After we receive your signed acknowledgement of Sponsor Partnership Responsibilities, NOACA will work with the appropriate state and federal agencies to program the project in the TIP for the stated funding amount and indicated year of implementation.

Authorized Agency Representative

Date

Grace Gallucci, Executive Director, NOACA

Date

REQUEST FOR COUNCIL ACTION

*ok
257412022
6/21/2022*

NO. RCA 22-153-6/21

FROM: Patrick Patton



COMMITTEE

REFERRAL: Finance

DATE: June 21, 2022

SUBJECT: Emergency Railroad Repair – Then and Now

This request is for Council approval to pay the attached invoice from Wintrow Construction for three emergency repairs of the City railway. As these invoices are above \$3,000, they are considered to be "then and now".

Invoice Date	Date of Work	Scope of Work	Amount
6/10/22	3/21/22 to 3/22/22	Repair 3 broken rails between SR 18 and State Road	\$9,741.77
6/10/22	3/24/22 to 3/25/22	Repair 2 broken rails near Progress Drive	\$7,776.69
6/10/22	4/22/22 to 4/29/22	Repair 3 broken rails near Progress Drive and near Ryan Rd	\$7,553.88
TOTAL			\$25,072.34

Thank you for your consideration.

ESTIMATED COST: \$25,072.34

SUGGESTED FUNDING:

Sufficient Funds in Account Number: 145-0630-54411

Transfer Needed From:
To:

New Appropriation:

Emergency Clause Requested: Yes

Reason: These repairs were completed on an emergency basis, we would like to pay the invoice as soon as possible.

COUNCIL USE ONLY:

COMMITTEE RECOMMENDATION:

Council Action Taken:

Ord./Res. Number:

Date:



INVOICE

Wintrow Construction Corporation
673 Norton Avenue
Barberton OH 44203-1725
330-753-2983

Invoice No: 27029
Date: 6/10/2022
Due Date: 7/10/2022
Customer PO #
Job No: 8016

Bill To:

City of Medina, OH
132 North Elmwood Ave.
P.O.Box 703
Medina, OH 44256

Job Address:

Medina, OH

Terms: Net 30 Days

A late payment charge of 1½% per month (18% annum) shall be assessed on any past due balance.

Accounts Receivable Email: Jennifer@WintrowConstruction.com

Description	Unit	Qty.	Unit Price	Extended Price
Route 18 to State Rd Crossings - 3 Broken Rails				
Work Performed 3/21/22 - 3/22/22				
SEE ATTACHED	LABOR	1.00	3,684.62	3,684.62
	EQUIP	1.00	3,050.00	3,050.00
	MATLS	1.00	3,007.15	3,007.15

Subtotal: \$ 9,741.77
***Sales Tax (if applicable):** \$ 0.00
Invoice Amount (USD): \$ 9,741.77

Please reference invoice number on check
 *Enclose a tax exempt certificate if sales tax is deducted from remittance

City of Medina
Medina OH
Job # 8016
Broken Rails
\$9,741.77

T&M

3/21/2022 Mobilization of Equipment (Backhoe) & Material

Loaded trucks; mobilized to Medina & removed debris from track, pulled spikes, plugged ties, removed & replaced broken rail; gauged & spiked ties

1 FC	2 hrs @	\$	70.85	No Charge
1 Foreman	5 hrs @	\$	70.85	\$ 354.25
2 Operator	5 hrs @	\$	65.75	\$ 657.50
1 Laborer	5 hrs @	\$	59.59	\$ 297.95
				\$ 1,309.70

Equip: Crew Truck / Tool Truck / Boom Truck / Backhoe / Air Compressor \$ 1,050.00

1 50# Keg of Spikes	@	\$	75.00	\$ 75.00
12 Track Bolts	@	\$	5.05	\$ 60.60
1 39' #105DY, relay <i>re-used existing bars</i>	@	\$	819.00	\$ 819.00
				\$ 954.60

