

**CITY OF MEDINA
AGENDA FOR CITY COUNCIL MEETING**

August 23, 2021
Medina City Hall
7:30 p.m.

Call to Order.

Roll Call.

Reading of minutes. (July 12, 2021 & July 20, 2021 - Special Mtg.)

Reports of standing committees.

Requests for council action.

Reports of municipal officers.

Notices, communications and petitions.

Liquor Permit:

Not to object to the issuance of a new D-2 permit to Keller Meats & Market LLC, 320 S. Court St. 101, Medina.

Liquor Permit:

Not to object to the transfer of a C1 permit from Rivalry Brews LLC, dba Rivalry Brews, 1st floor, 124 Lafayette Rd. #101 to Rivalry Brews LLC, dba Rivalry Brews, 2425 Medina Road, Medina, Ohio.

Unfinished business.

Introduction of visitors.

(speakers limited to 5 min.)

Introduction and consideration of ordinances and resolutions.

Motion to suspend the Rules requiring three readings on the following ordinances and resolutions:
Res. 132-21, Res. 133-21, Ord. 134-21, Ord. 135-21.

Res. 132-21

A Resolution authorizing an application for grant assistance from the State of Ohio, Ohio Public Works Commission, relative to Issue 1 and LTIP Program Funding for a public improvement project.

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Res. 133-21

A Resolution authorizing the City of Medina to participate in the proposed Opioid Litigation Settlement Plan of Claims against distributors of the suits against Amerisource Bergen, Cardinal Health, and McKesson.

(emergency clause requested)

Ord. 134-21

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

Ord. 135-21

An Ordinance of the Council of the City of Medina, Ohio, certifying that when a municipal obligation was incurred sums were lawfully appropriated in the funds to satisfy the obligation and sufficient sums currently exist to satisfy this obligation.

(emergency clause requested)

Council comments.

Executive session. (imminent litigation)

Adjournment.

MEDINA CITY COUNCIL

Monday, July 12, 2021

Call to Order:

Medina City Council met in regular session on Monday, July 12, 2021 at Medina City Hall. The meeting was called to order at 7:30 p.m. by Council President John Coyne III who led in the Pledge of Allegiance.

Roll Call:

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

Also present were the following members of the Administration: Mayor Dennis Hanwell, Greg Huber, Keith Dirham, Patrick Patton, Nino Piccoli, Jonathan Mendel, Kimberly Marshall, Police Chief Kinney, Fire Chief Walters, Jansen Wehrley, Dan Gladish, Cindy Lastuka and Acting Clerk Teresa Knox.

Minutes:

Mr. Shields moved that the minutes from the regular meeting on Monday, June 28, 2021, as prepared and submitted by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the motion passed by the yea votes of J. Coyne, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Reports of Standing Committees:

Finance Committee: Mr. Coyne stated the Finance Committee met prior to this evening's Council meeting. Council will be going on break until August 23rd.

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

Public Properties Committee: Mr. Shields stated that Public Properties met last Wednesday, July 7th. Two items on the agenda were Rebranding and Marketing for the Rec Center and the other was a Master Plan to move forward with a Master Plan for Ray Mellert Park.

Special Legislation Committee: Mr. Lamb stated he has a meeting scheduled for Tuesday, August 24th at 5:00 p.m. to work on two issues, proposal on demolition and second is proposal on feral cat management.

Streets & Sidewalks Committee: Mr. Heffinger was not in attendance.

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

Emerging Technologies Committee: Mr. Rose is working on scheduling a meeting for late August or early September to have a joint Emerging Technology Committee and the Charter Review Committee to work out the details of the proposed Charter Review Advisory Committee recommendations

Requests for Council Action:

Finance Committee

21-143-7/12 – American Rescue Plan Act Documents

21-144-7/12 – Grant Application – Ohio Public Works Commission (OPWC)

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8 a.m. to 4 p.m. (first shift). No start date currently.

Kimberly Marshall, Economic Development Director, Ribbon cuttings are scheduled for Friday, July 23, 2021. Starting at 10 a.m. Bubbles and Bows – 119 Lafayette Rd., 11 a.m. – Habitat for Humanity Restore expansion project and new location at 233 Lafayette Rd., 1 p.m. – CSL Plasma – North Court St., 4 p.m. – Swine BBQ on 117 Public Square, 5 p.m. – Medina Brewing Company at 320 S. Court St. Kimberly wished Jonathon best wishes.

Jansen Wehrley, Parks and Recreation Director, updates from the rec center - there are 4 weeks of Party in the Parks left. Jungle Bob will be at Ray Mellert Park this Wednesday, and on the 21st Greenwood Park will have a luau party with a DJ. July 28th – Pool Party and DJ at Memorial Park and then finally Ray Mellert Park end of the summer party. Drive-in movie was postponed due to high winds and has been rescheduled for September 4th. Shut down is scheduled for August 2nd through the 6th in line with Fair Week.