3/22/2022 Removed debris from track, pulled spikes, plugged ties, removed & replaced broken rails; gauged & spiked ties; profiled rail ends with grinder to match existing rails; demobilized

1 Foreman	9 hrs @	\$	70.85	\$ 637.65
1 Operator	9 hrs @	\$	65.75	\$ 591.75
2 Laborer	9 hrs @	\$	59.59	\$ 1,072.62
				\$ 2,302.02

Equip: Crew Truck / Tool Truck / Boom Truck / Backhoe / Air Compressor \$ 2,000.00

3.25 50# Keg of Spikes	@	\$	75.00	\$ 243.75
16 Track Bolts	@	\$	5.05	\$ 80.80
2 39' #105DY Rail, relay	@	\$	819.00	\$ 1,638.00
1 PR Joint Bars <i>re-used some existing bars</i>	@	\$	90.00	\$ 90.00
				\$ 2,052.55

Demobilization of Equipment (Boom/Backhoe)

1 Driver/Boom/Trailer <i>Surcharge</i>	0.5 hrs @	\$	135.00	\$ 67.50
				\$ 5.40
				\$ 72.90

Subtotal	\$ 9,741.77
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Labor	\$ 3,684.62
Equipment	\$ 3,050.00
Materials	\$ 3,007.15
T&M TOTAL	\$ 9,741.77

Invoice Total	\$ 9,741.77
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INVOICE

Wintrow Construction Corporation
673 Norton Avenue
Barberton OH 44203-1725
330-753-2983

Invoice No: 27030
Date: 6/10/2022
Due Date: 7/10/2022
Customer PO #
Job No: 8022

Bill To:

City of Medina, OH
132 North Elmwood Ave.
P.O.Box 703
Medina, OH 44256

Job Address:

Medina, OH

Terms: Net 30 Days

A late payment charge of 1½% per month (18% annum) shall be assessed on any past due balance.

Accounts Receivable Email: Jennifer@WintrowConstruction.com

Description	Unit	Qty.	Unit Price	Extended Price
Track Going Into Osborne - 2 Broken Rails				
Work Performed 3/24/22 - 3/25/22				
SEE ATTACHED	LABOR	1.00	4,030.34	4,030.34
	EQUIP	1.00	1,750.00	1,750.00
	MATLS	1.00	1,996.35	1,996.35

Subtotal: \$ 7,776.69
***Sales Tax (if applicable):** \$ 0.00
Invoice Amount (USD): \$ 7,776.69

*Please reference invoice number on check
 Enclose a tax exempt certificate if sales tax is deducted from remittance

City of Medina
 Medina OH
 Job # 8022
 Broken Rail Going Into Osborne
 \$7,776.69

T&M

3/24/2022 Gathered & loaded materials for Friday's repair
FC met with Rick from Osborne to go over track repairs; set up track time

1 FC		2.5 hrs @	\$	70.85	\$	177.13
1 Foreman		1 hrs @	\$	70.85	\$	70.85
1 Operator		1 hrs @	\$	65.75	\$	65.75
1 Laborer		1 hrs @	\$	59.59	\$	59.59
					\$	373.32

3/25/2022 Mobilization of Equipment (Backhoe) & Material
 FRIDAY

1 Driver/Boom/Trailer	OT	2 hrs @	\$	164.50	\$	329.00
<i>Surcharge</i>					\$	26.32
					\$	355.32

Changed out 2 broken rails; began to tighten bolts

2 Foreman	OT	8 hrs @	\$	92.69	\$	1,483.04
1 Operator	OT	8 hrs @	\$	85.59	\$	684.72
1 Operator	OT	6 hrs @	\$	85.59	\$	513.54
1 Laborer	OT	8 hrs @	\$	77.55	\$	620.40
					\$	3,301.70