When the leisure pool opens they will be looking to offer a membership sale in August.

Cindy Lastuka, Municipal Court, had no report.

Dan Gladish, Building Official, spoke of continued reinvestment into North Court Street; Giant Eagle will be doing a major interior alteration project at \$1.5 million dollars.

Jonathan Mendel, Planning Community Director, had no report but wanted to thank everyone for having him be part of the process of Community Development in this community, everyone was very welcoming and knows that this is part of the DNA of Medina. He will always have a fondness for the community and for all the people in it and for all the personal and professional friendships that he has built over the last 7 ½ years here.

Nino Piccoli, Service Director, had no report, wished Jonathon and his family well.

Patrick Patton, City Engineer, stated he enjoyed working with Jonathon the last 7 1/2 years and wished him well going forward.

Notices, communications and petitions:

There were none.

Unfinished Business:

There was none.

Introduction of Visitors:

There were none.

Introduction and Consideration of Ordinances and Resolutions:

Mr. Shields moved to suspend the rules requiring three readings on the following ordinances and resolutions, seconded by Mr. Simpson. Ord. 113-21, Ord. 114-21, Res.115-21, Ord. 116-21, Ord. 117-21, Res. 118-21, Ord. 119-21, Ord. 120-21, Ord. 121-21, Ord. 122-21, Ord. 123-21, Ord. 124-

21-145-7/12 – Approve Community Development Director Job Description Revision
21-146-7/12 – Amend S&B Code – Add Juneteenth as Federal Holiday

Reports of Municipal Officers:

Dennis Hanwell, Mayor

- A. Medina Farmer's Market- Each Saturday 9 a.m. to 1 p.m.
- B. July 4th activities- All took place and were well received by the public. Fireworks on July 3 were outstanding. July Fourth Twin Sizzler races and parade all went well and were well attended as well. Thankful to be able to host such events again since COVID interrupted most for the past 15 months.
- C. Medina Community Band- Thanks for having first concert at Gazebo on July 4th at 7:30 p.m. I did a short welcome and most of the Uptown Park was filled with chairs, blankets and people. Many asked the band to continue and/or schedule more concerts. Band is still having difficulty in finding rehearsal location to practice.
- D. Thankful to parks staff for new plantings, mulch and over landscaping at city hall/PD to make our facilities more appealing. Looks much better.
- E. Thank you to Jonathan Mendel - Jonathan will be leaving the employment of the city on July 15th to take a position in Illinois. Jonathan has worked as our Community Development Director since October of 2013. In that position he has overseen the Building Department, Economic Development Department, as well as Planning, Zoning and Boards and Commissions. Jonathan will be missed and I wish him and his family much success and happiness in this new position. We appreciate your seven plus years of service to our city! In interim of hiring a replacement for Jonathan and Sandy, Greg Huber will assist with Boards and Commissions; Kimberly Marshall will assist with Comprehensive Plan update process; Dan Gladish will assist with permits and property maintenance concerns. We appreciate all assisting.

Keith Dirham, Finance Director, wished Jonathon best wishes in Illinois. Finance is continuing to work on budgets and the bond issue is progressing along.

Greg Huber, Law Department, had no report but wished Jonathon Mendel best regards.

Chief Kinney, Police Department, stated that on August 10th 5 p.m. to 9 p.m. National Night Out Event will be hosted at the Medina Recreation Center, showcasing Police Officers, Fire fighters, Paramedics and their equipment. Life flight helicopter will be there as well as police canines. To include inflatables, hotdogs and a DJ and a great opportunity to come out and see all the public safety equipment and to get to know all our community public safety workers. Encouraged to register on the Medina Rec Center website under activities tab.

Chief Walters, Fire Department, the Fire Department has been working on a plan to cover some staffing hours that are not currently able to do. Fire department only staffs Monday through Friday 8 a.m. to midnight. Overnight and weekends they rely completely on fire fighters responding from home. This added shift will help them if they can add a shift on Saturday and Sunday running from

21, Ord. 125-21, Ord. 126-21 and Ord. 127-21. The roll was called and the motion passed with the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 113-21:

An Ordinance authorizing the Mayor to execute a Memorandum of Understanding between the City of Medina and the Ohio Patrolman's Benevolent Association adding June 19th (Juneteenth) as a Federal holiday. Mr. Shields moved for the adoption of Ordinance/Resolution No. 113-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 113-21, seconded by Mr. Simpson. Mayor Hanwell stated President Biden signed on June 17th making June 19th a holiday quite late in the afternoon. We were unable to notify the public in a timely manner to shut down and worked the holiday. Mayor meet with the unions and worked out a Memorandum of Understanding for this year only to permit this to be a floating holiday instead of having to pay every city employee an extra 8 hours pay because they worked the holiday as well as the holiday pay. Going forward, it will be recognized on the 19th of June. Request for emergency is due to timely manner with council not coming back until the end of August. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, J. Coyne, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 113-21 passed by the yea votes of J. Coyne, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 114-21:

An Ordinance amending Section 31.07 of the Salaries and Benefits Code of the City of Medina, Ohio relative to accepting the revised job description for the Community Development Director. Mr. Shields moved for the adoption of Ordinance/Resolution No. 114-21, seconded by Mr. Simpson. Mayor Hanwell stated they want to change the job description to include the provisions like every other job in the city that they have to be a licensed driver in the State of Ohio and also have to be insurable under the City's insurance. Somehow the Community Development Director was missed with that. Emergency clause is necessary to begin advertising for the position. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 114-21, seconded by Mr. Simpson. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine and B. Lamb. The roll was called and Ordinance/Resolution No. 114-21 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, B. Lamb, and P. Rose.

Res. 115-21:

A Resolution accepting a donation of various hand sanitizer equipment, hand sanitizing products and antibacterial wipes from Do It Best Corp. to the City of Medina. Mr. Shields moved for the adoption of Ordinance/Resolution No. 115-21, seconded by Mr. Simpson. Mr. Piccoli thanked Do It Best and specifically Ryan Stannert for their generous donation. The donations have a street value of \$150,000.00. Nino stated they intend to share the items and materials with the County Fair folks, venues that have large groups, and government agencies. The roll was called and Ordinance/Resolution No. 115-21 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, B. Lamb, and P. Rose.

Ord. 116-21:

An Ordinance authorizing the Mayor to accept one (1) Easement necessary for the Spring Grove Street Bridge Replacement Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 116-21, seconded by Mr. Simpson. Mr. Patton stated they need one more easement on Spring Grove St. Mr. Shields will abstain from voting since this involves his employer and he was involved with it. The roll was called and Ordinance/Resolution No. 116-21 passed by the yea votes of J. Coyne, J. Hazeltine, B. Lamb, P. Rose, and D. Simpson. J. Shields abstained.

Ord. 117-21:

An Ordinance amending Ordinance No. 112-21, passed June 28, 2021 relative to the Amendment to the Charter of the City of Medina, Ohio involving Article V, Sections 1 and 3, and Article III, Section 12, relative to the position of the Director of Finance. Mr. Shields moved for the adoption of Ordinance/Resolution No. 117-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 117-21, seconded by Mr. Simpson. Mr. Huber stated that this legislation addresses putting the question before the Medina City voter as to Finance Director position being an elected position as opposed to an appointed position and the ordinance today removed the language requiring that this individual be a Medina City resident so that it opens up the candidate pool to a broader range of people. Mr. Simpson stated he will again be voting no on this due to his belief that this should remain an elected position. The roll was called on adding the emergency clause and was approved by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, and J. Coyne. The roll was called and Ordinance/Resolution No. 117-21 passed by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, and J. Hazeltine. D. Simpson cast a nay vote.

Res. 118-21:

A Resolution accepting an anonymous \$7,000 donation to be used towards the Medina City Police Department Drone Program. Mr. Shields moved for the adoption of Ordinance/Resolution No. 118-21, seconded by Mr. Simpson. Chief Kinney stated this was an anonymous donation of \$7,000.00 for the Police Departments' Drone Program. We would like to thank that community member for their generosity of the donation. The roll was called and Ordinance/Resolution No. 118-21 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

Ord. 119-21:

An Ordinance authorizing the Mayor to enter into an Amendment to Service Order with First Communications, LLC to upgrade the existing telephone system at the Medina Municipal Court. Mr. Shields moved for the adoption of Ordinance/Resolution No. 119-21, seconded by Mr. Simpson. Cindy Lastuka stated they are looking to upgrade the phone system pending the Law Director's approval on the contract. The roll was called and Ordinance/Resolution No. 119-21 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and B. Lamb.

Ord. 120-21:

An Ordinance amending Ordinance No. 103-18, passed July 9, 2018, relative to the Job

Creation Grant agreement for Kraft Werks Engineering, LLC. Mr. Shields moved for the adoption of Ordinance/Resolution No. 120-21, seconded by Mr. Simpson. Mrs. Marshall stated this is to amend the Job Creation Grant agreement. The company discovered the annual payroll on a number of jobs estimated in their initial application had been miscalculated due to some employees living and working out of state being their field service technicians, as well as their officers of the company do not count towards the headcount and wages to the city payroll. This will reduce the fulltime positions from 45 to 32 and annual payroll will reduce from \$3,000.010.00 to \$2,000.100.00 and also amend grant term from 6 years to 5 years. The amended grant agreement has been reviewed and approved by the Law Director. The roll was called and Ordinance/Resolution No. 120-21 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, B. Lamb, and P. Rose.