Equip: Crew Truck / Tool Truck / Boom Truck / Backhoe / Air Compressor **\$ 1,750.00**

2 7x9 IG Ties, new	@	\$	81.00	\$	162.00
2 50# Keg of Spikes	@	\$	75.00	\$	150.00
27 Track Bolts/Washers	@	\$	5.05	\$	136.35
66' #90RB Rail, relay	@	\$	1,188.00	\$	1,188.00
4 PR Joint Bars	@	\$	90.00	\$	360.00
				\$	1,996.35

Subtotal	\$ 7,776.69
-----------------	--------------------

Labor	\$ 4,030.34
Equipment	\$ 1,750.00
Materials	\$ 1,996.35
T&M TOTAL	\$ 7,776.69

Invoice Total	\$ 7,776.69
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INVOICE

Wintrow Construction Corporation
673 Norton Avenue
Barberton OH 44203-1725
330-753-2983

Invoice No: 27032
Date: 6/10/2022
Due Date: 7/10/2022
Customer PO #
Job No: 8039

Bill To:

City of Medina, OH
132 North Elmwood Ave.
P.O.Box 703
Medina, OH 44256

Job Address:

Medina, OH

Terms: Net 30 Days

A late payment charge of 1½% per month (18% annum) shall be assessed on any past due balance.

Accounts Receivable Email: Jennifer@WintrowConstruction.com

Description	Unit	Qty.	Unit Price	Extended Price
3 Broken Rails - Near Osborne Stone & Ryan Rd				
Work Performed 4/22/22, 4/28/22 - 4/29/22				
SEE ATTACHED	LABOR	1.00	4,008.43	4,008.43
	EQUIP	1.00	2,400.00	2,400.00
	MATLS	1.00	1,145.45	1,145.45

Subtotal: \$ 7,553.88
***Sales Tax (if applicable):** \$ 0.00
Invoice Amount (USD): \$ 7,553.88

Please reference invoice number on check
**Enclose a tax exempt certificate if sales tax is deducted from remittance*

City of Medina
Medina, OH
Job #8039
Broken Rails

T&M

4/22/2022 Temporarily fixed broken rail

1 Foreman	4 hrs @	\$ 70.85	\$	283.40
1 Laborer	4 hrs @	\$ 59.59	\$	238.36
				\$ 521.76

Equip: Tool Truck \$ 300.00

4 Track Bolts	@	\$ 5.05	\$	20.20
1 PR #90RB Joint Bars	@	\$ 90.00	\$	90.00
				\$ 110.20

4/28/2022 Replaced 2 broken rails (near Osborne) - spiked & gauged

1 FC - <i>job briefing, ID another broken rail, obtained track time</i>	3 hrs @	\$ 70.85	\$	212.55
1 Foreman	10 hrs @	\$ 70.85	\$	708.50
2 Laborer	10 hrs @	\$ 59.59	\$	1,191.80
				\$ 2,112.85

Equip: Tool Truck / Boom Truck / Air Compressor \$ 1,400.00

17 Track Bolts/Washers	@	\$ 5.05	\$	85.85
2 50# Keg of Spikes	@	\$ 75.00	\$	150.00
2 90RB Rails	@			Onsite
1 PR #90RB Joint Bars	@	\$ 90.00	\$	90.00
				\$ 325.85

4/29/2022 Replaced another broken rail (near Ryan Rd) - spiked & gauged; ground down mismatched joints

1 Foreman	5 hrs @	\$ 70.85	\$	354.25
1 Laborer	5 hrs @	\$ 59.59	\$	297.95
2 Laborer	1.5 hrs @	\$ 59.59	\$	178.77
Laborer	OT 3.5 hrs @	\$ 77.55	\$	542.85
				\$ 1,373.82

Equip: Tool Truck / Boom Truck / Air Compressor \$ 700.00

8 Track Bolts	@	\$ 5.05	\$	40.40
1 50# Keg of Spikes	@	\$ 75.00	\$	75.00
1 33' 90RB Rail, relay	@	\$ 594.00	\$	594.00
				\$ 709.40