Ord. 121-21:

An Ordinance authorizing the Mayor to execute a Preliminary Engineering Agreement between the Wheeling and Lake Erie Railway Company and the City of Medina, Ohio pertaining to the West Smith Road, Phase 4 Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 121-21, seconded by Mr. Simpson. Mr. Patton stated as part of these plans we have to do some work within the railroad right-of-way at their crossing. In order for us to secure the railroad permission via permit they are asking us to enter into this agreement so they can review the plans. The roll was called and Ordinance/Resolution No. 121-21 passed by the yea votes of D. Simpson, J. Coyne, J. Hazeltine, B. Lamb, P. Rose, and J. Shields.

Ord. 122-21:

An Ordinance authorizing the Mayor to execute a Memorandum of Understanding with the Medina County Board of Commissioners relative to water service on State Route 18. Mr. Shields moved for the adoption of Ordinance/Resolution No. 122-21, seconded by Mr. Simpson. Mr. Patton stated in conjunction with ODOT State Route 18 Corridor Improvement Project, the City is wanting to abandon the large water main that did run from the east side near the water treatment plant into the city, the watermain is no longer necessary because we now get our water from the west side and presents a liability. We have to transfer several water service customers from the city lines to the county line. We worked out a Memorandum of Understanding with the County where each of us equally shares the cost to do those transfers. The roll was called and Ordinance/Resolution No. 122-21 passed by the yea votes of J. Coyne, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 123-21:

An Ordinance authorizing the Mayor to accept two (2) Easements necessary for the Lindenwood Headwall Replacement Project. Mr. Shields moved for the adoption of Ordinance/Resolution No. 123-21, seconded by Mr. Simpson. Mr. Patton stated that the existing headwall on Lindenwood needs to be replaced and requiring these two easements will allow us to go ahead and complete this project. The roll was called and Ordinance/Resolution No. 123-21 passed by the yea votes of J. Hazeltine, B. Lamb, P. Rose, J. Shields, D. Simpson, and J. Coyne.

Ord. 124-21:

An Ordinance authorizing the purchase of two (2) 2022 Freightliner 108 SD Conventional

Chassis Plow Trucks complete with Henderson Dump Bodies and Equipment from Valley Freightliner and Western Star, Inc. for the Street Department. Mr. Shields moved for the adoption of Ordinance/Resolution No. 124-21, seconded by Mr. Simpson. Mr. Piccoli explained this would be through the state bid. They intend to trade in the 1997 plow truck and a 2000 plow truck for \$5,000.00 each and that is more than what they would get in the city auction. There is a chance they may not see these trucks until March of 2022 due to the chip issues. The roll was called and Ordinance/Resolution No. 124-21 passed by the yea votes of J. Coyne, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Ord. 125-21:

An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances of the City of Medina, Ohio. Mr. Shields moved for the adoption of Ordinance/Resolution No. 125-21, seconded by Mr. Simpson. The roll was called and Ordinance/Resolution No. 125-21 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

Ord. 126-21:

An Ordinance authorizing the Mayor to execute the necessary documents required to receive monies from the American Rescue Plan Act and to execute the Assurances of Compliance with Civil Rights Requirements. Mr. Shields moved for the adoption of Ordinance/Resolution No. 126-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 126-21, seconded by Mr. Simpson. Mayor Hanwell stated this act, as well as the assurance of compliance, will need to be signed before we can be granted access to the portal. Some of the requirements are still being hammered out with the Federal Government as far as what monies can be used for. Emergency clause is requested so we can get entered into the portal and be ready when the funds are available. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and B. Lamb. The roll was called and Ordinance/Resolution No. 126-21 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, J. Hazeltine, B. Lamb, and P. Rose.

Ord. 127-21:

An Ordinance amending Section 31.10 of the Salaries and Benefits Code of the City of Medina, Ohio relative to adding the nineteenth day of June (Juneteenth) as a Federal Holiday. Mr. Shields moved for the adoption of Ordinance/Resolution No. 127-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 127-21, seconded by Mr. Simpson. Mayor Hanwell stated this is the same explanation as Ordinance 113-21 but this applies to non-union City employees as well as Teamsters. Emergency is needed due to time restrictions. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, J. Coyne, J. Hazeltine, B. Lamb, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 127-21 passed by the yea votes of J. Coyne, J. Hazeltine, B. Lamb, P. Rose, J. Shields, and D. Simpson.

Council Comments:

Mr. Simpson wished Jonathon Mendel and his family all the best in Chicago. Sorry that the City is going to lose your expertise here. Dennie stated he was hoping Jonathan's kids would grow up

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to be Medina Bees through their entire education process. Be kind to everyone and try to do something kind for somebody every day.

Mrs. Hazeltine wished Jonathon the best of luck in Chi Town.
Congratulated the Rec Center on new Paddle Classes which are sold out the rest of summer.
The Wizarding Weekend on the square begins July 30th.
Cool Beans will host a Harry Potter Themed Calligraphy Class taught by her.
The movie on the square which has been sponsored by Cool Beans will be on the 31st.

Mr. Shields thanked Mr. Mendel and will miss him and his professionalism and expertise. His knowledge was always helpful in every situation in which he dealt with him. Jim stated on a personal note, he will also miss Johnathon's family because he got to know Cheryl and the boys through the schools.

Jim spoke of the activities held on and around the Square for the 4th of July weekend and thanked everyone involved from the Band concert to the Parade to the Fireworks. His out of town family were amazed at how much went on here over the weekend, his sister-in-law said to him; this has got to be the most all-American town she's ever been to with all the great events.

Mr. Lamb is looking forward to the kick-off update of the Comprehensive Plan that begins on July 22nd. Bill appreciates having worked with Johnathon on putting this together. He and Councilman Rose are the council representatives on the committee. Bill wished the best for Johnathon and his family in Chicago.
Art in the Park started in 1974, and this year it is on Sunday in the square.

Mr. Rose thanked Jonathon and enjoyed working with him. He extended his sympathy to Janet Jetson on the loss of their son Jay, he will be missed.

Mr. Coyne stated Johnathon will be missed here at the City of Medina and of course also at the Medina County model railroading club that your son Luke was involved in and his son John is involved in. Building those modules for the fair was a great experience.

Mr. Coyne announced Council will be going on break for the summer and next council meeting is scheduled for August 23rd but he is sure they will still be working through the break as they always do as some issues will come up.

There being no further business, the meeting adjourned at 8:17 p.m.

Teresa Knox, Acting Clerk of Council

John M. Coyne, President of Council

MEDINA CITY COUNCIL

Tuesday, July 20, 2021 – Special Council Meeting

Opening:

Medina City Council met in special open session on Tuesday, July 20, 2021. The meeting was called to order at 5:00 p.m. by President of Council John Coyne III.

Roll Call:

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

Introduction and Consideration of Ordinances and Resolutions:

Mr. Shields moved to suspend the rules requiring three readings on Ord. 130-21 and Ord. 131-21, seconded by Mr. Simpson. The roll was called and the motion passed with the yea votes of E. Heffinger, B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, and J. Hazeltine.

Ord. 130-21:

An Ordinance amending Ordinance No. 217-20, passed December 14, 2020. (Amendment to 2021 Budget) Mr. Shields moved for the adoption of Ordinance/Resolution No. 130-21, seconded by Mr. Simpson. Mr. Dirham stated there is over \$1 million dollars in the capital buildings fund for this kind of thing. Mr. Piccoli stated the sub-pump failed on the elevator, pit took on water and then the travel chord had a nick in it and it shorted out and had to be repaired and it came to about \$10,300.00. The roll was called and Ordinance/Resolution No. 130-21 passed by the yea votes of B. Lamb, P. Rose, J. Shields, D. Simpson, J. Coyne, J. Hazeltine, and E. Heffinger.

Ord. 131-21:

An Ordinance amending Section 31.01 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Schedule of Pay for the positions of Mayor and Finance Director. Mr. Shields moved for the adoption of Ordinance/Resolution No. 131-21, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 131-21, seconded by Mr. Simpson. Mr. Coyne stated that this ordinance came from their last Finance Meeting and is back to discuss the salary of the Mayor and Finance Director. Emergency clause was requested as it has to be in place prior to August 4, 2021 date of deadline for filing for the Mayor and Finance Director positions. This ordinance provides that the Finance Director salary will remain constant at \$92,006.55 through the years 2022 – 2025. The Mayor's salary will be modified based upon a graduated scale going from year 2022 at \$88,759.32 to year 2025 at \$95,584.06.

Mr. Lamb is in support of the raise for the position of the Mayor. He feels out of balance and fairness, these raises aren't going to individuals who are currently in office but to individuals that will be here after the next election. It's the right thing to do as they are the two elected officials and should address the Finance Director in the same way and get a raise as well.

Mr. Shields agreed that we should be looking at the positions more than anything else. Everybody at City Hall gets a raise except for these two positions and yet these are two positions that help run the city. Anybody that works, looks forward to and counts on some kind of increase to stay up with the cost of living which is all we are really doing here. Jim supports Mr. Lamb's comment as well that maybe both positions need to be looked at.

Mr. Simpson agreed with Mr. Lamb and Mr. Shields that both positions are deserving of a raise.

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Mr. Coyne asked what about Council? Are they not deserving of cost of living raises? Mr. Simpson replied that this is not our full-time job. He stated he would not support a raise for Council at this time but maybe in 4 years. Mr. Coyne stated that the recommendation from the Charter Review Commission was that we all get raises.