Subtotal	\$ 7,553.88
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Labor	\$ 4,008.43
Equipment	\$ 2,400.00
Materials	\$ 1,145.45
T&M TOTAL	\$ 7,553.88

Invoice Total	\$ 7,553.88
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D. Hanwell
6/23/2022

REQUEST FOR COUNCIL ACTION

No. RCA 22-154-6/27

FROM: Mayor Dennis Hanwell

Committee: Finance

DATE: June 23, 2022

SUBJECT: Discussion of Chapter 1519.04 of Medina City Code - Fireworks

SUMMARY AND BACKGROUND:

Respectfully request Council discuss update of Chapter 1519.04 of the City Code referencing possession, sale or discharge of fireworks due to changes in Ohio law regarding same. If changes are needed, will need to go to Finance and Council on June 27, 2022.

Estimated Cost: N/A

Suggested Funding:

- Sufficient funds in Account No.
- Transfer needed from Account No. _____ to Account No. _____

NEW APPROPRIATION needed in Account No. _____

Emergency Clause Requested Yes - potential update needed by July 4, 2022

Reason:

COUNCIL USE ONLY:

Committee Action/Recommendation:

Council Action Taken:

Ord./Res.

Date:

CHAPTER 1519

Fireworks

1519.01 Definitions.

1519.02 Public exhibition permit required; fee; bond; records.

1519.03 Unlawful conduct by exhibitor.

1519.04 Possession, sale or discharge prohibited; exceptions.

1519.05 Application.

1519.99 Penalty.

CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)

Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)

Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68

Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

1519.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.
- (b) "Black match" means a fuse made from thread impregnated with black powder and used for igniting pyrotechnic devices.
- (c) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (d) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (e) "Color pot" means a paper tube containing a pyrotechnic composition that produces a colored flame on ignition. Color pots are used in construction of ground display pieces.
- (f) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations, except as provided in section 3743.80 of the Revised Code.
- (g) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations, except as provided in section 3743.80 of the Revised Code.
- (h) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.
- (i) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 3743.80 of the Ohio Revised Code.
- (j) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.
- (k) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.
- (l) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.
- (m) "Novelties and trick noisemakers" include the following items:
 - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.
- (n) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the

item, and from which paper streamers are expelled when the item is ignited.

- (o) "Pyrotechnic composition" means a chemical mixture which, upon burning and without explosion, produces visible brilliant displays, bright lights, or sound.
- (p) "Quick match" means a black match that is encased in a loose-fitting paper sheath. While exposed, black match burns slowly. A quick match propagates flame extremely rapidly, almost instantaneously. A quick match is used in fuses for aerial shells and for simultaneous ignition of a number of pyrotechnic devices, such as lances, in a ground display.
- (q) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (r) "Shell (aerial)" means a cylindrical or spherical cartridge containing a pyrotechnic composition, a long fuse, and a black powder lift charge and fired from a mortar. Upon firing, the fuse and lift charge are consumed.
- (s) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (t) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (u) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (v) "Squib" means a device containing a small quantity of igniting compound in contact with a bride wire.
- (w) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (x) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.

(ORC 3743.01; Ord. 92-03. Passed 7-14-03.)

1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until

the applicant pays a permit fee of two hundred dollars (\$200.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least five million dollars (\$5,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least five million dollars (\$5,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

(d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

(2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743.

(ORC 3743.54; Ord. 92-03. Passed 7-14-03.)

1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.
(ORC 3743.65)

1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.
(ORC 3743.65)

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
 - (1) No explosive aerial display is conducted in the exhibition;
 - (2) The exhibition is separated from spectators by not less than two hundred feet;

- (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

(ORC 3743.80)

1519.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both.

(ORC 3743.99(C))