Mr. Shields stated he would distinguish it between full-time and part-time and none of us do this as our main job, nor do we do it as our main source of income.

Mr. Coyne stated does anyone want to make amendments because the way this ordinance currently reads is the Mayor is the only one getting the cost of living adjustment and the Finance Director is not and in order for that to occur we would have to come up with a number that would be for the Finance Director. There will be confusion out there because council is going to vote on giving a raise to a Finance Director that is also trying to put on a ballot language that the Charter Review Commission said we want to make it an appointed position.

Mr. Simpson stated he would go along with the Charter Review Commission recommendations for the amount that they recommended for each position.

Mr. Coyne asked if there was going to be an amendment to this ordinance to add in the Finance Director as a salary increase? We don't have the numbers here so will it be based upon the Charter Review recommendation?

Mr. Rose stated forget what position it is and who is sitting in that position we need to make sure that there are certain increases along the way.

Mrs. Hazeltine stated where she is coming from through her lenses, feels the Finance Director is adequately compensated at this time and that the Mayor is not, but in four years the Finance Director will no longer be adequately compensated so if we don't vote for that raise now then it will be another four years.

Mr. Coyne feels when the elected positions are up for Mayor and Finance Director he feels we should vote the following year so we are not waiting for the "year of", or "emergency clause" we need to have better planning than that.

Mr. Lamb stated as an elected official you can't base a raise on "I think they are doing a great job", or "they are not doing a great job" and we can lower their pay, that is for the voters to judge. The Mayor of this city is also the Safety Director and if we had to hire a Safety Director, we'd be looking at a whole lot of more money than what we are looking at now.

Ms. Hazeltine stated she did take that into consideration when looking at the job descriptions.

Mr. Rose read the numbers for the Finance Director that the Charter Review Commission recommended.

Mr. Coyne stated if you want those numbers then we need to have a motion to amend the ordinance

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to include that or if you want something different we need a motion.

Mr. Lamb motioned that they amend the ordinance to include those numbers that the Charter Review Commission recommended for the Finance Director's salary, Mr. Simpson seconded the Motion.

Mr. Shields asked if we want to follow that or do we want to do a number somewhere between 0 and 2.5%?

Mr. Rose stated he agrees with Councilwoman Hazeltine in that the Finance Director is adequately compensated for the work that the position requires. Paul stated he worked a table of numbers for 1.25% and for 2022 salary would be \$93,156.00 and 2023 / \$94,321.00, 2024 / \$95,500.00, and 2025 / \$96,694.00.

Mr. Coyne stated right now there is a motion and a seconded on the council table to raise or modify the salary of the Finance Director for 2022 to 2025 based upon the Charter Review recommendation that was just previously read by Mr. Rose and that is what we will be voting on. So, it will go from \$94,000.00 to \$101,000.00 and that is what we have to vote on now. If there is a motion and it's seconded we can change the numbers.

Mr. Lamb asked if we could amend his motion on the table. Mr. Coyne stated yes you can amend that motion.

Mr. Lamb moved to amend his motion made previously and make a motion that we adopt the figures that Councilmen Rose gave with the 1.25% raise for the Finance Director each year.

Councilwoman Hazeltine clarified that the new motion is 1.25% raise for the Finance Director position each year and 2.5% for the Mayor position each year for 2022 – 2025.

Mr. Rose seconded the motion.

Mr. Coyne restated the current amendment on the table for council is we are voting on an amendment to the ordinance adding the Finance Director at 1.25% increase for 2022, 2023, 2024 and 2025 that is all we are voting on right now.

The roll was called on the amendment to Ord. 131-21 and passed by the yea votes of D. Simpson, J. Hazeltine, E. Heffinger, B. Lamb, P. Rose, and J. Shields. J. Coyne cast a nay vote.

The roll was called and Ordinance/Resolution No. 131-21 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Hazeltine, E. Heffinger, and B. Lamb. J. Coyne cast a nay vote.

Adjournment:

There being no further business before Council, the meeting adjourned at 5:24 p.m.

Council reconvened at 5:41 p.m.

Medina City Council
July 20, 2021

Council President Coyne explained that the meeting was adjourned before the roll could be called on the emergency clause, therefore, they needed to reconvene for a vote on the motion and second that was presented earlier. Jessica Hazeltine did not return for this vote.

The roll was called on the emergency clause for Ordinance 131-21 and passed by the yea votes of J. Shields, D. Simpson, E. Heffinger, B. Lamb, and P. Rose. J. Hazeltine was absent, J. Coyne cast a nay vote.

There being no further business before council, the meeting adjourned at 5:43 p.m.

Teresa Knox - Acting Clerk of Council

John M. Coyne, President of Council

**NOTICE TO LEGISLATIVE
AUTHORITY**

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

TO

4558132 PERMIT NUMBER		NEW TYPE	KELLER MEATS & MARKET LLC DBA KELLER MEATS & MARKET 320 S COURT ST 101 MEDINA OH 44256
ISSUE DATE			
06 01 2021 FILING DATE			
D2 PERMIT CLASSES			
52 TAX DISTRICT	077 C	D04237 RECEIPT NO.	

FROM 07/19/2021

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



MAILED 07/19/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN.

08/19/2021

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES C NEW 4558132
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

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

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

(Signature)

(Title) Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

Section 4303.14 | D-2 permit.

Ohio Revised Code / Title 43 Liquor / Chapter 4303 Liquor Permits

Effective: September 26, 2003 Latest Legislation: House Bill 95 - 125th General Assembly

Permit D-2 may be issued to the owner or operator of a hotel, of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter, or of a club, boat, or vessel, to sell wine and prepared and bottled cocktails, cordials, and other mixed beverages manufactured and distributed by holders of A-4 and B-4 permits at retail, either in glass or container, for consumption on the premises where sold. The holder of this permit may also sell wine and prepared and bottled cocktails, cordials, and other mixed beverages in original packages and not for consumption on the premises where sold or for resale. The fee for this permit is five hundred sixty-four dollars for each location, boat, or vessel.

Available Versions of this Section

September 26, 2003 – House Bill 95, 125th General Assembly

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

74039350001		TRFL	RIVALRY BREWS LLC	
PERMIT NUMBER		TYPE	DBA RIVALRY BREWS	
10	24	2019	2425 MEDINA RD	
ISSUE DATE		MEDINA OH 44256		
08	12	2021		
FILING DATE				
C1				
PERMIT CLASSES				
52	077	C	F25860	
TAX DISTRICT			RECEIPT NO.	

FROM 08/16/2021

7403935			RIVALRY BREWS LLC	
PERMIT NUMBER		TYPE	DBA RIVALRY BREWS	
10	24	2019	1ST FL.	
ISSUE DATE		124 LAFAYETTE RD #101		
08	12	2021	MEDINA OH 44256	
FILING DATE				
C1				
PERMIT CLASSES				
52	077			
TAX DISTRICT			RECEIPT NO.	



MAILED 08/16/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/16/2021

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL

WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C TRFL 7403935-0001

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title) - Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

RESOLUTION NO. 132-21

A RESOLUTION AUTHORIZING AN APPLICATION FOR GRANT ASSISTANCE FROM THE STATE OF OHIO, OHIO PUBLIC WORKS COMMISSION, RELATIVE TO ISSUE 1 AND LTIP PROGRAM FUNDING FOR A PUBLIC IMPROVEMENT PROJECT.

WHEREAS: The City of Medina, Ohio intends to apply to the State of Ohio, Ohio Public Works Commission, for funding under the Issue 1 and LTIP program funding.

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

SEC. 1: That the Council of the City of Medina, Ohio hereby approves the filing an application or applications to the State of Ohio, Ohio Public Works Commission, for a public improvement project still yet to be determined.

SEC. 2: That the Mayor of the City of Medina, Ohio is hereby authorized and directed to execute and file an application or applications with the appropriate authority and to provide all information and documentation required in the application process.

SEC. 3: That if the Grants are awarded to the City, the Mayor is hereby authorized to accept the Grants and enter into an agreement with the State of Ohio for the implementation and administration of the Grants.

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

SEC. 5: That this Resolution 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

RESOLUTION NO. 133-21**A RESOLUTION AUTHORIZING THE CITY OF MEDINA TO PARTICIPATE IN THE PROPOSED OPIOID LITIGATION SETTLEMENT PLAN OF CLAIMS AGAINST DISTRIBUTORS OF IN THE SUITS AGAINST AMERISOURCE BERGEN, CARDINAL HEALTH, AND MCKESSON AND DECLARING AN EMERGENCY.**

WHEREAS: The City of Medina is among a number of municipalities in Ohio that may be eligible to participate in the settlement of claims brought against manufacturers of prescription opioids, whose products are alleged to have contributed to the national opioid crisis, mass addiction, and overdose deaths, which in turn has had a financial impact on many communities, including in terms of the costs of first responder services; and

WHEREAS: A settlement proposal is being presented to Ohio municipalities on behalf of distributors AmerisourceBergen, Cardinal Health and McKesson (“the Distributors”) for resolution of governmental entity claims in the State of Ohio; and

WHEREAS: Under the tiered proposal, the Distributors will pay up to a collective sum of approximately \$829 million to the State of Ohio and its subdivisions over 18 years, earmarked for abatement of the opioid epidemic (intervention, treatment, education, and recovery services etc.) broken down approximately as follows: under the OneOhio agreement, 15% to the State of Ohio; 30% to subdivisions; and 55% to the OneOhio Foundation, to be utilized for the collective benefit of the subdivisions across the state; and

WHEREAS: The total settlement is tiered and may ultimately vary based on the number of municipalities that participate in the settlement proposal; and

WHEREAS: The Law Director and the Finance Director recommend that the City participate in the settlement.

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

SEC. 1: That the City of Medina hereby approves in the settlement with the Distributors & OneOhio.

SEC. 2: The Mayor, Finance Director and Law Director are hereby authorized to take all steps necessary to resolve these matters in accordance with the terms of the Participation Agreement, marked Exhibit A, attached hereto, and incorporated herein.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor

OneOhio Subdivision Participation Form

Governmental Entity: City of Medina	State: Ohio
Authorized Official: Dennis Hanwell, Mayor	
Address 1: 132 North Elmwood Avenue	
Address 2:	
City, State, Zip: Medina, OH 44256	
Phone: 330-722-9020	
Email: dhanwell@medinaoh.org	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity consistent with the material terms of the National Settlement Agreement dated July 21, 2021 ("*National Distributor Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the material terms of the National Settlement Agreement Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the National Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate consistent with the material terms of the National Distributor Settlement and become a Participating Subdivision as provided therein pursuant to the terms of the final OneOhio Memorandum of Understanding dated July 28, 2021.
2. The Governmental Entity's election to participate is specifically conditioned on participation by 95% or more of the Litigating Subdivisions in Ohio. Should less than 95% of the Litigating Subdivisions in Ohio participate, this election shall be deemed void and no claims shall be released.
3. The Governmental Entity shall, prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
4. The Governmental Entity agrees to the material terms of the National Distributor Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the material terms of the National Distributor Settlement and becoming a Releaser, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the material terms of the National Distributor Settlement solely for the purposes provided therein.

7. The Governmental Entity submits to the jurisdiction of the Madison County Court of Common Pleas where the Consent Judgment is filed for purposes limited to the court's role as provided in, and for resolving disputes to the extent provided in, the material terms of the National Distributor Settlement Agreement. If the National Distributor Settlement is finalized, the Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in the National Distributor Settlement.
8. The Governmental Entity has the right to enforce the material terms of the National Distributor Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the material terms of the National Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the material terms of the National Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The material terms of National Distributor Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision consistent with the material terms of the National Distributor Settlement.
11. In connection with the releases provided for in the material terms of the National Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by

him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the material terms of the National Distributor Settlement.

12. Nothing herein is intended to modify in any way the terms of the material terms of the National Distributor Settlement to which Governmental Entity hereby agrees, with the exception of the requisite Litigating Government participation level. If the National Settlement becomes effective by July 1, 2022 its terms will supersede the terms of the Ohio Settlement Agreement and will control with regard to all provisions except for Dismissal of Claims as set forth in the Ohio Settlement Agreement. If it is not effective by July 1, 2022, the Ohio Specific Distributor Settlement will control. To the extent this Participation Form is interpreted differently from the Ohio Specific Distributor Settlement in any respect, the Ohio Specific Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity and have been afforded the opportunity to review this matter with counsel.

Signature: D. Hanwell
Name: Dennis Hanwell
Title: Mayor
Date: August 6, 2021

ORDINANCE NO. 134-21

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

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

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

<u>Account No./Line Item</u>	<u>Additions</u>
157-0705-52226 (Court fees)	1,500.00 *
902-0355-52215 (Bicentennial book sales)	755.00 *
001-0420-54411 (Insurance Check)	1,400.00 *
001-0210-53315 (Cemetery-Donation)	784.50 *
001-0210-53313 (Cemetery-Donation)	784.50 *

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

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

* - new appropriation

PASSED: _____

SIGNED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

SIGNED: _____

Mayor

ORDINANCE NO. 135-21

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MEDINA, OHIO, CERTIFYING THAT WHEN A MUNICIPAL OBLIGATION WAS INCURRED SUMS WERE LAWFULLY APPROPRIATED IN THE FUNDS TO SATISFY THE OBLIGATION AND SUFFICIENT SUMS CURRENTLY EXIST TO SATISFY THIS OBLIGATION, AND DECLARING AN EMERGENCY.

WHEREAS: Certain certifications are necessary for the continued operations of Municipal Services; and

WHEREAS: This Ordinance will provide for the efficient and lawful certifications to provide Municipal Services as required by Ohio Revised Code Section 5705.41(D); and

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

SEC. 1: That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director’s certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

SEC. 2: That the Finance Director is authorized to draw warrants for the payment of Invoice #299200 totaling \$34,430.50 to Central Square Technologies / Tritech Software for the Annual Maintenance fees from 8/3/20 to 8/12/21 from Account No. 106-0102-52215.

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

SEC. 4: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason because of the immediate need for the authorization of expenditures, this Resolution shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: _____

SIGNED: _____
President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

SIGNED: _____
Mayor